Myanmar Agriculture Development Support Project

Land Acquisition and Resettlement Policy Framework

Ministry of Agriculture and Irrigation
The Union Government of Myanmar

Draft for Public Consultation
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# Abbreviations and Acronyms

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>ACC</td>
<td>Agriculture Coordination Committee</td>
</tr>
<tr>
<td>ADSP</td>
<td>Agriculture Development Support Project</td>
</tr>
<tr>
<td>AMD</td>
<td>Agricultural Mechanization Department (in the Ministry of Agriculture and Irrigation)</td>
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<td>DAR</td>
<td>Department of Agricultural Research (in the Ministry of Agriculture and Irrigation)</td>
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<td>DOA</td>
<td>Department of Agriculture (in the Ministry of Agriculture and Irrigation)</td>
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<tr>
<td>FS</td>
<td>feasibility study</td>
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<tr>
<td>ID</td>
<td>Irrigation Department (in the Ministry of Agriculture and Irrigation)</td>
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<td>LRPF</td>
<td>Land Acquisition and Resettlement Policy Framework</td>
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<tr>
<td>LUC</td>
<td>Land Use Certificate</td>
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<tr>
<td>MOAI</td>
<td>Ministry of Agriculture and Irrigation</td>
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<tr>
<td>OP</td>
<td>Operational Policy</td>
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<tr>
<td>PAP</td>
<td>project affected people</td>
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<td>PIC</td>
<td>Project Implementation Committee</td>
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<tr>
<td>PMU</td>
<td>Project Management Unit</td>
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<td>PSC</td>
<td>Project Steering Committee</td>
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<td>LAAP</td>
<td>Land Acquisition Action Plan</td>
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<tr>
<td>SA</td>
<td>Social Assessment</td>
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<tr>
<td>SLRD</td>
<td>Settlement and Land Records Department (in the Ministry of Agriculture and Irrigation)</td>
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<tr>
<td>SA</td>
<td>Social Assessment</td>
</tr>
<tr>
<td>TA</td>
<td>Technical Assistance</td>
</tr>
<tr>
<td>TORs</td>
<td>Terms of Reference</td>
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<td>WUG</td>
<td>Water User Group</td>
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A. Background

1. The Government of Myanmar agreed to receive funding from the World Bank for the Agriculture Development Support Project (ADSP). The Ministry of Agriculture and Irrigation (MOAI) is the Implementing Agency. This document provides policies and procedures to be taken under the project in relation to land and asset acquisition in order to ensure the Project fully complies with the World Bank Operational Policy (OP) 4.12 ‘Involuntary Resettlement’.

2. The project focuses on the rehabilitation of middle-scale surface irrigation schemes in four regions: Bago East, Nay Pyi Taw, Mandalay, and Sagaing. Up to eight such schemes will be supported by the project during its seven year implementation period. The irrigation schemes that will be rehabilitated under the project will be identified based on the feasibility studies (FS) that will be carried out after the project effectiveness. A Land Acquisition and Resettlement Policy Framework (LRPF) was prepared during preparation instead of a Resettlement Action Plan. Land Acquisition Action Plans (LAAP) will be developed in line with this LRPF and the Bank’s OP 4.12 during implementation.

3. This LRPF was developed based on the Social Assessment (SA) conducted during the project preparation to inform the design of the project, which assessed four pre-identified irrigation schemes in the four project target regions. These four irrigation schemes were selected because they demonstrate some characteristics typical of irrigation schemes in the four target regions. The project may rehabilitate any of these four schemes if its feasibility is ascertained under the FS to be conducted during the implementation based on a more detailed assessment of associated economic, technical, environment and social issues. A full Social Assessment (SA) will be conducted as part of Feasibility Studies (FS) during implementation in line with the Operation Policy 4.10, Indigenous Peoples, if the ethnic screening to be conducted during implementation under FS finds that ethnic minorities are present in or have collective attachment to the area of influence of the irrigation schemes that will be supported under the project.

4. The project falls under Environment Category B of the World Bank. Physical relocation of households or large-scale acquisition of land and/or assets is unlikely to occur. The project affected people (PAP) are mostly direct project beneficiaries, although some non-farmers and those farmers who do not receive direct project benefits may also be affected under the rehabilitation of primary and secondary canals as well as under land improvement pilots.

B. The Project

Project Development Objective

5. The Project Development Objective of ADSP is to increase crop yields and cropping intensity in the selected existing irrigation systems in Bago East, Nay Pyi Taw, Mandalay, and Sagaing regions. This will be achieved through improved irrigation and drainage management and complementary farm advisory and technical services.

Project Components

6. The proposed project has four components: (i) Irrigation and Drainage Management; (ii) Farm Advisory and Technical Services; (iii) Project Coordination and Management; and
(iv) Emergency Contingency Response. Summary descriptions of each component are as follows.

**Component 1: Irrigation and Drainage Management**

7. The component aims to enhance more flexible and reliable provision of irrigation and drainage services in the project areas to enable an increase in irrigation area coverage and resulting farm productivity. It would address irrigation and drainage management through: (1) focusing on institutional change required for the provision of farmer-responsive irrigation services; and (2) financing the improvement and rehabilitation of irrigation and drainage infrastructure covering about 40,000ha within eight selected schemes in the selected regions.

8. The project’s support to institutional improvements includes: development of irrigation and drainage management institutions, their human resources, data collection and management information systems and infrastructure; strengthening of the existing Agriculture Coordination Committees (ACCs) as decision making platform for irrigation management for farmers and service delivery agencies; and establishment and strengthening of Water User Groups (WUGs). Competent agencies with adequate technical skills would be hired to help farmers establish and strengthen WUGs. National or international NGOs with a proven experience in participatory approach and community engagement will be hired to monitor project implementation and carry out participatory Monitoring and Evaluation (M&E).

