

**SOUTH EAST ASIA DISASTER RISK  
MANAGEMENT (SEA DRM) PROJECT FOR  
MYANMAR**

**RESETTLEMENT POLICY FRAMEWORK**

*Prepared for:*

**THE WORLD BANK GROUP**  
1818 H STREET NW  
WASHINGTON, DC, USA 20433

*Prepared by:*

**YANGON CITY DEVELOPMENT COMMITTEE**  
NO. 420, KYAUK TA DA TOWNSHIP  
YANGON, MYANMAR 0951

**MARCH 2017**

VERSION 5

# TABLE OF CONTENTS

LIST OF TABLES .....	ii
LIST OF FIGURES.....	ii
LIST OF APPENDICES .....	ii
LIST OF ACRONYMS.....	iii
DEFINITIONS AND TERMS .....	v
ACKNOWLEDGEMENTS.....	vii
1.0 PROJECT DESCRIPTION.....	1
2.0 PRINCIPLES GOVERNING RESETTLEMENT.....	3
3.0 RESETTLEMENT PROCESS AND APPROVAL .....	5
4.0 CATEGORIES OF DISPLACED PERSONS .....	7
5.0 DISPLACED PERSONS' ELIGIBILITY CRITERIA .....	8
6.0 LEGAL FRAMEWORK ASSESSMENT .....	8
7.0 ASSET VALUATION .....	17
8.0 ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT .....	21
8.1 APPROVAL OF THE LAND STUDY REPORT .....	22
9.0 LINKING RESETTLEMENT TO CIVIL WORKS.....	23
10.0 GRIEVANCE REDRESS MECHANISM.....	25
11.0 ARRANGEMENTS FOR FUNDING RESETTLEMENT .....	27
12.0 PARTICIPATORY CONSULTATIONS.....	28
13.0 MONITORING AND REPORTING .....	29

## LIST OF TABLES

Table 1	Gap analysis between the RoUM legal/regulatory framework and the World Bank OP/BP 4.12. ....	10
Table 2	Entitlement Matrix. ....	18
Table 3	Township, district and state level committees for the grievance redress mechanism. ....	26

## LIST OF FIGURES

Figure 1	Institutional Arrangements for Project Related Land Resettlement. ....	21
Figure 2	Grievance Redress Mechanism. ....	28

## LIST OF APPENDICES

Appendix A1	Resettlement Plan Formats
Appendix A2	Land Acquisition and Resettlement Screening Form

## LIST OF ACRONYMS

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>BP</b>	Bank Policy
<b>CBD</b>	Central Business District
<b>CBO</b>	Community Based Organizations
<b>CSO</b>	Civil Society Organizations
<b>DIA</b>	Designated Implementing Agency
<b>DMS</b>	Detailed Measurement Survey
<b>EDB</b>	Engineering Department (Building) of Yangon City Development Committee
<b>DRC</b>	District Redress Committee
<b>DRFI</b>	Disaster Risk Financing and Insurance
<b>EDRB</b>	Engineering Department (Roads and Bridges) of Yangon City Development Committee
<b>ECD</b>	Environmental Conservation Department
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>GAD</b>	General Administration Department
<b>GRM</b>	Grievance Redress Mechanism
<b>HH</b>	Household
<b>IDA</b>	International Development Association
<b>IOL</b>	Inventory of Loss
<b>Km</b>	Kilometer
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MOHA</b>	Ministry of Home Affairs
<b>MONREC</b>	Ministry for Natural Resource Management and Environmental Conservation
<b>MoPF</b>	Ministry of Planning and Finance
<b>NGO</b>	Non-Governmental Organizations
<b>NPA</b>	Non-Profit Associations
<b>OP</b>	Operational Policy
<b>PA</b>	Port Authority
<b>PAH</b>	Project Affected Households
<b>PAP</b>	Project Affected Persons
<b>PDO</b>	Project Development Objective
<b>RAP</b>	Resettlement Action Plan
<b>RCS</b>	Replacement Cost Study
<b>RPF</b>	Resettlement Policy Framework
<b>ROW</b>	Right of Way
<b>RoUM</b>	Republic of the Union of Myanmar
<b>RP</b>	Resettlement Plan
<b>SEA DRM</b>	South East Asia Disaster Risk Management
<b>SLRD</b>	Settlement and Land Records Department
<b>SRC</b>	State Redress Committee
<b>TF</b>	Trust Fund
<b>TOR</b>	Terms of Reference
<b>TRC</b>	Township Redress Committee
<b>VLCR</b>	Voluntary Land Contribution Report

<b>VLD</b>	Voluntary Land Donation
<b>WB</b>	World Bank
<b>WBG</b>	World Bank Group
<b>YCDC</b>	Yangon City Development Committee
<b>YCDCPS</b>	Yangon City Development Committee Project Secretariat

## DEFINITIONS AND TERMS

**Beneficiary** – all persons and households who voluntarily seek to avail of and be part of the project.

**Compensation** – payment in cash or in kind at the replacement cost of the acquired assets for the project.

**Cut-off Date** – the cut-off date is defined as the date prior to which the occupation or use of the Project areas makes residents/users eligible to be categorized as project affected persons. The cut-off date for this Project will be the date of conducting public consultation with the project-affected persons before conducting inventory of loss (IOL) or the detailed measurement survey (DMS).

**Displaced persons** – refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons.

**Eligible land holders** – refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Acquisition Act (1894) or the Vacant, Fallow and Virgin Land Law (2012) including those with recognizable rights.

**Entitlement** – range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base. The entitlements adopted for the Myanmar South East Asia Disaster Risk Management (SEA DRM) sub-projects were guided by the applicable national laws and regulations and World Bank (WB) Operational Policy (OP)/Bank Policy (BP) 4.12. The entitlements may be further revised based on actual status of impact, if applicable, in an updated version of the Resettlement Policy Framework (RPF).

**Household** – means all persons living and eating together as a single social unit.

**Income restoration** – means re-establishing income sources and livelihoods of project-affected households to a minimum of the pre-project level.

**Improvements** – structures constructed (dwelling unit, fence, utilities, community facilities, stores, warehouses, etc.) and plants/crops planted by the person, household, institution, or organization.

**Land acquisition** – the process whereby a person involuntarily loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

**Project Authorities** – refers to the Yangon City Development Committee (YCDC) and Ministry of Planning and Finance (MoPF).

**Project Affected Persons (PAP) or Project Affected Households (PAH)** – includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any

house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/organizing land), water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, 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, permanently or temporarily, with or without displacement.

**Rehabilitation** – refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets often is not sufficient to achieve full rehabilitation.

**Replacement cost** – is the method of valuation of assets which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows: For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. For agricultural land, it is the pre-sub-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in the WB OP/BP 4.12, Para. 6.

**Resettlement** – means that all measures should be taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihood's, including compensation, relocation (where relevant) and rehabilitation as needed.

**Vulnerable groups** – are distinct groups of people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled persons, (iii) poor households, (iv) elderly persons, and (v) ethnic minorities.

## ACKNOWLEDGEMENTS

This safeguards report was prepared as part of the proposed South East Asia Disaster Risk Management (SEA DRM) Project to be funded by the World Bank Group (WBG) through an International Development Association (IDA) loan in Cambodia, Lao People's Democratic Republic (PDR), and Myanmar. The report was prepared by the Yangon City Development Committee (YCDC). Technical assistance and support was provided to the YCDC by Mr. Jim Webb, Ms. Abigail Cruickshank and Mr. Grant Bruce from Hatfield Consultants Mekong and Mr. Bart Robertson, Dr. Lwin Lwin Wai, and Ms. May Pannchi from the Myanmar Institute for Integrated Development.

The authors would like to thank the World Bank Group for their support and in particular, Dr. Henrike Brecht and Mr. Michael Bonte-Graptin, Task Team Leaders, Mr. Bunlong Leng and Mr. Makathy Tep, Environmental Safeguard Specialists, and Mr. Martin Henry Lenihan, Social Safeguard Specialist. The authors would also like to thank the YCDC staff who made time for consultations and the township representatives in Latha and Botahtaung townships who provided comments and feedback on the potential impacts of the proposed sub-projects.



## 1.0 PROJECT DESCRIPTION

The project development objective of the proposed South East Asia Disaster Risk Management (SEA DRM) Project to be funded by the World Bank Group (the Bank) through an International Development Association (IDA) loan of USD 125 million in Myanmar is to (i) reduce the impacts of flooding and improve the earthquake performance of selected critical public facilities in Yangon; (ii) reduce the fiscal impacts of natural disasters; and (iii) provide immediate and effective response in the event of an Eligible Crisis or Emergency.

The overall project objective is “to promote and harmonize disaster risk management at the regional level.” The Republic of the Union of Myanmar (RoUM) has identified a number of sub-projects which will be subject to further assessment and consideration for funding purposes.

The Myanmar DRM Project has the following five components:

### ***Component 1: Financing Resilience and Disaster Risk Insurance (US\$20 Counterpart Funding + US\$1 million Trust Fund [TF] Grant)***

The objective of this component is to increase the disaster resilience of Myanmar by enhancing Ministry of Planning and Finance (MoPF) capacity to integrate disaster and climate resilience into development, and enhance the Government’s capacity to meet post-disaster funding needs. This component will be implemented by the MoPF.

### ***Component 2: Integrated Urban Flood Risk Management (US\$78 million IDA Credit)***

This component will help reduce flood risk by improving and increasing the capacity of drainage infrastructure in Yangon and supporting the introduction of an integrated approach to flood risk management.

### ***Component 3: Safer Public Facilities and Strengthened Emergency Management (US\$22 million IDA Credit)***

This component will reduce disaster risk in Yangon by: (i) retrofitting priority public facilities to ensure a targeted level of performance during a design-level earthquake, and (ii) supporting risk assessments for lifeline infrastructure.

### ***Component 4: Project Management (US\$3 million IDA Credit)***

The objective of this component is to support day-to-day management and implementation of the project. It will finance institutional support and capacity development for project management, coordination, procurement, FM, technical and safeguards aspects, M&E, and reporting.

### ***Component 5: Contingent Emergency Response Component (US\$0)***

This component will allow for rapid reallocation of project proceeds in the event of a natural or man-made disaster or crisis.

The Project Development Objective (PDO) for the SEA DRM program is to reduce the impacts of natural hazards – in Myanmar, this will entail reducing the impacts of flooding and improving the earthquake resilience performance of selected public facilities in Yangon, enhancing the capacity of the government to finance disaster response, and providing immediate and effective response to an Eligible Crisis or Emergency. The Project will support key Government agencies in mainstreaming DRM into

development and strengthening financial resilience. The project will support technical capacity of MoPF and help to develop a national Disaster Risk Financing and Insurance (DRFI) strategy and financing instruments to help protect government finances and develop regional risk pooling mechanism in which Myanmar will be joined by Lao PDR and Cambodia. With stronger analytics, capacity and awareness on the importance of investing in DRM, the proposed project will support the MoPF in strengthening its policies and guidelines for public investment planning. This approach will be demonstrated in Yangon urban development.

The Project is categorized as Category 'B' per World Bank Safeguard Policies; that is a project which "may have potentially limited adverse social or environmental impacts that are few in number, generally site specific, largely reversible, and readily addressed through mitigation measures." The Myanmar DRM Project will only finance improvements to urban drainage and improvements to public facilities that are categorized as Category 'B'.

The sub-projects will likely trigger the following World Bank environmental safeguard policies: *Environmental Assessment (OP/BP4.01)*, *Natural Habitats (OP/BP 4.04)*, and *Physical Cultural Resources (OP/BP 4.11)* and one social safeguard policy: *Involuntary Resettlement (OP/BP 4.12)*. Other safeguard plans and procedures may also be applicable depending upon the nature and scope of proposed sub-projects.

For the purposes of the present consultancy, only Component 2: Integrated Urban Flood Risk Management, and Component 3: Safer Public Buildings and Strengthened Emergency Management, comprise investments in rehabilitation of critical infrastructure and support for non-structural investments in disaster and climate resilience. The infrastructure investments will focus on *Sub-component 2.1 Drainage Improvements* and *Sub-component 3.1 Risk Reduction for Public Facilities and Infrastructure*.

The proposed sub-projects involving drainage improvements and retrofitting of public facilities are not expected to require major physical relocation. Works are likely to be confined to existing alignments consisting of open and closed (underground) drainage channels, or be located within existing sites or facilities. Installation of tidal gates and storm pumps may require the acquisition of land, although much of the required area may be within the Yangon Port. Relocation of street vendors and residents alongside proposed drainage improvements may be required although this impact is likely to be minor and temporary in duration. Additionally, there could be minor infrastructure impacts for access to sub-project locations, drainage areas, and waste disposal sites, which could result in low-level impacts to parcels of land and possibly some buildings.

## 2.0 PRINCIPLES GOVERNING RESETTLEMENT

This RPF has been prepared as part of the Environmental and Social Management Framework (ESMF) for the Myanmar DRM Project to provide guidance to decision-makers in situations where a proposed sub-project may require the use of land, or the displacement of assets, on a temporary or permanent basis. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed sub-project. The investments proposed for the Myanmar DRM Project are located within an urban area which is not conducive to land donation predominantly as the market value of the land is very high and the infrastructure being financed is dependent on very specific characteristics of the site. Therefore, land donation is not included.

The purpose of the resettlement policy is to ensure that all people affected by the project are able to maintain or improve their pre-project living standards. The objective of the RPF is to minimize involuntary resettlement and to provide a framework for assessing concerns of PAP and PAH who may be subject to loss of land, assets, livelihoods and well-being or living standards because of the proposed sub-projects.

The World Bank *Involuntary Resettlement* (OP/BP 4.12) policy is triggered when two related processes occur. In the first instance, a development project (sub-project) may cause people to lose land, other assets, or access to resources which may cause disruption to, or loss of, livelihood (i.e., property and assets), well-being and/or other entitlements. In the second instance, if relocation and resettlement is warranted, it may affect PAP positively as their situation may improve, or at least be restored to the levels that existed at sub-project commencement. The RPF provides decision-makers with guidelines and processes for ensuring that PAP will improve their livelihoods and well-being or, at least, to restore them to levels prevailing at project commencement.

The RPF details the instruments and plans, as well as the actions and measures to be taken during initial stages of sub-project design and prior to feasibility and subsequent implementation. As the Myanmar sub-projects are in the planning stages and a definitive decision has not been made by the YCDC and the World Bank (WB) about which sub-projects will be funded, the RPF does not have sufficient information to define detailed compensation packages. These details will be provided in the Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) stage of project implementation, when more comprehensive and up-to-date sub-project information is available.

The RPF details the instruments and plans, as well as the actions and measures to be taken during initial stages of sub-project design and prior to feasibility and subsequent implementation. The RPF establishes guidelines for determining eligibility for compensation and assistance in cases where a project causes loss of land or income. However, as the Myanmar sub-projects are in the planning stages and a definitive decision has not been made by the YCDC and the World Bank (WB) about which sub-projects will be funded, the RPF does not have enough information to define detailed compensation packages. These determinations will be made in the ARAP or Resettlement Action Plan (RAP) stage of project implementation, when more comprehensive and up-to-date sub-project information is available.

The RPF will be considered applicable if proposed sub-project initiatives affect households, businesses and communities which may be displaced, even on a temporary basis. Situations which may be subject to land acquisition or relocation of PAP and PAH involve physical works, such as improvements to open or closed drainage channels or site changes of existing infrastructure. In these situations, screening procedures and forms included in the ESMF will help decision-makers determine safeguards measures

for avoiding or mitigating adverse effects. A land acquisition and resettlement screening form is provided in Appendix A2 of this document.

Most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) policy are adequately addressed within the National Land Use Policy, EIA laws and procedures but remain absent in the current Vacant, Fallow and Virgin Lands Management Law (2012). The overarching objective of this RPF in relation to land and asset acquisition is to clarify the procedures that will be followed to assist the PAP in restoring their livelihoods and standards of living at least to pre-project levels. Specific principles that apply include:

- (i) Upgrade existing drainage infrastructure to avoid residential areas wherever possible to minimize physical relocation of people, and select alignments that minimize acquisition of privately or publicly held productive land;
- (ii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (iii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (a) temporary loss of land and/or assets during construction or rehabilitation; (b) permanent acquisition of land and/or assets; and (c) restrictions on land use that may be applied to areas adjoining the drainage alignment and ROW;
- (iv) Acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- (v) Upon completion of rehabilitation or repair, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-sub-project activities;
- (vi) Keep PAP, PAH, and communities fully informed about the sub-project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (vii) Ensure that aggrieved PAP and PAH will have redress and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- (viii) All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the sub-project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets identified prior to the cut-off date, and for loss of income, such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures will be defined in the ARAP/RAP, based on an assessment of the sub-project's impact and a census and socio-economic baseline survey of the population affected conducted when the ARAP/RAP is developed;
- (ix) PAP and PAH will be notified of the sub-project implementation schedule and consulted regarding resettlement and compensation options.
- (x) Physical and economic displacement will be minimized; however, if displacement is inevitable, affected people will be compensated and/or assisted according to the Entitlement Matrix (Table 2).

### 3.0 RESETTLEMENT PROCESS AND APPROVAL

Once the specific sub-project locations are known, then an ARAP or RAP can be prepared as part of project implementation, but before any drainage works are undertaken. An ARAP is developed when a sub-project affects less than 200 people (in terms of loss of assets, incomes, employment or business) or when a subproject affects more than 200 people, but the impacts are minor in all cases. Impacts will be considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost. However, a more extensive RAP will be prepared when a sub-project has significant impacts or affects 200 people or more<sup>1</sup>.

The RPF is focused on providing the necessary guidelines for the development of site-specific ARAP/RAPs (OP 4.12) during proposed sub-project implementation. As previously noted, major physical displacement is not expected to occur as a result of the proposed sub-projects. However, land acquisition may result in loss of assets (land, buildings and other improvements on the land) and/or loss of income or livelihoods. Construction activities could also displace commercial activities in the vicinity of the works or require the relocation of vendors on a temporary or permanent basis. In such cases, the Bank safeguards policy (OP 4.12) requires that an ARAP or RAP (hitherto referred to as Resettlement Plan [RP]) be developed to guide implementation of measures to compensate or assist affected persons.

Of note, the YCDC is currently relocating many of the street vendors in CBD to a night market, but this is an ongoing process with many street vendors still operating in other parts of CBD. The night market runs the length of several blocks on Strand Road primarily in Latha Township. The drainage gates run along Strand Road as does a connector drain. It is likely that any upgrades to the existing drainage infrastructure will require substantial construction work to be done along Strand Road and potential closures to sections of the night market.

The YCDC, in association with relevant ministries and departments, such as the General Administration Department (GAD) of the Ministry of Home Affairs (MOHA), the Environmental Conservation Department (ECD) of the Ministry for Natural Resource Management and Environmental Conservation (MONREC) and the Port Authority (PA) of the Ministry of Transport, provides the general direction for the planning of the land acquisition process and related relocation, ensures coordination between various stakeholders concerned with the sub-projects, including those directly connected with relocation and monitoring implementation. At commencement of sub-projects, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the sub-project(s) initiatives and/or activities. The information required to prepare the RP will be obtained through baseline surveys, valuation of properties, assessment of alternative vendor locations and income losses, and a determination regarding compensation and assistance to be offered, whether in the context of temporary or permanent relocation or in the context of mitigating other sub-project related social impacts.

The RP preparation must include the following precepts for PAP and PAH so that they are:

---

<sup>1</sup> An exception to this requirement may be made in highly unusual circumstances (such as emergency operations) with the approval of Bank Management. In such cases, the Bank Management's approval stipulates a timetable and budget for developing the resettlement plan.

- Informed about their options and rights pertaining to relocation and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible relocation and/or compensation alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access which are attributable to the sub-project(s).