9. The project will also support development of on-farm water management infrastructure and pilot land improvements in 2-3 selected systems. These land improvement pilots will involve the adjustment of existing, irregularly shaped plots into equal-sized, regularly-shaped ones, combined with the land levelling and realignment, and construction of on-farm irrigation and drainage canals and access roads. A competent third-party organization (e.g. an NGO) will be engaged to ensure that all local population including but not limited to direct beneficiaries of the project will actively participate in project implementation and that negative impacts that may fall on them would be minimized or otherwise mitigated. Participatory monitoring and evaluation (M&E) will also be carried out so local population will be given avenues to voice grievances or inquiries directly to the project, under the facilitation of the third party service provider and the presence of local government officials. The third party service provider will work closely with the Department of Irrigation (ID), Settlement and Land Records Department (SLRD) and the Project Implementation Committee (PIC) of the township for all activities related to the land improvement pilots.

**Component 2: Farm Advisory and Technical Services**

10. This component facilitates agricultural technology development and adoption activities in the targeted irrigation schemes, which would increase farm productivity and reduce production costs. It will support quality seed production (mainly non-hybrid rice, beans and pulses, and oil crops that are not produced by private sector) by developing farmer-based seed multiplication infrastructure and facilities and strengthen seed supply chains, promote improved fertilizer applications which will be adopted to the variability in soil types in targeted irrigation schemes, help the MOAI and farmers improve the capacity for plant protection through the adoption of Integrated Pest Management techniques. All these agricultural technology development activities and knowledge of improved farming practices will be disseminated to target farmers through improved farm advisory services which are based on farmers' needs and technical constraints, farming systems and market opportunities. The project will also support rehabilitation or construction of village extension education centers, establish field demonstration sites of improved technologies, expand training
programs and provide operational and mobility support to MOAI extension staff and subject matter specialists.

11. In response to prevailing good preconditions for profitable farm mechanization in targeted irrigation schemes, the project provide supports farm mechanization through training of MOAI mechanics, testing and demonstration of new climate-smart technologies suitable for smallholder farming systems, and providing mechanization services in the target irrigation systems. The project will also upgrade the capacity of the Meikhtila Mechanization Training Center in Mandalay region through introduction of the modern training methodologies, materials, and upgrade repair workshops, in order to provide more and better vocational training to the staff of MOAI Mechanization Service Stations, farmers, and private sector. It will also support four MOAI Mechanization Service Stations in the project areas, through procurement of machine packages and mobile repair workshops selected in collaboration with the private sectors in order to promote climate-smart mechanization technologies to farmers, provide cost-effective services suitable for smallholder farming systems in Dry Zone, and carry out farmer training.

Component 3: Project Coordination and Management

12. The Project Management Unit (PMU) will be established. It will include technical and fiduciary MOAI staff who will be seconded to PMU at a full-time basis from the relevant implementing departments. The implementation of individual project components and sub-components is being carried out through departmental Project Implementation Units. The PMU will be responsible for the overall coordination of the project implementation and fiduciary arrangements, including procurement, financial management, management of safeguards issues, internal and external auditing and the establishment of the project Monitoring and Evaluation (M&E) system. Outside consultants will be recruited in areas which require strengthening of MOAI implementation capacity. The component would finance establishment of the M&E and Management Information Systems and associated Technical Advisory (TA) services including participatory M&E; communication and consultation program; salaries of the externally recruited staff, related office equipment and mobility.

Component 4: Emergency Contingency Response

13. The objective of this zero amount-budgeted component is to allow a rapid reallocation of loan proceeds from other components to provide preparedness and rapid response support to disaster, emergency and/or catastrophic events as needed.

Institutional Arrangements

14. The MOAI will be the implementing agency of the ADSP. A Project Steering Committee (PSC) for project governance and oversight will be established at the central level. At township level a coordination function will be assigned to the ACC.

15. A PMU will be established within MOAI which would be responsible for day-to-day management and coordination of the project (including safeguards). This PMU will be headed by a full time PMU Manager. The Safeguard Coordinator will be appointed at the PMU who will directly report to the PMU manager. The actual implementation of project activities will be carried out by Project Implementation Units (PIUs) in the MOAI departments with the necessary technical expertise and by third party implementation partners. The Irrigation Department (ID) will be responsible for the implementation of Component 1 with technical support from the Settlement and Land Records Department (SLRD) and the Agricultural
Mechanization Department (AMD). Implementation of the Component 2 will be the responsibility of the Department of Agriculture (DOA) and its divisions, with technical support from the Department of Agricultural Research (DAR). AMD will be responsible for the implementation of farm mechanization activities under this component.

16. At township level, the Project Implementation Committees (PICs) will be responsible for the implementation of the agreed activities. They work under the guidance of ACCs. PICs will be made up by representatives of all implementing departments of MOAI and chaired by ID. PIC will include a Safeguard Focal Point who will be responsible for safeguard related issues at the township level, in close coordination with the third party service provider. The project will establish and support institutional strengthening of WUGs who will become the common platform for the planning, execution and monitoring of irrigation and extension activities at the community level as well as management of social risks.

17. Safeguard Coordinator in the PMU will be in charge of overall safeguard compliance including the implementation of this LRPF. PMU will be responsible for the overall coordination of the project implementation and fiduciary arrangements, including procurement, financial management, safeguards, internal and external auditing and the establishment of the project M&E system.

18. A third party service provider will be hired under the project who will facilitate beneficiary farmers during decision making processes, in partnership with technical specialists of DOI, to help them develop equitable and transparent mechanisms for the management of farmer owned systems. The third party service provider will also support the safeguard coordinator by monitoring safeguard implementation and compliance at the village level, including collecting grievances affected people may have and assisting farmers develop proper minutes of meetings. It is to note that their task will focus on the facilitation between beneficiary farmers as well as between them and concerned government agencies, and the provision of social inputs to technical design processes to ensure social impacts are fully taken into account in the technical design processes.

Figure 1: Project Institutional Set-Up for Implementation
C. Existing Legal and Institutional Frameworks

**Land Laws**

19. Farmland Law was adopted in March 2012. It affirms that the state is the ultimate owner of all land. It also provides a private use right over farmland that includes the right to sell, exchange, inherit, donate, lease and ‘pawn’ the land. The Farmland Law also covers conditions under which farmers can retain use-rights, the state’s power to rescind such rights, the process for settling land-related disputes, and basic requirements for compensation in the case the state acquires the land for public purposes.