Adequate public consultation and participation are mandatory requirements of the RP process. In addition, PAP and PAH must be made aware of:

- Their options and rights pertaining to relocation and/or compensation;
- Specific technically and economically feasible options and alternatives for relocation or resettlement sites;
- Process of and proposed dates for relocation, resettlement and/or compensation;
- Effective compensation rates at full replacement costs for loss of assets and services; and
- Proposed measures and costs to maintain or improve their standards of living and well-being.

As the designated implementing agency (DIA), the YCDC will have one Resettlement Specialist to work alongside the YCDC Project Secretariat (YCDCPS). Among other duties, the role of the Resettlement Specialist would be to monitor implementation of the RPF and to prepare site-specific resettlement plans (i.e., RPs so as to ensure that appropriate actions are addressed in relation to potential loss of land and other assets, loss of income or livelihoods, and relocation issues. Upon approval of the RPF, potential social impacts for each sub-project and/or activity that requires land acquisition or relocation will be addressed. It is important to use a participatory approach to engage stakeholders, civil society organizations (CSO) and PAP and PAH so as to ensure broad acceptance of the RP.

A screening and review process should be used to identify the people and the assets affected by permanent and temporary land takes for the project and/or other issues associated with proposed sub-projects and/or activities in their respective footprint. For optimum planning, screening should take place during the initial stages of the RPF process so that the Resettlement Specialist is well-informed to develop the RP. The RP requires site-specific and comprehensive information to identify the following parameters:

- Persons who will be affected (positively and adversely) by the sub-projects;
- Assets affected by land takes for the sub-project; and
- Persons eligible for compensation and/or assistance.

Following completion, the RP will be submitted to DIA for approval following which, it will be forwarded to the World Bank.

The ARAP includes the following information: (a) brief description of the sub-projects, including their location and potential impacts; (b) consultation with PAP and PAH; (c) baseline information of PAP and PAH; (d) category of PAP and PAH by degree and type of impacts; (e) entitlements for compensation, allowances and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (f) information about the proposed relocation site(s), where applicable; (g) institutional responsibilities



for implementation and monitoring; (h) grievance redress procedures; (i) estimated cost of resettlement and yearly budget; and (j) time-bound plan for implementation.

A sub-project that has minor impacts on the entire displaced population or affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be prepared and implemented. Typically, the RAP would include the following: (a) brief description of the sub-projects, location and their impacts; (b) objectives of the RP governing resettlement preparation and implementation; (c) legal framework; (d) baseline information of PAP and PAH and inventory of affected assets; (e) category of PAP and PAH by degree and type of impact(s); (f) entitlement to compensation, allowances, and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (g) information about the proposed relocation site(s) including socio-economic conditions of the secondary PAP and PAH and host communities; (h) institutional arrangement for planning and implementation; (i) participatory procedures during planning and implementation; (j) grievance redress procedures; (k) estimated cost of resettlement and annual budget; (l) time-bound action plan for implementation; and (m) internal and external monitoring procedures, including the terms of reference (TOR) for external monitoring and evaluation.

Appendix A1 provides Resettlement formats including annotated ARAP and RAP documents.

## **4.0 CATEGORIES OF DISPLACED PERSONS**

The sub-projects of the Myanmar DRM Project will have both positive and adverse (negative) impacts on people in each of the six townships where drainage improvements and retrofitting of public facilities are under consideration. It is reasonable to presume that households, commercial enterprises and public entities (e.g., schools, health clinics) whose properties overlap on the drainage alignment and ROW will potentially be affected adversely, if only in a minor way.

It is reasonable to assume that while the proposed sub-projects will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to the implementation of the proposed sub-projects. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, as the areas where proposed activities may be located is unknown, providing an estimate of persons who are potentially directly or indirectly affected cannot be provided at this stage. This determination would need to be undertaken once sub-project locations and their areas of impact are identified.

Once the sub-project locations are known and land requirements or any associated impacts are identified, resettlement planning should begin. A socio-economic census survey to identify and enumerate PAPs and to understand potential socio-economic impacts will be carried out by the Project Secretariat in close coordination with the YCDC during the implementation stage.

The RPF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, are at greater risk of impoverishment when their land and other assets are affected. During the RAP consultations and the socio-economic census, the Secretariat will identify any specific needs or concerns that need to be considered for the vulnerable groups such as the landless, the poor, households headed by women, disabled persons, the elderly and children needing special support. The vulnerability of each group will be identified and assessed during the social impact assessment and the socio-economic census. Gender integration will be considered during the planning and implementation of the ESMF and RPF processes.

## 5.0 DISPLACED PERSONS' ELIGIBILITY CRITERIA

All PAP and PAH comprised of different populations (i.e., vulnerable groups, ethnic groups, etc.) will be provided with compensation and/or assistance if: (a) their land area is reduced; (b) they lose income or livelihoods; (c) their houses are partially or fully demolished; and (d) they lose assets other than land (i.e., facilities, trees, crops, fences or any other improvement on the land) or access to these assets due to land acquisition. Lack of legal documentation of their customary rights or occupancy certificates will not restrict compensation or resettlement assistance.

Displaced persons may be classified in one of the following three groups:

- a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country) will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures (in cases where the remaining portion of land is no longer viable they will be entitled to a replacement plot);
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets - provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan - will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures (in cases where the remaining portion of land is no longer viable they will be entitled to a replacement plot); and
- c) Those who have no recognizable legal right or claim to the land they occupy prior to the cut-off date, will be entitled to resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to improve their livelihoods and standards of living or at least to restore them.

This RPF applies to all proposed sub-project for Components 2 and 3 of the Myanmar DRM Project that cause physical or economic displacement, regardless of the severity of the adverse impacts.

As mentioned, particular attention is to be given to the needs of ethnic minorities and vulnerable groups.

## 6.0 LEGAL FRAMEWORK ASSESSMENT

Significant social and environmental impacts are not anticipated from the sub-projects as the proposed drainage sections for improvements as well as the retrofitting of public buildings are regularly subject to repair and rehabilitation works and the existing drainage alignment/footprint and ROW width will be maintained. However, the drainage re-habilitation feasibility studies will be guided by safeguards documents that will take into account applicable national laws, including:

- Constitution of Myanmar (2008);
- Environmental Conservation Law (2012);
- Environmental Conservation Rules (2013);
- EIA Procedures (2015);
- Land Acquisition Act (1894);
- National Land Use Policy (2014);
- City of Yangon Development Law (2013); and



- Protection and Preservation of Cultural Heritage Regions Law (1998).

The Land Acquisition Act (1894) has provisions for land acquisition for public purposes. Section 6 states that “*that any particular land is needed for a public purpose, or for a company, a declaration shall be made to that effect*”. Section 23, sub-section 1 states that compensation will be determined by a number of factors including “the market value of the land at the date of the publication of the notification”. Though vulnerable groups are not specifically mentioned, Section 32 of the Constitution of Myanmar (2008) states that the Union will “*care for mothers and children, orphans, fallen Defence Services personnel’s children, the aged and the disabled*”. Section 356 of the Constitution of Myanmar (2008) further states that “*The Union shall protect according to law movable and immovable properties of every citizen that are lawfully acquired*”.

The World Bank states that economic development requires, to varying degrees, providing infrastructure and facilities that improve livelihoods and well-being through the expansion of economic opportunities. The Bank investment projects must pass the litmus test of its own environment and social safeguards policies and the borrower country for a sub-project to receive funding. These safeguards policies help decision-makers to identify, avoid, minimize or mitigate harms to people and their environment. The Bank safeguards policies also require borrower governments to address specific environmental and social risks as a prerequisite to obtaining Bank financing for development projects.

At present, the sub-projects are the open and closed drainages and public facilities within the six townships of the CBD. However, at the present stage, definitive sub-projects have not been identified. The RPF provides an overarching safeguards document governing the approach, processes and specific instruments to guide and inform the preparation of RPs and other safeguard instruments and measures (if applicable) during sub-project design and feasibility studies.

The 1894 Land Acquisition Act provides principles, mechanisms, and procedures of expropriation, and defines fair and just compensation for the construction, rehabilitation, or expansion of public physical infrastructure that are deemed to be in the public and national interests. The Act also describes processes and procedures of resettlement induced by public physical infrastructure expansion projects, land acquisition, voluntary land and asset donation, and post-relocation support.

The Land Acquisition Act (1894) has some consistency with the main principles of the Bank’s *Involuntary Resettlement* (OP/BP 4.12) policy and the OP/BP 4.12 will be adopted by the Myanmar sub-projects for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity, which includes land, buildings, and other improvements on the land, and for construction, rehabilitation, or expansion of public physical infrastructure.

However, there are some gaps in the national regulatory framework as compared to the Bank’s policy on *Involuntary Resettlement* (OP 4.12). Table 1 analyzes these gaps.

**Table 1** Gap analysis between the RoUM legal/regulatory framework and the World Bank OP/BP 4.12.

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>1. Land Property</b>			
1.1. Policy objectives	<i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>	<p>EIA Procedures (2015) Section 102(b):</p> <ul style="list-style-type: none"> <li>▪ The Project Proponent shall bear full legal and financial responsibility for: PAPs until they have achieved socio-economic stability at a level not lower than that in effect prior to the commencement of the Project, and shall support programs for livelihood restoration and resettlement in consultation with the PAPs, related government agencies, and organizations and other concerned persons for all Adverse Impacts.</li> </ul>	<p>OP 4.12 Policy Procedures will be applied</p> <ul style="list-style-type: none"> <li>- Compensation at replacement cost for land, structures and other assets on the land will be provided. If the affected properties can be replaced in the market, cash compensation will be equal to the market value of the property plus transaction costs. If an affected structure has to be rebuilt, the compensation will be calculated without deduction for depreciation or salvageable materials. Additional compensation or assistance will be provided to as necessary to restore incomes for shop owners and street vendors and also to cover moving costs. Provisions of OP 4.12 will complement RoUM legal framework.</li> </ul>

Table 1 Cont'd.