20. The Vacant, Fallow and Virgin Lands Management Law was also enacted in 2012. It governs the allocation and use of virgin land and vacant or fallow land. This law provides establishment of the Central Committee for the Management of Vacant, Fallow and Virgin Lands (CCVFV), which is responsible for granting use rights for such lands.

21. The 1894 Land Acquisition Act remains the primary law governing compulsory land acquisition. The Act permits the government to acquire land for public purposes and requires it to compensate land users. Its provisions include the procedures for required notice for acquisition of land and objections or appeals, as well as land valuation methods.

**Institutions**

22. The MOAI is the primary body responsible for farmland. The ministry has departments in charge of land-use planning, water resources, irrigation, mechanization, settlement and land records, among other matters. The Farmland Management Body (FMB) and the CCVFV, established by the above mentioned two laws enacted in 2012 respectively, are responsible for approving requests for land use rights governed by the respective law.

D. World Bank OP 4.12

23. The World Bank OP 4.12 aims to achieve the following objectives:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced 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.

24. The policy covers direct economic and social impacts that both result from Bank-assisted investment projects and are caused by the involuntary taking of land resulting in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another
location. It applies to all project activities that result in involuntary resettlement, regardless of the source of financing.

25. The policy requires the borrower to prepare a resettlement action plan or a resettlement policy framework that includes measures to ensure that affected people are informed about their options and rights; consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and provided prompt and effective compensation at full replacement cost for losses of assets and international valuation standards and principles.

26. The national legislation regarding compensation for loss of land and assets is similar to the key principle of OP 4.12 requiring compensation for lost assets at replacement cost. However, OP 4.12 is more detailed and includes a number of requirements not found in national legislation, such as preparation of a Resettlement Action Plan, consultations and public disclosure. Under this project, the provisions of this LRPF and the OP 4.12 will take precedence if gaps are found to exist.

E. Scope of Potential Impacts and Risks

27. The predominant majority of Project Affected People (PAP) will be smallholders. The impact of land and asset acquisition in the project would be generally limited to those who participate in, and directly benefit from, the rehabilitation of irrigation and drainage infrastructure as well as land improvement pilots. The exception is that the rehabilitation of primary and secondary canals may impact owners of private assets who may not be farmers and thus will not benefit from the project, although it is unlikely that such cases would occur under the project in a large number. Social Assessment (SA) conducted during the project preparation found that the majority of them are ethnic Barma although some ethnically non-Barma farmers may also be present in project areas and participate in the project. Special attention will be paid to such ethnic minority populations and female-headed smallholder families.

28. It is unlikely that the project will result in a large scale acquisition of private land. The project will rehabilitate existing irrigation and drainage infrastructure covering about 40,000ha along the existing alignments. Physical relocation of households is not anticipated. Village extension centers will be built on the state land. Works to improve the safety of dams would be limited to repair works on dam bodies and would not cause a loss of or access to land, or result in income loss. Most civil works will be undertaken in the crop idle seasons so as to avoid impact of temporary land occupation as much as possible. The village extension centres (VECs) would be built on the public (i.e. state owned) land.

29. Land acquisition and asset loss are grouped into two broad types according to the management responsibility of the structures (Government or communities), scale of impacts, ability of affected people to determine the scope of investments and their impact, and whether or not affected people would directly and tangibly benefit from the investments. The first category includes the impacts which arise from the improvements of main system canals (primary and secondary). The affected people will include but will not be limited to direct beneficiaries of the project or members of WUGs; some non-farmers may also be negatively affected. The second category includes those impacts which occur in relation to land improvement pilots. For this category of impacts, all affected people are direct project beneficiaries and members of the WUG although some farmers may choose to opt out of the pilot with compensation at replacement cost. Only those who have land or assets within the boundaries of the pilot land improvement scheme will be affected.

Main Systems (Primary and Secondary Canal)
30. The project will rehabilitate existing primary and secondary canals mostly along the existing alignment. The works to be carried out will include rehabilitation of existing main conveyance, flow control and sediment management systems and de-siltation of irrigation and drainage systems, strengthening of embankments (against erosion and slope instabilities) with incidental provision of protective lining and repairs of structures and gates. In some areas drainage canals will be cleaned up and improved to prevent and reduce water logging problems and to prevent sediment entering the irrigation canals. All the works will be done in and limited to the existing canal system and no new canals will be developed. Minor realignments of existing canals may be necessary, however, works to be carried out will be on a small scale and will not require many external laborers. Potential impacts would include minor losses of private land and the limited loss of pre-existing private assets including trees, structures and fences along the canals as a result of the minor realignment of canals and the construction of access roads. In addition to those farmers who will directly benefit from the project through the improved access to irrigation water, non-farmers may lose private assets along the canal embankments and where access roads will be built. Also, the rehabilitation of primary canals may also affect farmers who do not receive water from the secondary canals to be rehabilitated by the project and whose access to irrigation water may thus not be significantly improved as a result of the project. Those who will be affected by the rehabilitation of primary and secondary canals will receive compensation at replacement cost without depreciation for lost land and/or assets – either in cash or in kind. The implementing agency (MOAI) shall cover the cost.

Land Improvements

31. The land improvement pilot will support the readjustment and reconfiguration of farmland owned by farmers, the construction of access roads and rehabilitation of watercourses and drainage. Two to three pilot sites would be identified during the implementation among those where the project will improve access to irrigation water. No civil works will be required outside the boundaries of the pilot sites, and works will include alignment of canals, drains and farm-roads, and construction of structures such as small culverts, farm bridges and in some cases water division boxes. No one outside the designated sites will likely be affected by a land improvement pilot, except that some lands outside the pilot sites may temporarily be occupied to store construction machinery and materials. No physical relocation of households is anticipated.

32. According to the current procedure, participating farmers are expected to negotiate with each other so those who lose more land would be compensated through cash or in-kind by fellow farmers. Also, all farmers within designated land improvement sites are required to reach an agreement on the terms of mutual assistance to be provided by fellow farmers and the particular reconfiguration of farmlands, before the implementation of land improvement can commence. Also, no land improvement is allowed if any farmer would lose more than 10 percent of his/ her irrigated land as a result of land improvement. Such practice is found to cause the following technical problems (see also the Figure 2 attached below):

a. The requirement that no farmer should lose more than 10 percent of irrigated land often causes significant technical challenges or makes land improvement unviable depending on topographical or other conditions.

b. Land improvement may be carried out even where some farmers actually lose more than 10 percent of irrigated land due to technical errors.

c. The requirement that all farmers have to agree to the terms of compensation and the reconfiguration of improved land plots prior to the commencement of the land improvement activities is found to cause a significant delay.
33. In order to address such challenges, the project will allow the land improvement pilot to be implemented even where some farmers within the boundaries of land improvement sites do not agree with the terms of mutual assistance or the designed reconfiguration of farmland, provided that impacts are compensated at a replacement value and in line with the policies and procedures provided in this LRPF. In other words, some farmers are allowed to “opt out” of the pilot and “sell” the land to WUGs at the value which is at least equal to the replacement value of the affected land. Also, the project will allow a land improvement pilot to proceed even where farmers lose more than 10 percent (but not more than 15 percent) of irrigated farmland, provided that (i) affected farmers agree to the assistance to be extended by fellow farmers, that (ii) the technical features of the pilot are such that income loss will likely be fully restored by the increased productivity within two cropping seasons, and that (iii) the affected farmers would receive income support in the event that their income is not recovered in two cropping seasons. The participatory SA facilitated by the third party service provider will help WUGs establish in a participatory manner the baseline income level, and project monitoring mechanisms including the participatory M&E will monitor the state of income restoration. The third party service provider will personally visit all affected farmers and confirm, in the absence of other farmers, the voluntary will to accept assistance from fellow farmers. Farmers will also be assisted to form WUGs and carry out participatory processes under the support of the third party service provider and minimize each other’s impact.

34. The project will develop detailed steps and technical parameters for the land improvement pilots during implementation, based on a more detailed analysis of the strengths and weaknesses of the existing procedures. More detailed steps to minimize and mitigate the impact of land improvement pilots will be developed in line with such detailed steps and technical parameters, as well as this LRAP, and will be described in the project Operations Manual (OM).
35. Other activities to be carried out under the project will unlikely cause a loss of private land or asset. However, they involve risks that, if not properly implemented, may cause adverse impact on local population. The sections that follow will describe such risks, for each type of civil works to be supported under the project, and how such risks will be managed and avoided under the project.

Farmer owned and managed systems (tertiary canals and drainages, watercourses)

36. The project would support the WUGs in the improvement of the farmer managed and owned parts of the irrigation and drainage systems such as repair or provision of water courses that serve several farms and small canals and structures like culverts and boxes. It is to note that farmers themselves will plan and design such civil works with the technical assistance of the irrigation department. The third party service provider will facilitate and coordinate between potential beneficiary farmers to assist them in the process.

37. No land acquisition or physical relocation of households will be necessary, however, minor readjustments, on-field extension and changes of land use may occur in order to address irrigation problem identified by WUGs within their respective watercourse units. The type of small works to improve on-farm irrigation at watercourse level will depend on the problems identified by the members of the WUGs, but they will typically include rehabilitation of culverts, canals and ditches, the construction of pathways, cleaning up of watercourses and the digging of new canals and ditches within the farm plots that belong to farmers themselves. Almost all works will be carried out by the farmers but the ID may provide support. Such civil works will result in minor modifications and rationalizations of

<table>
<thead>
<tr>
<th>Step</th>
<th>Current procedures</th>
<th>Implementing agency</th>
<th>Weaknesses identified</th>
<th>Proposed procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Identification of the potential LI site</td>
<td>SLRD/ID</td>
<td>No change is required</td>
<td>Establish clear guidelines for all processes and share them with village communities approached for LI project before the start of the project</td>
</tr>
<tr>
<td>2</td>
<td>Expression of interest to a farm community in LI project and preliminary agreement with land users</td>
<td>SLRD</td>
<td>The LI practices, community participation and public displays are not established. They vary from place to place</td>
<td>Develop clear dispute resolution mechanism including the timeline before which farmers consent should be established</td>
</tr>
<tr>
<td>3</td>
<td>Checking of the existing land user right (LUR) certificates that are based on the cadastral Queen Maps. All land users shall have LUR certificates before the start of the project. The land improvement projects are not implemented in the areas with existing land conflicts.</td>
<td>SLRD</td>
<td>LUR may be accurate</td>
<td>LUR be verified or reissued based on steps 4 below</td>
</tr>
<tr>
<td>4</td>
<td>Preparation of the new cadastral maps with re-shaped/realigned land parcel layouts, infrastructure (water canals and farm access roads)</td>
<td>SLRD</td>
<td>Old Queen Maps are not reliable to produce new maps and issue new LUR certificates</td>
<td>Use the modern equipment and software to produce new Queen maps and LUR certificates, of which the accuracy will be verified by land users</td>
</tr>
<tr>
<td>5</td>
<td>Open meeting(s) with all land users participating in the scheme (as long as it takes) to verify a new layout of their land parcel(s), loss of land and how they should be addressed (land donations or compensation). Land donations are allowed only if scale of loss is less than 10% of the productive land holding. A written agreement of all land users is required to move to the next step</td>
<td>SLRD</td>
<td>No procedures for compensation if land &gt; 10% has to be acquired</td>
<td>Develop the procedures for compensation of land above the agreed threshold</td>
</tr>
<tr>
<td>6</td>
<td>Documentation of project impact, compensation strategy, grievance redress and monitoring mechanism, and other relevant information, their disclosure, and stakeholder consultations</td>
<td>SLRD(7)</td>
<td>No documentation is required, disclosed or consulted with stakeholders</td>
<td>A resettlement plan will be developed, disclosed and consulted with stakeholders in line with international good practice</td>
</tr>
<tr>
<td>7</td>
<td>Preparation and issuance of new LUR certificates, new cadastral maps, and new land revenue records</td>
<td>SLRD</td>
<td>Grievance redress/ dispute resolution mechanism is not required to provide the avenue for disputes over LUC certification</td>
<td>Grievance redress/ dispute resolution mechanism will be established with the participation of WUG prior to LUC issuance</td>
</tr>
<tr>
<td>8</td>
<td>Start of the civil works</td>
<td>IE/AMD</td>
<td>It is not clearly required that compensation has to be paid before civil works commence</td>
<td>Compensation, if it has to be provided, has to be paid before civil works start</td>
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Figure 2 Steps of the land Improvement (LI) projects in Myanmar
plot layouts which will not affect the land ownership or plot boundaries, as it will only involve the reconfigurations of existing farm plots. A very small size of farmland that beneficiary farmers currently use for farming may well be transformed to canals, ditches and pathways, should farmers choose to execute such small works. Also, some personal assets such as trees and structures may need to be removed to accommodate such small works if they elect that such works would be done. Farmers will continue to own and manage canals, ditches and pathways built within the reconfigured plots, as part of their own farm plots.