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>1. Land Property (Cont'd.)</b>			
<p>1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying</p>	<p>Compensation for the loss of structures and other assets on the land, plus resettlement assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</p>	<p>National Land Use Policy (2016) Chapter 3, Section 16: In carrying out land information management:</p> <ul style="list-style-type: none"> <li>▪ Legitimate land tenure rights recognized by the local community, including individual, household, collective and communal, whether or not they have been registered, recorded and mapped, shall be recognized, protected, and registered in accordance with laws.</li> </ul> <p>National Land Use Policy (2016) Part VIII, Section 66: When preparing and revising customary land use maps and records of ethnic nationalities, the responsible government departments and organizations shall do the following:</p> <ul style="list-style-type: none"> <li>▪ Formally recognize and protect the customary land tenure rights and related local customary land management practices of ethnic groups, whether or not existing land use is registered, recorded or mapped.</li> </ul>	<p>Persons who have no recognizable legal right or claim to the land they are occupying will be entitled to (i) compensation for the loss of assets other than land and (ii) resettlement assistance (such as place to occupy, other assets, cash, employment, and so on) to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p> <p>Vulnerable PAPs will receive special assistance.</p> <p>A moving allowance will be provided based on structure types, family size and distance to the relocation site.</p> <p>OP 4.12 Policy Procedures will be applied.</p>

**Table 1 (Cont'd.)**

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>2. Compensation</b>			
2.1. Methods for determining compensation rates	Compensation for lost land and other assets should be paid at full replacement cost	<p>Land Acquisition Act (1894), Section 23:</p> <p>In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration:</p> <ul style="list-style-type: none"> <li>▪ the market value of the land at the date of the publication of the notification under section 4, sub-section (1);</li> <li>▪ the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;</li> <li>▪ the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;</li> <li>▪ the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings; and</li> <li>▪ if in consequence of the acquisition of the land by the Collector the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.</li> </ul> <p>National Land Use Policy (2016) Part V, Section 40:</p> <p>When amending or newly enacting relevant laws, rules and procedures, they shall be in conformity with National Land Law and based on the following:</p> <ul style="list-style-type: none"> <li>▪ Shall describe effective, consistent and fair valuation system when providing compensation and relocation for people affected by land acquisitions.</li> </ul>	<p>An independent appraiser will calculate the value of all types of assets affected in order to establish the compensation rate.</p> <p>The compensation for properties that can be replaced in the market will be equal to its market value (as determined by an independent appraiser) plus transaction costs.</p> <p>The value of structures that need to be rebuilt will be calculated without taking depreciation into account.</p> <p>OP 4.12 Policy Procedures will be applied.</p>

**Table 1 (Cont'd.)**

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>2. Compensation (Cont'd.)</b>			
<p>2.2. Support for persons who lose income sources or means of livelihood</p>	<p><i>Persons who lose income sources or means of livelihood should be offered support after displacement for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. The support should be offered whether or not the affected persons must move to another location.</i></p>	<p>The government has no clear policy in this regard. However, income restoration is included in the EIA Procedures (2015) Section 102(b):</p> <ul style="list-style-type: none"> <li>▪ The Project Proponent shall bear full legal and financial responsibility for: PAPs until they have achieved socio-economic stability at a level not lower than that in effect prior to the commencement of the Project, and shall support programs for livelihood restoration and resettlement in consultation with the PAPs, related government agencies, and organizations and other concerned persons for all Adverse Impacts.</li> </ul> <p>Land Acquisition Act (1894), Section 23:</p> <p>In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration:</p> <ul style="list-style-type: none"> <li>▪ ..... the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immoveable, in any other manner, or his earnings; and</li> <li>▪ .... if in consequence of the acquisition of the land by the Collector the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.</li> </ul> <p>The Vacant, Fallow and Virgin Lands Management Law (2012), Chapter VII, Section 20:</p> <p>For resuming the area required in the authorized land in accordance with the Section 19, the Central Committee will have to be undertaken in coordination with the department, organization concerned for getting the compensation within the prescribed period, calculated by current value to cover the actual investment cost of the legitimate owner, with the agreement of the Cabinet of the Union Government.</p>	<p>Loss of income will be restored to pre-displacement rates regardless of the legal status of the affected person.</p> <p>OP 4.12 Policy Procedures will be applied.</p>

**Table 1 (Cont'd.)**

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>2. Compensation (Cont'd.)</b>			
2.5. Consultation and disclosure	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	<p>EIA Procedures (2015) Article 13: The Project Proponent shall:</p> <ul style="list-style-type: none"> <li>a) arrange for appropriate public consultation through all phases of the IEE and EIA process as required by Articles 34, 50, and 61; and</li> <li>b) disclose to the public in a timely manner all relevant Project-related information in accordance with this Procedure except that which may relate to National Security concerns as informed by the Ministry.</li> </ul> <p>EIA Procedures (2015) Article 34: The Project Proponent shall undertake the following public consultation process in regard to an IEE Type Project:</p> <ul style="list-style-type: none"> <li>a) Immediately upon commencement of the IEE, disclose relevant information about the proposed Project to the public and civil society through the Project or Project Proponent's website(s) and local media, including by means of the prominent posting of legible sign boards at the Project site which are visible to the public, and comply with technical guidelines issued by the Ministry; and</li> <li>b) arrange the required complement of consultation meetings as advised by the Ministry, with local communities, potential PAPs, local authorities, community based organizations, and civil society, and provide appropriate and timely explanations in press conferences and media interviews.</li> </ul>	

**Table 1 (Cont'd.)**

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>2. Compensation (Cont'd.)</b>			
		<p>EIA Procedures (2015) Article 50:            As part of the [EIA] Scoping, the Project Proponent shall ensure that the following public consultation and participation process is carried out:</p> <ol style="list-style-type: none"> <li>a) disclose information about the proposed Project to the public and civil society through posting on the Project or Project Proponent's website(s) and local media, including by means of the prominent posting of legible sign boards and advertising boards at the Project site which are visible to the public; and</li> <li>b) arrange the required complement of consultation meetings as advised by the Ministry, with local communities, potential PAPs, local authorities, community based organizations, and civil society, and provide appropriate and timely explanations in press conferences and media interviews.</li> </ol> <p>National Land Use Policy (2014) Article 37:            Fair environmental and social impact assessments:</p> <ul style="list-style-type: none"> <li>▪ When drawing and implementing the project for land allocation and resettlement, the persons to be relocated shall be consulted systematically and shall be able to participate in person.</li> </ul>	<p>Extensive consultation and participation will be conducted at every stage of the project.            OP 4.12 Policy Procedures will be applied.</p>
<b>3. Grievance Redress Mechanism</b>			
<p><i>Procedures for recording and processing grievances</i></p>	<p><i>Grievance redress mechanism should be under Government Officials Responsibilities for handling grievances with clear procedures for recording and processing grievances</i></p>	<p>The RoUM has taken actions recently to provide non-judicial grievance mechanisms to the public however it is of limited applicability.</p>	<p>Grievances from PAP and PAHs in connection with the implementation of the RPF will be handled through negotiation with the aim of achieving consensus. Complaints will go through three stages before they may be elevated to a court of law as a last resort.            OP 4.12 Policy Procedures will be applied.</p>

**Table 1 (Cont'd.)**

Subjects	OP 4.12	RoUM	Gap/Project Measures
<b>4. Monitoring &amp; Evaluation</b>			
	<i>Internal and external independent monitoring are required</i>	Not included.	<p>The Project Secretariat will conduct internal monitoring on land acquisition and reporting requirements for the ESMMP implementation. The monitoring will include progress reports, status of land acquisition, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared and submitted on a quarterly basis.</p> <p>OP 4.12 Policy Procedures will be implemented.</p>



## 7.0 ASSET VALUATION

The sub-projects may impact PAP directly or indirectly and it may not be possible to eliminate the need for acquisition of land (Table 2). Although major and permanent relocation is not expected during proposed sub-project implementation, it is possible that the land and other assets of local communities and households are affected. It should be noted that in an urban context, properties are often legally owned and can be replaced by the market. If such is determined to be the case for sub-projects under this DRM project, then it will not be necessary to break down the type of loss as in the table below. Rather, PAPs will be compensated for the value of the property (as determined by an independent appraiser) and transaction costs.

Terms relevant for the assessment of entitlement and compensation for eligible PAP and PAH include:

- **Replacement Cost Study (RCS).** The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary<sup>2</sup> structures and other immovable assets. Based on the results of RCS, the PAH will receive compensation at replacement cost (reflecting market price) from RoUM for their loss of land and property due to the sub-project. The RCS will be implemented during the DMS;
- **Unit Costs for Lands.** The affected private lands will most likely fall under the land categories of either residential or commercial lands. The way to obtain data on market rates is to gather data on recent land sales at/around the sub-project area. Methods for data collection include direct interviews (i) real estate agents in CBD, (ii) land owners at/around the sub-project area who are both PAHs and non-PAHs, and (iii) local authorities at/around the sub-project area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures and other immovable assets are provided; and
- **Unit Costs for Structures.** The houses/structures affected by the sub-project have been categorized into two main groups – house/dwelling and other structures. The methodology employed for costing house/structures includes a quantity survey and detailed measurement of the component parts of each structure and a determination of the market value of the house/dwelling. Other structures such as wells and fences, and cultural assets such as stupas, have to be compensated at their market price, and the results of the specific rates of structures are provided.

---

<sup>2</sup> This includes fences, wells, toilets, kitchens, etc.

**Table 2 Entitlement Matrix.**

TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
<i>A. LOSS OF LAND</i>			
<i>OUTSIDE OF DRAINAGE ALIGNMENT AND ROW (PRIVATE LAND)</i>			
I. Loss of land; either partial or entire land is lost	<ul style="list-style-type: none"> <li>▪ All PAH with recognized proof of ownership whose land will be acquired.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ The Project Secretariat will ensure payment of all compensation for which PAH are entitled to at least <u>30 days</u> prior to the commencement of civil works.</li> </ul>
<i>INSIDE ROW (PUBLIC STATE LAND)</i>			
I. Partial loss of residential and/or commercial land, in which the remaining land is STILL VIABLE for continued use	<ul style="list-style-type: none"> <li>▪ PAH with main house and/or small shop (independent/family-owned business)</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH will be compensated for any structures or improvements made to land within the ROW.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ If structure is located on public land, remaining ROW is still public state land.</li> </ul>
II. Entire loss of residential or the remaining land is NOT VIABLE <sup>3</sup> for continued use (Landless PAH)	<ul style="list-style-type: none"> <li>▪ PAH who are poor, landless and vulnerable and with main house affected by the project.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Land for land replacement or a place to stay in a resettlement site with basic infrastructures.</li> <li>▪ Land title for the land plot or entitlement for the place in the resettlement site with names of husband and wife will be provided to each household after five consecutive years of living on the land or that place.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ If structure is located on public land, remaining ROW is still public state land.</li> </ul>

<sup>3</sup> The size of viable land will be discussed between the Project Secretariat and the PAH during the detailed measurement survey (DMS).