38. The size of land that farmers can use for farming may be slightly reduced depending on how plots are reconfigured, and income may be affected temporarily, however, such a temporary income loss will be more than compensated by the improved access to irrigation water managed by beneficiary farmers themselves. It is expected that works that will be carried out for farmer managed systems will be completed and production will be more than recovered after one cropping season or two. Farmers will be facilitated by the third party service provider and support each other to mitigate such temporary income losses. Also, the project will not be implemented if farmers do not reach a consensus on how they will mitigate potential negative impacts that may fall on fellow farmers through mutual assistance. The OP 4.12 will therefore not be triggered for this category of canals. The third party service provider will visit project sites at least on a monthly basis since the planning till 2 months after the completion of civil works and monitor how the consensus is established and implemented, and fill the farmer action plan to record the types and scope of impacts as well as the community consensus built on how to mitigate them, using the template attached in Annex 3 of this LRPF. In particular, the third party service provider will verify the following and record them in the farmer action plan: (i) all affected people directly benefit from the improvement in project interventions in farmer owned and managed systems; (ii) all affected people are aware that they have the right to opt out and refuse to participate in the project assisted improvement in farmer owned and managed systems; (iii) no one is forced to agree to the terms of mutual assistance or reconfiguration of farm plots; and (iv) technical features of the project activities are such that negative impact will be fully recovered from the increased income as a result of the project in about 2 cropping season.

39. The minutes of the meeting where the consensus is built should be attached to the farmer action plan, and DI will file them for random review by the World Bank. Participatory monitoring and evaluation (M&E) will be carried out with affected people through which affected farmers can raise complaints or grievances. In the event that the loss in production and the resultant loss in income are not recovered within two cropping season, the project will provide temporary income support.

Village extension education centers, and seed storage and value added processing facilities

40. This project would also rehabilitate existing village extension education centers within the existing locations or newly establish such centers by rehabilitating or retrofitting existing government buildings on the state land. No land acquisition or access loss would occur. Small facilities for seed storage and value added processing activities will also be built on community or farmers land. Very limited land will be necessary to house such facilities, which will be built only if direct beneficiary groups (WUGs or women’s groups, as relevant) elect such facilities to be built in their villages. Such beneficiary groups will be allowed to donate land to house such facilities, following the principles, procedures and processes provided in this LRPF.

Works to improve the safety of dams

41. Under the project, some civil works will also be carried out to improve the safety and operation of dams from which the project irrigation schemes will receive water, based on the
recommendations of the dam safety study conducted during the preparation which assessed the four dams which provide water to the irrigation schemes assessed under the SA. Feasibility studies that will be carried out during implementation will identify the types and scale of civil works that the project will finance, but they will include (i) embankment repairs including repair of gullies and erosion holes, repair of toe drainage/repair, modification of drainage slope, drainage/install relief wells, improvement in embankment surface protection, covering of crest with granular fill, installation of piezometers and surface measuring beacons and seepage measuring weirs; and (ii) spillway repairs, including the improvement of the capacity of weirs and line chutes, repairs of the spillway chutes, side walls and baffle blocks, sediment management works and repairs of access road to dam sites. Works or measures that may affect private land or access to natural resources such as fishery resources will not be financed, and management of reservoirs will unlikely altered. Private land will thus unlikely be affected, and access to natural resources will also not be affected. OP 4.12 is therefore not triggered for project activities in relation to the safety of dams.

42. Many irrigation schemes in the project target townships were built some 10 – 20 years ago. The social assessment (SA) carried out during preparation found that some people were displaced when dams – and primary canals too to some extent – were originally built without adequate compensation. The SA did not carry out a thorough due diligence since it assessed only those four irrigation schemes that were pre-identified for potential funding under the project. A thorough due diligence will be carried out during implementation as part of the Social Assessment (SA) to be carried out under FS and assess who were affected when project irrigation schemes were originally built, what compensation and assistance they received to restore livelihood, and what are their current level of livelihood. The third party service provider will lead the assessment, under the guidance of the project Safeguard Coordinator and the Bank task team. The findings of the due diligence will be used as an input for the Bank’s planned policy dialogue with the Government of Myanmar on land issues and for the national level dialogue towards addressing the historical displacement that occurred under the previous regimes.

F. Land Acquisition and Resettlement Policy Framework

Objectives and Principles

43. This Land Acquisition and Resettlement Policy Framework (LRPF) aims to ensure that the project will be implemented in line with the World Bank’s OP 4.12, Involuntary Resettlement. Accordingly, the current LRPF encompasses key principles as follows:

(a) Acquisition of land and other assets will be avoided where feasible or minimized to the extent possible. Physical relocation of households is not allowed.

(b) All people who are found to be present in project affected areas on the cut-off-date and affected by the rehabilitation of the main systems (i.e. primary and secondary irrigation and drainage structures) as well as land improvement pilots are entitled for compensation at replacement value and in line with international valuation standards and principles for loss of land or assets.

(c) Voluntary donations and in-kind assistance by fellow farmers are allowed under the project provided that: (i) affected people are the direct beneficiaries; (ii) know that they have the right to refuse to donate land or assets, or accept in-kind assistance offered by fellow farmers; (iii) agree to donate land or assets without coercion or under duress; (iv) will not lose more than 10 percent of their total irrigated land; and that (v) technical features of the project activities are such that negative impact will be
fully recovered from the increased income as a result of the project in about 2 cropping season. For the land improvement pilot, an exception may be allowed and impacts may be addressed through mutual assistance by fellow farmers even if more than 10 percent (but not more than 15 percent) of irrigated lands is lost.

(d) The third party service provider will develop the capacity of, and facilitate the discussion among, WUG members and help them collectively minimize and mitigate impacts through voluntary donations and in-kind assistance by fellow farmers in a transparent manner and without force or under duress. The third party service provider will document the process through which WUG members build the consensus on voluntary donation processes.

(e) The third party service provider will ensure that all PAP including those who will not directly benefit from the project will be meaningfully consulted and given opportunities to participate in planning and implementing rehabilitation measures. Efforts will be made to ensure that adverse impacts are avoided or otherwise mitigated.

(f) The project will strengthen WUGs to gradually establish inclusive and transparent internal decision mechanisms, based on the guidelines provided in the Annex 9 of the ESMF. WUGs will be assisted so their members provide inputs to the design of civil works. The third party service providers will support WUGs so as to ensure that affected farmers and local population have access to project information.

(g) Feasibility Study (FS) will be carried out during implementation for respective schemes and the project irrigation schemes will be selected based on the result. Participatory Social Assessment (SA)\(^1\) will be conducted as part of FS for each project scheme, which will establish social baseline including the population living in the command areas. Participatory SA will also be carried out for land improvement pilots. The participatory SA will include an assessment of the nature, scale and scope of displacement that occurred when the project irrigation schemes were originally built, and of the current state of the livelihood of the previously displaced people.

(h) Land Acquisition Action Plan (LAAP) will be developed during implementation for the rehabilitation of primary and secondary canals and land improvement pilots in line with this LRPF and the Bank’s OP 4.12, which should include all elements provided in paragraph 49 below.

(i) Compensation should be fully paid in cash or in kind and voluntary donation processes should be completed at least one month prior to the start of the civil work. The timing of LAAP preparation, submission and approval should be linked to plans of civil work implementation to make sure the payments will be completed in time; and

(j) PAP 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-project levels.

44. The implementation of resettlement activities is linked to the implementation of the investment activities of the project to ensure that a temporary restriction of access to farmland or any other sources of income does not occur before mitigation measures are in place.

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\(^1\) The participatory SA will serve as the Social Assessment under OP 4.10 where ethnic minorities are present.
Eligibility

45. PAP entitled for rehabilitation or compensation under the project are as follows:
   1) All families losing access to land, permanently or temporarily, over which they have legal use rights or traditional/customary use rights with or without legal status;
   2) Owners of affected buildings, crops, plants, or other objects attached to the land; and
   3) Members of the households losing business and income.

46. A cut-off date will be established for each investment activity that may involve land and asset acquisition in order to determine eligible PAPs. The cut-off date is the date when the social baseline is established as part of the participatory SA to be conducted under FS. Persons who start using the land or build structures in the proposed area after the cut-off date will not be eligible for compensation under the project.

Implementation/ Land Acquisition Action Plan Procedures

Primary and Secondary Canals

47. A participatory Social Assessment (SA)² will be carried out as part of the Feasibility Study (FS) for each scheme. The participatory SA will start with information dissemination. The PMU and PIC with the support of the third party service provider will provide essential information about the project including land acquisition processes, entitlements, and grievances mechanisms. Special attention will be paid to ensure that information is fully shared with women and vulnerable groups. The participatory SA will also collect and analyze information on the population in the command areas, including their livelihoods. The nature, scale and scope of displacement that occurred when the project irrigation schemes were originally constructed, and the current state of the livelihood of the previously displace people, will also be assessed. Social baseline will be established and the people potentially affected by the rehabilitation to be carried out for the concerned scheme will be identified based on the record of LSRD, field assessment and interview with local people. Free, prior and informed consultations with local affected people will also be conducted and vulnerable people will be identified under the participatory SA. The third party service provider will ensure that all local people potentially affected by the rehabilitation of respective primary and secondary canals, including non farmers and those farmers who do not take water from the respective primary or secondary canals to be rehabilitated, are included in the participatory SA.

48. Scope of Impact and affected people will be identified. Detailed engineering designs which will be carried out by the Design Branch of the ID will identify the scope of impact and potential PAP, and, under the guidance of the third party service provider, consult with PAP for proposed designs to seek for inputs to verify that no technically viable alternative option exists that would further reduce social impacts and to obtain their preliminary agreements in a written form. Land Use Certificate (LUC) of all people who will likely be affected will be checked and assessed based on the on-site survey to verify the accuracy, or they will be revised based on the result of the on-site measurement with the participation of land owners themselves.

² This SA will serve as a Social Assessment (SA) under OP 4.10 if ethnic minorities are found to be present in the catchment area of the irrigation scheme under study.
Draft Land Acquisition Action Plan (LAAP) will be developed. The same design team of the ID with the assistance of the third party service provider will prepare a draft LAAP. The LAAP will include, at minimum:

- The description of the project objective and activities
- Potential impacts, and mechanisms to minimize negative impact
- Identification of vulnerable households
- Eligibility criteria
- Summary of participatory SA, characteristics of affected people including vulnerable people among them and issues related to land tenure
- Valuation and compensation for losses at replacement cost
- Programs for improvement or restoration of livelihoods and standards of living
- Institutional arrangement
- Consultation and participation arrangements
- Implementation schedule
- Grievance procedures, and monitoring and evaluation
- Cost and budget

The draft LAAP will be consulted with the affected people, under the support of the third party service provider, in locations convenient to local people and in a language that is understandable to them. The draft LAAP will also be posted in local language at suitable locations of township and villages for public disclosure. The ID under the assistance of the third party service provider will incorporate the comments received at consultation meetings and submit the revised draft LAAP to the Safeguard Coordinator who will, upon confirmation that it addresses all issues required for LAAP, seek for PMU Director’s approval. PMU Director will submit it to the World Bank for no-objection.

ID will implement LAAP under the assistance of the third party service provider, following the clearance of LAAP by the Bank. Where grievances or inquiries are posted from affected people, ID representing the PIC as its chair and under the assistance of the third party service provider will respond as per the grievance mechanisms provided in this LRPF. Implementation will be closely monitored and documented by the third party service provider.