**Table 2 (Cont'd.)**

TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
<b>B. LOSS OF STRUCTURES</b>			
I. Loss of houses or shop/store; either partial or entire structure is lost	<ul style="list-style-type: none"> <li>▪ All the PAH (regardless of legal status) confirmed to be residing in, doing business within the project affected area before and on the Cut - off Date.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost without deduction for depreciation or salvageable materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ PAH to get cash compensation at least <u>30 days</u> ahead of civil works in the locality to allow the PAH sufficient time to gradually reorganize the house and/or shop, thereby avoiding any disruption in their livelihood.</li> <li>▪ PAH must completely cut, move back or move their houses/structures out of the area of impact within <u>30 days</u> after receiving compensation.</li> <li>▪ If the remaining structure is found no longer viable for living, compensation will be paid for the entire structure.</li> </ul>
II. Other structures (porch, extended eaves, spirit house, fence, etc.)	<ul style="list-style-type: none"> <li>▪ All the PAH (regardless of legal status) confirmed to be residing in, doing business within the project affected area before or on the Cut-off Date.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost without deduction for depreciation or salvageable materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ Project Secretariat will ensure payment of all allowances for which PAH are entitled to at least <u>30 days</u> prior to the scheduled start of civil works.</li> </ul>
Loss of income	<p>All the PAH or PAP (regardless of legal status) confirmed to be doing business within the project affected area before or on the Cut- off Date.</p>	<ul style="list-style-type: none"> <li>▪ Cash compensation for income lost during the period of business interruption.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to get cash compensation at least <u>30 days</u> ahead of civil works to avoid any income disruption in their livelihood.</li> </ul>
Moving costs	<p>All the PAH (regardless of legal status) confirmed to be residing in, doing business within the project affected area before or on the Cut- off Date.</p>	<ul style="list-style-type: none"> <li>▪ Cash compensation to assist PAH or PAP to move their possession to another location if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to get cash compensation <u>30 days</u> in advance of start of civil works</li> </ul>

**Table 2 (Cont'd.)**

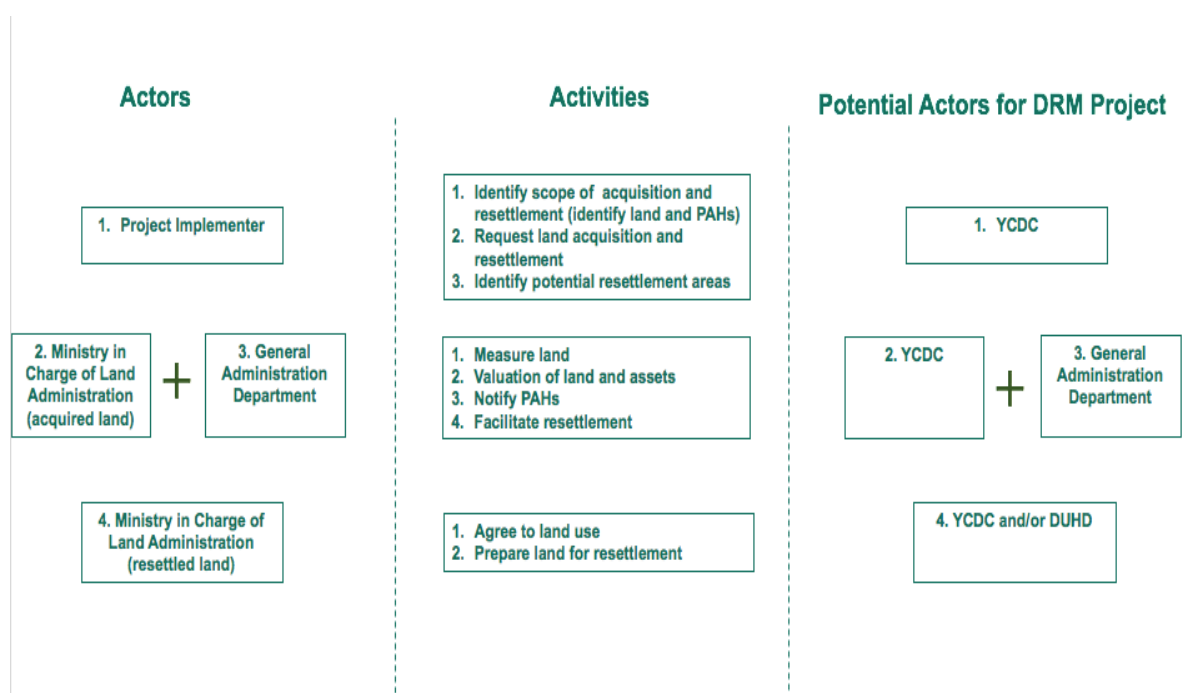
TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
<b>C. LOSS OF CROPS AND TREES</b>			
I. Loss of crops	<ul style="list-style-type: none"> <li>▪ Owners of crops regardless of land tenure status</li> </ul>	<ul style="list-style-type: none"> <li>▪ To the extent possible, PAH will be allowed to harvest their annual and perennial crops prior to construction.</li> <li>▪ If crops cannot be harvested due to construction schedule, PAH are entitled to cash compensation for the affected crops at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Annual Crops – PAH will be given 90 days' notice that the land on which their crops are planted will be used by the project and that they must harvest their crops before the civil work.</li> <li>▪ Remaining ROW is still public state land.</li> </ul>
II. Loss of fruit or shade trees	<ul style="list-style-type: none"> <li>▪ Owners of trees regardless of land tenure status</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fruit trees will be compensated in cash at replacement cost</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>90 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ Remaining ROW is still public state land.</li> </ul>
<b>D. LOSS OF COMMON PROPERTY RESOURCES</b>			
I. Partial or entire loss of community and/or public assets	<ul style="list-style-type: none"> <li>▪ Affected communities or concerned government agencies who own the assets</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement by similar structures and quality at the area identified in consultation with affected communities and relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Communities to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ Remaining ROW is still public state land.</li> </ul>
<b>F. TEMPORARY IMPACTS DUE TO DRAINAGE IMPROVEMENT OR PUBLIC BUILDING RETROFITTING</b>			
I. Affected assets during construction	<ul style="list-style-type: none"> <li>▪ Owners of assets</li> </ul>	<ul style="list-style-type: none"> <li>▪ Compensation as leasing fee based on replacement cost, and temporarily affected land will be returned to original owner/occupant.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Compensation as leasing fee based on replacement cost, and temporarily affected land will be returned to original owner/occupant.</li> </ul>
II. Damage to fields and private or community infrastructure including bund walls, drains and channels, etc.	<ul style="list-style-type: none"> <li>▪ Owners or persons using the site</li> </ul>	<ul style="list-style-type: none"> <li>▪ Repair of damage or payment for repair of damage at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Leasing fee and expenses for repair damage are under the responsibility of civil work constructor.</li> </ul>
III. Relocation of vendors and service providers occupying streets / market places that might be disrupted by works	<ul style="list-style-type: none"> <li>▪ Operators of vending stalls or private commercial operations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provision of acceptable alternative space to continue operation, compensation for income loss, provision of transition assistance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Construction and operation of alternative space for continuation of operations can be the responsibility of the relevant contractor in coordination with the implementing agency</li> </ul>

## 8.0 ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT

Myanmar is still undergoing a rapid political, economic and social transition from a centrally planned, socialist system to a vibrant liberal, democratic capitalist system. Under the centrally planned system, land rights were not protected and land was often taken for large government or public, private partnership projects without providing adequate compensation. As the new system emerges, laws and government procedures for land acquisition and resettlement are still evolving. Consequently, there is no single dedicated ministry or department in charge of resettlement and organizational procedures for managing resettlement vary according to the project. The General Administration Department often plays a pivotal role in this process. Relevant factors for consideration include: 1) the ministry implementing the project; 2) the categorization of the land being acquired for the project; and 3) the categorization of the land used for resettlement.

A government entity or private sector actor that wishes to acquire land for a given project must submit a request to the government ministry in charge of administering that land. The ministry varies according to land categorization. In most cases the ministry in charge of land administration works jointly with the GAD to measure the land, determine the value of the land, decide compensation for PAHs and undertake the actual implementation of resettlement. If PAHs are compensated with new land, then new land must be identified, acquired and prepared. This may require coordination with another government ministry, depending upon land categorization. Hence, four primary roles emerge 1) the project implementer, 2) administrator of the acquired land 3) the General Administration Department 4) the administrator of the newly settled land. In many instances, a single government entity will play multiple roles (Figure 1). However, it is different in case of the land in YCDC area as the land in YCDC area is administered by YCDC. Consequently YCDC is the main entity in acquiring land in the YCDC area.

**Figure 1 Institutional Arrangements for Project Related Land Resettlement.**



In the case of this project, as the Designated Implementing Agency (DIA), the YCDC via the YCDCPS will play role number one, project implementer. Since its establishment in 1990, YCDC has also been the administrator of lands within the Yangon City Development Committee area. This responsibility was expressed in the YCDC Law 1990 and updated in the YCDC 2013 Law, Chapter 5. Hence, YCDC will also assume role number two.

In the context of this project, the only role the GAD will play is in notifying and informing PAHs of the resettlement process and facilitating grievance management via the Ward Administrator and '100 household head system'. Prior to sub-project implementation the exact roles and responsibilities of both YCDC and the GAD must be clearly defined in the RP. To address this issue, an inter-agency committee will be formed to coordinate the implementation of resettlement plans prepared by the Secretariat.