Monitoring and evaluation. Upon the completion of the LAAP implementation, the ID, under the assistance of the third party service provider, will conduct a LAAP implementation assessment to confirm that all affected people have received entitlements, and that outstanding grievances have been duly addressed as per the grievance mechanisms of this LRPF. As part of the assessment, participatory M&E will be carried out under the facilitation of the third party service provider (for details of participatory M&E, see the section below on grievance redress mechanism) Upon the confirmation, the third party service provider will advise ID to initiate civil works

Land Improvement Pilots

As was mentioned above, existing approaches to land improvement will be assessed and their strengths and gaps be identified, and an alternative approach that will be used under the project will be developed, during implementation. Detailed measures to minimize impacts and mitigate residual impacts, and their implementation procedures, will be developed during implementation, in line with the technical approach that will be developed for use under the project, but broadly, the following will summarize the
processes and procedures to be taken to minimize and mitigate negative impacts:

Identification of Land Improvement Pilots and Initial Community Consultations

a) The ID and SLRD will identify potential locations which, from the technical point of view, are suitable for land improvement pilots. The third party service provider will help the ID and the SLRD carry out free, prior and informed consultations with all farmers who use the pilot land improvement sites identified. They include those owner farmers and absentee owners who have a LUC on the land inside the pilot sites as well as shareholders, tenants and agricultural laborers who gain income from farming or working on parts of the pilot sites. Information about potential benefits and impacts, implementation procedures and provisions of LRPF including grievance mechanisms will be fully explained in a language understandable to participants. In particular, overall implementation procedure, the principles of and conditions under which voluntary donations are allowed, entitlements for sharecroppers, tenants and agricultural laborers, and grievance mechanisms, will be clearly explained. It will also be clearly explained that those owner farmers who are not content with or do not wish to participate in the designed reconfiguration of farmland are entitled to opt out with compensation at replacement value.

b) Should the broad community support of the people affected by land improvement pilots is ascertained, preparation of the land improvement pilot will proceed. If the broad community support is not ascertained, the project will identify alternative sites and no further action will be taken for the original site.

54. Participatory Social Assessment (SA)

1) Once the broad community support is established, all LUC holders at the respective pilot sites will, under the support of the third party service provider, form a WUG and start developing organizational and institutional capacity for land improvement planning and conflict resolutions. It is to note that, while the majority of rights holders are expected to join WUGs and participate in land improvement pilots, given the considerable potential benefits that may result, some may choose not to participate due to a variety of reasons including an unwillingness to accept the newly designed plot plans or terms of mutual assistance offered by fellow farmers. Such farmers are allowed to receive compensation for loss of land at replacement costs and opt out.

2) The third party service provider will prepare the local socioeconomic and demographic profile including the social baseline, current land holding and production/productivity levels, using a participatory approach involving both rights holders and land users. Land Use Certificate (LUC) of all rights holders including those who elect to opt out will be checked and assessed based on the on-site survey to verify the accuracy, or they will be revised based on the result of the on-site measurement with the participation of rights holders themselves. Also, those tenants, sharecroppers and agricultural laborers who gain income from using parts of the pilot sites will be identified. They form the Project Affected People under the project. Vulnerable farmers/land users (including ethnic minorities, if present) will be identified under the participatory SA and measures to ensure the full restoration of
their income streams will be developed. The level of income that owner farmers/absentee owners as well as land users gain from parts of the pilot sites will also be assessed on the basis of which compensation for income loss will be calculated.

55. **Consultation of Detailed Designs and Preparation of Land Acquisition Action Plan (LAAP)**

3) Detailed engineering designs for land improvement pilots will be developed by design consultants in collaboration with rights holders and land users. A map showing new boundaries will be produced after the detailed engineering design is completed. Based on the final engineering design, an inventory of changes in plot sizes with two maps (one showing the current plot boundaries and the other one showing the new ones), will be produced. They will be verified by rights holders and land users of the pilot sites, including those who elect to opt out of the pilot. Efforts will be made so participating rights holders and land users will participate in the process and help ensure that loss of land will be minimized.

4) Also, the loss of income for land users (sharecroppers, tenants and agricultural laborers) as a result of the reconfiguration of farmland which may result in a reduction of land for farming will be assessed.

5) The third party service provider will help rights holders and land users to mediate between themselves for land swaps and in-kind assistance to be provided by fellow farmers to help farmers with larger impacts restore their livelihood, till they reach a consensus. It is to note that the project impact would not go beyond the boundaries of the farmlands where the land improvement pilot will be implemented, and no physical relocation of households would likely occur. The third party service provider will visit each affected farmer and confirm individually and in the absence of fellow members if they willingly and knowingly agree to donate land or assets and accept in-kind assistance from fellow members. The third party service provider will also confirm for individual affected farmers that all conditions of voluntary donations provided in the Section F (c) of this LRPF are met. The exception is allowed for land improvement pilot and a loss of land is allowed up to 15 percent of land holding, however, the verification has to be established from engineers and agronomists that no viable alternatives exist to further reduce impact and that the technical features of the pilot are such that income will likely be restored within two cropping seasons. The affected farmers will be clearly informed that, in the event that income is not fully restored after two cropping seasons, they are entitled for temporary income support.

6) The inventory and entitlement forms (Annex 1) will be filled, and the consensus reached will be documented in a 1-2 page note which describes how negative impacts will be minimized and mitigated, grievances will be addressed and implementation be monitored. The third party service provider will submit forms filled and the note developed to PMU for review and clearance.

7) Those farmers who, after facilitated processes assisted by third party service provider, decide not to participate in the land improvement pilot are allowed to leave the
farmland with compensation. Those farmers who opt out of the pilot are entitled for alternative farmland of the same size and productivity, or cash compensation at replacement value, and compensation at replacement values for all affected assets including trees, structures and standing crops. If affected assets are movable without damage, and if affected people wish to continue to use them, transport cost and other costs to reinstall assets at new locations will be covered.

8) The Safeguard Coordinator will compile the forms and the notes submitted by the third party service provider and develop the Land Acquisition Action Plan (LAAP), based on the same format as the LAAP for primary and secondary canals. The LAAP will be consulted with local and affected people including land users and those who elect not to participate in the pilots, and their comments will be incorporated in the revised final LAAP. The copy of the draft LAAP will be posted locally at locations accessible and in a language that is understandable to local people.