If compensation to PAH's includes land, then the RP must also identify appropriate land for PAH's, the categorization of that land and the government entity in charge of land administration. This role could potentially be played by the YCDC as well.

## **8.1 APPROVAL OF THE LAND STUDY REPORT**

The land study report (Land Acquisition Report) will be conducted by the Project Secretariat and submitted to YCDC for approval. The YCDC will check if there are any land users' complaints on record. If the report is not complete or conform to the guidelines, the YCDC may ask the Project Secretariat to develop a revised version to re-submit for approval.

If any land users indicate that they are not satisfied with the solution offered for their land acquisition, the sub-project(s) cannot proceed until resolution has been achieved and the Project Secretariat must notify the YCDC about any such issues. When the report has been accepted and the all resolutions finalized, the Project Secretariat should be notified. The Land Acquisition Report should include the following:

- Project name;
- Location including state, district and township;
- Date of commencement;
- Project description;
- Public disclosure summary with number of people;
- Date of public disclosure;
- Participatory land use survey details:
  - Date of collection of affected-land and other assets;
  - Date of meeting for discussion and agreement;
  - Number of participants (attached list of participants); and
  - Value of assets.

The report should be signed by the Project Secretariat and also include land survey map(s), schedule of acquisition, list of assets, list of land survey participants and minutes of meetings.

## 9.0 LINKING RESETTLEMENT TO CIVIL WORKS

As mentioned, the Myanmar sub-projects are not expected to require major physical relocation of persons or fixed assets as all proposed drainage upgrading and retrofitting of public buildings will follow the existing drainage network and remain within the building envelope of the facilities being renovated. However, minor infrastructure such as the installation of tidal gates and storm pumps may result in unexpected low-level impacts, including disruption of access or damage to property (i.e., land and buildings). Drainage maintenance activities may also require the relocation of temporary structures, that have been constructed on sidewalks over the existing drainage network. Potential minor land acquisition may be required due to the installation of tidal gates and storm pumps. Land acquisition would be identified during implementation when final drainage designs become available and the extent of land acquisition required and its impact on PAP are known. However, it may be surmised that even temporary displacement and dislocation of businesses in the short term may have an adverse social impact for different populations.

Relatedly, Component 3 includes the retrofitting of priority public facilities to better withstand seismic shock and the construction and equipping of an emergency operations center. It is anticipated that these structural investments will take place on existing government land and result in little or no resettlement. Although satellite imagery has identified few if any squatter settlements in the CBD, it should be recognized that some government compounds provide not only public facilities but also the residential quarters of the staff who operate them. Consequently, temporary displacement or limited access to residential quarters in these compounds may occur during the construction phase of the sub-projects. The extent of land acquisition and its impact on PAPs will be determined after sub-project selection and the final designs for retrofitting selected public buildings are known.

All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix in this RPF, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to implementation of the sub-projects. Squatters, if present, will not be compensated for loss of land but will receive compensation for loss of other assets which had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the RP is developed.

PAP and PAH will be notified of the sub-project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets. Damages to assets, such as, standing trees, fences and kiosks, and loss of income will be minimized, although some disruption is inevitable. Where disruption occurs, PAP and PAH, and will be compensated without regard to legal status of ownership according to the Entitlement Matrix provided in this RPF.

A market survey will be conducted to assess the prevailing market prices of land and construction materials for affected structures, crops and relevant items which will be used as the unit prices to determine compensation. This exercise will provide assurance to PAP and PAH that they will be able to purchase equivalent value replacement land. Loss of income and assets will be compensated on a net basis without tax, depreciation or any other deduction.

### ***Cut-off Dates of Eligibility***

A household survey and census will be conducted as soon as the sub-projects have been confirmed in order to develop the inventory of sub-project impacts on affected household and business. Care will be

taken to set cut-off dates immediately after the determination of the final sub-project drainage sections are confirmed and at date of public consultation with PAP and PAH.

The household survey including IOL and DMS will be used to record all loss of assets incurred as a result of project implementation. A binding legal instrument will be used to record all loss of assets which will be signed by PAP and PAH, their neighbors and representatives of local government. The compensation eligible to each affected entity will be determined based on the legal instrument and the detailed methodology to calculate compensation will be articulated in the RP.

### ***Project Implementation Process***

YCDC will mobilize the YCDCPS to work with the GAD before commencement of any resettlement activities. Land acquisition and relocation of PAH will not commence until the detailed RP has been reviewed and approved by both the YCDC and WB. Several steps are integral to the RPF-RP implementation process, including:

- (i) Detailed Measurement Survey (DMS) and Replacement Cost Study (RCS): a detailed DMS and RCS will be conducted under management of the YCDC based on the approved detailed design of the sub-projects. The DMS will be implemented by the Engineering Department (Roads and Bridges) (EDRB) and the Engineering Department (Buildings) (EDB) at the YCDC for sub-projects under Components 2 and 3 respectively in close cooperation with relevant local authorities such as Township officers from the GAD. The RCS will be conducted by an independent agency hired by YCDC. The RPF-RP will be updated based on the result of DMS and RCS. YCDC will then calculate the compensation amount and subsequently set aside an appropriate budget. Before conducting the DMS, a public consultation meeting will be held by YCDC to inform the public of the survey and address any concerns they may have with survey design.
- (ii) Public Disclosure and Information Meeting Prior to DMS: two separate information meetings will be held prior to the DMS, including: i) with members of the Project Secretariat, ward and township level; and ii) with PAP and PAH and other community members at commune level which will likely be affected by the sub-projects. Information meetings with the Project Secretariat will be conducted with applicable commune(s). The purpose of these meetings is: i) to provide information about the sub-projects, the requirements for a resettlement program and the procedures of the DMS and RP implementation; and ii) to ensure that all stakeholders receive basic information about the sub-projects and resettlement activities, and have an opportunity to raise questions and concerns.

Information provided during the public disclosure meetings with PAP and PAH prior to the DMS will include:

- a) Information about the sub-projects and benefits;
- b) Scope of resettlement and land acquisition and area of impact;
- c) Potential impacts of the sub-projects on households living with the sub-project area(s);
- d) Policy for compensation and entitlement; and
- e) Process of Resettlement Plan (the "RP") preparation and implementation.



- (iii) Notification on Site Clearance: PAH which would be relocated should be informed about the schedule for the sub-project site clearance and start-up of the physical works. PAHs should be given sufficient time to relocate and harvest their crops, where applicable, prior to start-up of enclosure of the sub-project area.

## 10.0 GRIEVANCE REDRESS MECHANISM

A grievance redress mechanism (GRM) has been prepared for the Project to create an enabling environment for affected people and communities to raise complaints to implementing agencies with regards to the preparation and implementation of sub-projects. The aim of the GRM is to enable the YCDCPS to receive and facilitate resolution of the specific concerns of affected communities and project participants regarding project environmental and social performance. The GRM will aim to resolve concerns promptly, in an impartial and transparent process tailored to the specific community, and at no cost and without retribution to the complainant/s. The GRM is based on the following six principles: fairness; objectiveness and independence; simplicity and accessibility; responsiveness and efficiency; speed and proportionality; participatory and social inclusion.

**As the DIA, the YCDC will establish a grievance redress committee at different governance levels; according to the 2013 YCDC Law there are township, district and state level committees that could be engaged in the GRM. The regional level committee will report directly to the Chief Minister and the members include: (i) the mayor of Yangon must be the committee Chairperson, (ii) the government must select the secretary and co-secretary members from the four members and the co-secretary must be a department head (**

Table 3). These committees will receive, evaluate and facilitate the resolution of PAP and PAH concerns, complaints and grievances. The grievance redress committees will function, for the benefit of PAP and PAH, during the entire life of the sub-projects, including the defects liability period.

Consultation with PAP and PAH will take place early in the process of the project planning. Prior to sub-project commencement, township leaders will conduct a survey of directly affected people's land and assets. YCDC and township leaders will conduct free, prior and informed consultation with affected groups, including businesses and PAP and PAH to discuss options in the case of land acquisition. The whole process will be well documented.

**Table 3 Township, district and state level committees for the grievance redress mechanism.**

No.	Committee Member	Member Role
<i>Township Level Redress Committee (TRC)</i>		
1	A person elected from citizen	Chairperson
2	A person elected from experts	Member
3	A person elected from CSOs	Member
4	Deputy admin officer – township level (General Administrative Department)	Member
5	Township level YCDC officer	Member
<i>District Level Redress Committee (DRC)</i>		
1	A person elected from citizen	Chairperson
2	A person elected from experts	Member
3	A person elected from CSOs	Member
4	Deputy admin officer – district level. (General Administrative Department)	Member
5	District level YCDC officer	Member
<i>State Level Redress Committee (SRC)</i>		
1	The president appointed mayor as a minister	Chairperson
2	In Yangon, there are four districts and each district can elect one representative	4 Members
3	Appointed from government	4 Members

All complaints and grievances will be received in writing, or if given verbally then written at the same time and place, from PAP and PAH and duly recorded by each level of the grievance committee. PAP and PAH will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures. Grievances related to any aspect of the proposed sub-projects will be dealt with through negotiations with the ultimate aim of reaching a consensus. Grievance redress procedures aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the sub-projects. These grievance redress procedures are not meant to circumvent process or provisions of the national laws, but rather to address PAP and PAH concerns and complaints promptly, making it readily accessible to all segments of PAP and PAH and different populations and scaled to the risks and impacts of the sub-projects.

As a proactive approach, a preliminary an aggrieved PAP or PAH may bring his/her complaint to the Head of 100 Households and the YCDC appointed person responsible for the respective township. The objective of the preliminary stage is to respond immediately to complaints as they occur and mitigate increasing the concerns unnecessarily. The grievance and resolution would be recorded and provided to the YCDCPS as they occur.

The ARAP or RAP will establish the means for PAP and PAH and displaced businesses to bring complaints to the attention of relevant project authorities. Grievance procedures should include reasonable performance standards, including time required to respond to complaints and should be provided without charge to those displaced persons. The ARAP/RAP should also state other avenues available to aggrieved persons if the project-related procedures fail to resolve complaints.

Grievances related to environmental and social issues from directly or indirectly PAP and PAH as a result of implementation of sub-projects will be resolved by the Grievance Redress Committees (GRC) through the project grievance redress mechanism (GRM).

However, the complainant also retains the right to bypass this procedure and can address a grievance directly to the YCDCPS office, the Member of Parliament or the Office of the President. At each level grievance details, discussions and outcomes will be documented and recorded in a grievance logbook. The status of grievances submitted and grievance redress will be reported to the YCDCPS through the monthly report. In order to effectively and quickly resolve grievances PAP and PAH may have, the following process will be applied (Figure 2):

- Stage 1: if PAP and PAH are not satisfied with the resettlement plan or its implementation, PAP and PAH can issue a verbal or written complaint to the township redress committee (TRC) or the 100 Household (HH) Head. If it is a verbal complaint, the township should address the complaint and document it in a written record. The TRC should resolve the complaint or grievance within 10 working days;
- Stage 2: if PAP and PAH are not satisfied with the result in Step 1, PAP and PAH can file an appeal with the district redress committee (DRC) after PAP and PAH receives the decision made in Step 1. There is no timeline established for this review however, the DRC should make a decision within two weeks;
- Stage 3: if PAP and PAH are not satisfied with the result of Step 2, PAP and PAH can file an appeal with the state redress committee (SRC) for administrative arbitration after receiving the decision made by the DRC. There is no timeline established for this review however, the SRC should make a decision within 20 working days;
- Stage 4: if PAP and PAH are still unsatisfied with the decision made by the SRC, PAP and PAH can file an appeal with the Office of the President. If filed with the President, a legal expert will be engaged to provide an opinion which will be communicated to the township authorities. There is no timeline established for this review however, the SRC should make a decision within 20 working days; and
- Stage 5: if PAP and PAH are still unsatisfied with the decision made by the SRC, PAP and PAH may proceed to legal proceedings in accordance with the RoUM's laws and procedures.

The organizations addressing the PAP and PAH complaint and appeal process shall not charge fees. Any expenses incurred due to submission of complaints and/or appeals should be classified as unexpected expenses, and paid for by the relevant DIA.

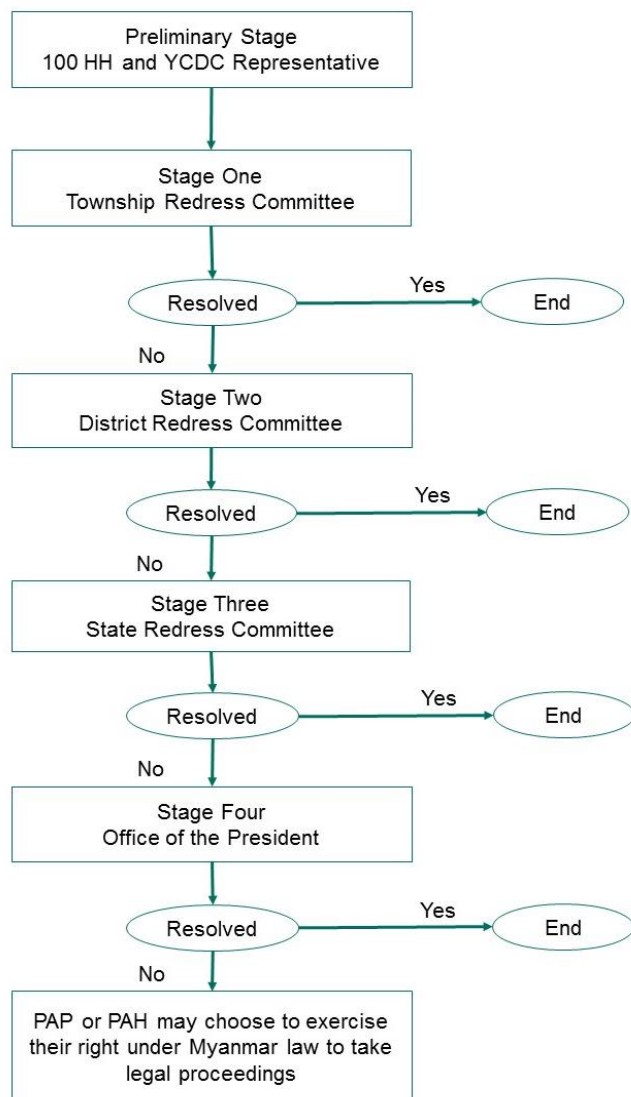
## **11.0 ARRANGEMENTS FOR FUNDING RESETTLEMENT**

Each RP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate relocated PAP and PAH. Arrangements will be made for PAP and PAH property and assets segregated on the basis of residential land, business land, houses, business assets and other holdings. The detailed budgetary estimates will make adequate provision for contingencies and the RP will explicitly establish sources for all funds required. The RP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance.

The budget will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the YCDCPS's counterpart fund. The YCDCPS will ensure timely provision of counterpart funds for resettlement to meet any

unforeseen obligations in excess of the resettlement budget estimates in order satisfy resettlement requirements and objective.

**Figure 2 Grievance Redress Mechanism.**



## 12.0 PARTICIPATORY CONSULTATIONS

As discussed above, PAP and PAH will participate throughout the development and implementation process of land acquisition. PAP and PAH will be consulted by township and ward level committees, YCDC staff and local authorities. The PAP and PAH will be invited to participate in public meetings in the early stages of the process and will be provided with reliable information on the proposed sub-project(s), its impacts and proposed mitigation measures and economic rehabilitation activities. Information publicly disclosed will also include cut-off dates for each sub-project, eligibility criteria and entitlements, modalities of compensation, complaints and grievance redress procedures.

The PAP and PAH and different populations will be provided with an opportunity of presenting their ideas and suggestions as inputs into the planning and implementation of the sub-project(s). These will

be achieved through a series of participatory exercises and focused discussions with PAP and PAH, thus ensuring that the affected parties have a stake in the process.

As mentioned, PAP and PAH will be involved in various committees, including the grievance redress committee, to be established, which will ensure their participation in the decision-making process throughout various stages of the RP process, including preparation and implementation. Following sub-project completion, a survey could be undertaken by the YCDCPS amongst PAP and PAH to assess their level of satisfaction with the process and results of the RP.

## **13.0 MONITORING AND REPORTING**

Monitoring is a key component of sub-project implementation. The YCDC will appoint adequate full-time staff as part of the internal monitoring process to monitor the process of land acquisition in collaboration with township or ward authorities. If necessary, capacity building on the monitoring process will need to be provided to the designated YCDC staff at the onset of monitoring.

### ***Internal Monitoring***

The YCDCPS will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared by the YCDC staff and submitted to the YCDCPS on a quarterly basis.

The following indicators will be monitored periodically by the YCDC to ensure:

- (i) Compensation and entitlements are computed at rates and procedures as provided in the approved RP;
- (ii) PAHs are paid as per agreed policy provided in the RP by the sub-project authorities;
- (iii) Public information, public consultation and grievance redress procedures are followed as described in the approved RP;
- (iv) Public facilities and infrastructure affected by the sub-projects are restored; and
- (v) The transition between resettlement and civil works is smooth.

### ***External Monitoring***

The external monitor has the specific responsibility of studying and reporting on RP implementation and on social and economic situations of PAH particularly disrupted by the road works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by YCDC authorities.

If required and needed based on the project impact, YCDC will hire an External Monitoring Agency (EMA) to carry out external monitoring and post-evaluation. The TOR for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to the YCDCPS on a quarterly basis and shared with the WB. The post-evaluation will be conducted within six-months after all resettlement activities are completed.

## 14.0 BUDGET FOR IMPLEMENTING THE RPF

RPF implementation cost will include the development of the specific site-specific safeguards instruments, consultation workshops, translation and trainings. The total indicative cost is estimated at 151,800 USD (Table 4), which will be supported by a combination of IDA and counterpart financing, from the project management component. The costs listed in this budget are a portion of the proposed budget for ESMF implementation (see Table 15 of the ESMF).

**Table 4 RPF implementation costs.**

No.	Description	Indicative Cost (USD)
1	National Social Safeguards Consultant	30,000
2	International Safeguard Consultant	65,000
3	M&E for the implementation of the safeguard instruments	5,000
4	Public consultation on safeguard instruments in the six townships	1,000
5	Translation of safeguard instruments	5,000
6	Training Workshop in Yangon	2,000
7	Contingency (10%)	10,800
<b>TOTAL</b>		<b>118,800</b>

At the point of writing, it is not possible to specifically identify costs associated with compensation and relocation as final detailed design and specific sub-project locations have not been identified. Therefore, a budget cannot be provided for these costs and Table 4 only refers to the costs for preparation of the plans. Once the budget is confirmed, funds from YCDC's operating budget will be made available to cover the costs of the RPF implementation and detailed in the site-specific resettlement plans.





---

## APPENDICES

---

---

**Appendix A1**  
**Resettlement Plan Formats**

---

## Appendix A1 Resettlement Plan Formats

### Abbreviated Resettlement Action Plan (ARAP): Annotated Document Contents and Information Requirements

#### Introduction

- Project (one paragraph): refer to the RPF that covers the project and provides the policies and principles for the ARAP;
- Brief description of the sub-project development objectives and intended beneficiaries; and
- Describe the activities that will give rise to impacts that require “resettlement” (i.e., anything that causes loss of land, assets or elements of PAP livelihood – not only physical relocation, but also, loss of trees, temporary relocation of roadside stall (kiosk), and comprised access.

#### Census of PAP and Inventory of Assets

- Brief description of how the data was gathered (e.g., household survey);
- Table of PAP and PAH, contact details, affected livelihoods, assets, value of affected dwelling/structures/assets; and
- Brief comment about any significant differences, sources of vulnerability of PAP and different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), or state that they are representative of the general socioeconomic profile of the country.

#### Compensation to be Provided

- Forms of compensation to be provided (e.g., cash or in-kind);
- Description of the conditions for voluntary donation (if applicable), including:
  - Free, prior and informed consultation made of the PAP own volition and is un-coerced with the decision-making ability to withhold consent;
  - No severe impacts on living standards; no physical relocation and less than 10 % of PAP livelihood assets affected;
  - Availability of complaints and compensation procedure; and
  - Documentation and independent verification of the donation of land or assets.

#### Consultation with Affected Persons

- Brief description of the general public disclosure communications to announce the project and invite comment;
- Subsequent consultations with known or self-identified PAP;
  - Alternatives discussed with PAP and the community; and
  - Dissemination of information about the cut-off date for registering as PAP; availability of a complaints/grievance mechanism (details in RPF Section 11.0).
- Arrangements for formal disclosure of resettlement instrument; availability for public disclosure, review and comment, and posted on YCDC and the World Bank websites.

### **Institutional Responsibilities for Delivery of Compensation**

- Responsible agency;
- Method of notification to PAP;
- Timing of settlement (before the incidence of the loss to be compensated);
- Method of verification, disclosure and witnessing of the settlement (i.e., annex form for recording and witnessing handover of entitlement); and
- Process for handling complaints or grievances, appeals.

### **Implementation Reporting and Monitoring**

- Institutional responsibilities for reporting and monitoring of the ARAP;
- Independent participation in monitoring (e.g., CSOs, research institutes, etc.); and
- Summary report on consultation with the wider community (append attendance register to document).

### **Timetable and Budget**

- Time and task matrix; and
- Source and flow of funds:
  - Consultation costs;
  - Personnel costs;
  - Office overhead expenses;
  - Compensation funds; and
  - Monitoring and reporting costs.

## **Resettlement Action Plan (RAP): Annotated Document Contents and Information Requirements**

### **Introduction**

- General description of the project in relation to policies and principles which inform the RAP;
- Describe sub-project development objectives and intended beneficiaries briefly; and
- Describe the activities that will give rise to impacts that require “resettlement” and comprised access.

### **Scope**

- Level of detail varies with the magnitude and complexity of the resettlement;
- Collect up-to-date and reliable information, including:
  - The proposed resettlement and its impacts on the displaced persons and other adversely affected groups; and
  - Legal issues involved in resettlement.
- Any issue described below which is not relevant to sub-project circumstances, should be explained.

### **Description of the Sub-projects**

- Short detailed narrative on sub-projects and activities; and
- Identification of the sub-projects and/or activities’ project area and footprint.

### **Potential Impacts Identified**

- Project component or activities that give rise to resettlement;
- Zone of impact and Rol of sub-projects;
- Alternatives considered to prevent (avoid) or minimize resettlement; and
- Mechanisms established to minimize resettlement, to the extent possible, during project implementation.

### **Main Objectives of the Resettlement Program**

- Defines the purpose and objectives.

### **Socio-economic Studies**

- Conducted in early stages of sub-project preparation and with the involvement of potentially displaced people, including:
  - The results of a census survey covering:
    - ♦ Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

- ♦ Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (i.e., production levels and income derived from both formal and informal economic activities) and standards of living including health status and well-being of the PAP and PAH;
  - ♦ The magnitude of the expected loss of assets (i.e., total or partial) and the extent of displacement, physical or economic;
  - ♦ Information on vulnerable groups or persons (OP/BP 4.12, paragraph 8) for whom special provisions may have to be made; and
  - ♦ Provisions to update information on the displaced PAP and PAH livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- Other studies describing the following:
    - Land tenure and transfer systems, including an inventory of common property natural resources from which PAP derive their livelihoods and sustenance, non-titled usufruct systems (i.e., fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub-project footprint;
    - Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the sub-projects;
    - Public consultation and social services that will be affected; and
    - Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (i.e., civil society organizations including CBO, NPAs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

## Legal Framework

- Findings of an analysis of the legal framework, covering:
  - The scope of the power of eminent domain and the nature of compensation associated with it in terms of both the valuation methodology and the timing of payment;
  - The applicable legal and administrative procedures, including a description of the remedies available to displaced persons (PAP and PAH) in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub-projects;
  - Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;

- Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- Gaps, if any, between local laws covering eminent domain and resettlement and the World Bank's resettlement policy (OP/BP 4.12), and the mechanisms to bridge such gaps; and
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the sub-projects, including (as appropriate) a process for recognizing claims to legal rights to land (i.e., claims that derive from customary law and traditional usage – see OP/BP 4.12, paragraph 15 b).

### **Institutional Framework**

- Findings of an analysis of the institutional framework, covering:
  - Identification of agencies responsible for resettlement activities and CSOs that may have a role in project implementation;
  - Assessment of the institutional capacity of such agencies and CSOs; and
  - Any steps that are proposed to enhance the institutional capacity of agencies and CSOs responsible for resettlement implementation.

### **Eligibility**

- Definition of displaced persons (PAP and PAH) and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

### **Valuation of Land**

- Methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

### **Resettlement Measures**

- Description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons (PAP and PAH) to achieve the objectives of the policy (see OP/BP 4.12, paragraph 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

### **Site Selection, Site Preparation, and Relocation**

- Alternative relocation sites considered and explanation of those selected, covering:
  - Institutional and technical arrangements for identifying and preparing relocation sites, whether urban or rural, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- Any measures necessary to prevent land speculation and influx of ineligible persons at the selected sites;
- Procedures for physical relocation under the sub-projects; including timetables for site preparation and transfer; and
- Legal arrangements for regularizing tenure and transferring titles to resettlers.

### **Housing, Infrastructure, and Social Services**

- Plans to provide (or, to finance PAH provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services, etc.); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

### **Environmental Protection and Management**

- Description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the ESMP of the main investment requiring the resettlement).

### **Community Participation**

- Description of the strategy for consultation with and participation of PAH and hosts in the design and implementation of the resettlement activities;
- Summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- Review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
- Institutionalized arrangements by which displaced people (PAP) can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), are adequately represented.



## Integration with Host Populations

- Consultations with host communities and local governments;
- Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAH;
- Arrangements for addressing any conflict that may arise between PAH and host communities; and
- Any measures necessary to augment services (e.g., education, water, health and productive services) in host communities to make them at least comparable to services available to PAH (i.e., resettlers).

## Grievance Procedures

- Affordable and accessible procedures for third-party settlement and disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

## Organizational Responsibilities

- Organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services;
- Arrangements to ensure appropriate coordination between agencies and jurisdiction(s) involved in implementation; and
- Measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or PAH (resettlers) themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

## Implementation Schedule

- Schedule covering all settlement activities from preparation through implementation, including target dates for the achievement of expected benefits to PAH (resettlers) and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

## Costs and Budget

- Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds; and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

## Monitoring and Evaluation

- Arrangements for monitoring and evaluation activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World Bank, to ensure complete and objective information;

- Performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities;
- Involvement of the displaced persons (PAP and PAH) in the monitoring process; and
- Evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed using results of resettlement monitoring to guide subsequent implementation.

---

**Appendix A2**

**Land Acquisition and  
Resettlement Screening Form**

---

## Appendix A2 Land Acquisition and Resettlement Screening Form for Drainage and Public Building Improvements

Ward:	Township:	Location – sketch map attached (Mark ✓)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Road Name:	Road No:	Landmark Reference (details):	
TYPE of works/activities (Mark ✓)			
<input type="checkbox"/> Drainage Channel Improvement		<input type="checkbox"/> Public Facility Improvement	
<b>Brief description of works/activities:</b> (i.e., length of drainage channel, size of public facility, need/purpose of works, proposed works [list/explain activities], number of townships [approx. population] to benefit):			
<b>LAND ACQUISITION AND RESETTLEMENT (LAR) SCREENING</b>			
<b>Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Explanation/Comments</b>
1. Is land acquisition likely to be necessary?			
2. Is the site for land acquisition known?			
3. Is the ownership status and current usage of the land known?			
4. Will easements be required to access the sub-project site?			
5. Are there any non-titled people who live or earn their livelihood at the site or within the grounds of the public facilities to be improved?			
6. Will there be loss of housing?			
7. Will there be loss land in Yangon Port?			
8. Will there be economic losses to store front businesses or enterprises?			
9. Will there be economic losses to street side vendors?			
10. Will people lose access to facilities, services, or natural resources?			
11. Will any social or economic activities be affected by land use-related changes?			
12. If involuntary resettlement impacts are expected:			
a) Will coordination between government agencies be required to deal with land acquisition?			
b) Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?			
c) Are training and capacity-building interventions required prior to resettlement planning and implementation?			
<b>INFORMATION ON AFFECTED PEOPLE</b>			
Is an estimate available for the number of households that will be affected by the sub-project? <input type="checkbox"/> Yes <input type="checkbox"/> No			

If yes, approximately how many households?			
Are any of the households vulnerable i.e. households that (i) are headed by divorced or widowed females with dependents and low income; (ii) include disabled or invalid persons; (iii) include persons falling under the indicator for poverty, or the landless; and/or, (iv) are elderly with no means of support? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, approximately how many households?			
If yes, briefly describe their situation:			
Are any of the households from ethnic minority groups? <span style="float: right;"><input type="checkbox"/> Yes     <input type="checkbox"/> No</span>			
If yes, briefly describe their situation:			
<b>PROJECT CATEGORIZATION FOR RESETTLEMENT IMPACTS</b>			
Based on the definition of impacts in the Environmental and Social Operations Manual, what is the category?			
<input type="checkbox"/> <b>CATEGORY A</b> – significant resettlement impact, not eligible for funding under the Myanmar DRM Project			
<input type="checkbox"/> <b>CATEGORY B</b> – marginal or non-significant resettlement impact, an ARAP is required			
<input type="checkbox"/> <b>CATEGORY C</b> – minimal or no resettlement impact, no resettlement is required, generic social impact mitigation specifications will apply			
<b>Distributed to</b>	<b>Yes</b>	<b>No</b>	<b>Date</b>
YCDC			
MoPF			
DPB			
DRB			
Others (list below)			
<b>LAR Screening Form compiled by:</b>			
Name:		Duty:	
Signature:		Date:	
<b>LAR Screening Form verified by:</b>			
Name:		Duty:	
Signature:		Date:	