56. Finalization and Approval of LAAP

9) The Safeguard Coordinator will seek approval of draft LAAP by PMU Director. If it is approved by the PMU Director, it will be submitted to the World Bank for no-objection.

57. Implementation of the LAAP

10) Upon the clearance by the World Bank of LAAP, ID and SLRD, under the assistance of the third party service provider, will start implementing the LAAP. Where grievances or inquiries are posted from affected people, ID and SLRD under the assistance of the third party service provider will respond quickly as per the grievance mechanisms under this LRPF. Implementation will be closely monitored and documented by the third party service provider. Throughout the process, the third party service provider will continue to support WUG members and develop their capacity through on the job training.

58. Monitoring and evaluation

11) Upon the completion of the LAAP, the ID and SLRD, under the assistance of the third party service provider, will carry out a post LAAP assessment to confirm that all affected farmers have received in-kind assistance as described in the note submitted by the potential members of WUGs. The post LAAP assessment will confirm that all impacts have been adequately and fully addressed. If the post LAAP assessment finds outstanding grievances or impacts that have not been adequately addressed, the ID and SLRD under the assistance of the third party service provider will swiftly address them. Civil works will start upon the confirmation that all outstanding issues have been resolved.

12) The third party service provider will continue to visit project sites after the completion of civil works, albeit less frequently, and inform the ID and the LSRD of the pace of income restoration, so that, in the unlikely event that income is not restored after two cropping seasons, income support will be provided to farmers.
Institutional Arrangements and Responsibilities

59. The overall responsibility of the implementation of this LRPF rests with the PMU under the assistance of the Safeguard Coordinator in the PMU. A competent person with a long experience in Bank safeguard policies will be hired as the Safeguard Coordinator who will ensure a full compliance of all actions taken at the central as well as township levels, and supervise the third party service provider. The safeguard capacity development plan will be shared with the Bank for review and comments. Safeguard Coordinator will also provide at the onset of the project implementation training on LRPF to other PMU staff, relevant MOAI department officers who will work on the project, and all ACC and PIC members. Refresher training will be organized at the mid-term. Refresher training will be organized at the mid-term.

60. At township level, the Project Implementation Committees (PICs) will assume the overall responsibility for the implementation of this LRPF. PIC will include a Safeguard Focal Point who will be responsible for safeguard related issues at the township level, in close coordination with the third party service provider and under the supervision of the Safeguard Coordinator.

61. The third party service provider will play a key role to minimize and mitigate social impacts under the project. A team of consultants with sufficient experience and qualification in Bank social safeguard policies, community consultation and participation, and dispute handling mechanisms will be hired. The Terms of Reference of the third party service provider will be reviewed by the Bank. The third party service provider will provide on-going capacity development of all project staff at the township level, and monitor safeguard implementation and compliance at the village level, including collecting grievances affected people may have and assisting farmers develop proper minutes of meetings. The third party service provider will also ensure that negative impacts that may fall on local people who may not directly benefit from the project and/or who are not the members of WUG will be fully addressed.

62. The Water User Group (WUG) will be the main project counterpart on behalf of farmers and play a key role through representing owner farmers in the project implementation, mediating between farmers for internal disputes and conflicts, and mitigating negative impacts through mutual assistance under land improvement pilots. The project will develop their capacity through providing technical assistance and by on-going support of the third party service provider.

Grievance Redress Mechanism

63. Complaints and grievances in relation to land and asset acquisition will be dealt with under the project grievances redress mechanism. A summary of project grievance mechanism will be developed in both English and Myanmar as well as relevant ethnic languages and made available through various media including written materials and internet. They will also be made available in locations convenient to local population and explained about during public consultations and meetings with WUGs, in order to ensure that project affected people are aware of the avenue to have their grievance redressed.
64. Under this project, the WUGs will serve as the first tier mechanism to handle complaints and grievances. The WUGs will be formed at the initial part of project implementation for respective irrigation schemes and land improvement pilots, well before civil works to be supported under the project are designed and implemented. The grievance focal point will be appointed within each WUG who will receive, address, and keep record of the complaints and feedbacks. The grievance focal point will first review the grievances submitted. If the grievances are found to be between farmers over farmland boundary setting, mutual assistance to mitigate impact over farmer managed systems, and other disputes between farmers, the grievance focal point will meet relevant farmers and seek to find resolutions in line with this LRPF, under the support of the third party service provider.

65. If grievances or disputes between farmers cannot be solved at the WUG level within 30 days of the submission of the grievances, the issue will be brought to PIC for mediation. PIC is expected to inform aggrieved persons or parties to disputes of the resolution in 30 days. If still unsatisfied, aggrieved persons or parties to disputes will elevate the matter to the PMU at the national level which will make the final decision in consultation with the Safeguard Coordinator. The Bank task team will be consulted for all grievances that are elevated to the national level. The aggrieved people will be informed of the decision within 30 days of the submission to PMU which will be the final.

66. If the initial review by the grievance focal point of WUG finds that the grievances concern the rehabilitation of primary or secondary canals, civil works carried out by the project hired contractors, village extension education centers or other issues that go beyond the disputes between farmers, the grievance focal point will immediately inform the third party service provider who bring the issue to the PIC for mediation. PIC is expected to inform aggrieved people or parties to disputes of the resolution in 30 days. If still unsatisfied, aggrieved persons or parties to disputes will elevate the matter to PMU at the national level which will make the final decision in consultation with the Safeguard Coordinator. The Bank task team will be consulted for all grievances that are elevated to the national level. The aggrieved people will be informed of the decision within 30 days of the submission to PMU which will be the final.

67. Aggrieved persons or parties to disputes are also allowed to directly contact the third party service provider and raise concerns or questions. The third party service provider will also install sign posts in local areas with a clear indication of the contact information, and call for any people with grievances or questions to inform them. A consultation meeting will be held prior to the start of civil works in places and time convenient to local population including but not limited to water users and farmers. The nature of the civil works to be carried out, expected impact, entitlements and grievance mechanisms will be explained to local people. The translation of this LRPF will be made available to participants of consultations and at the local office of PIC. The third party service provider will visit project sites regularly and receive inquiries or grievances directly from local people. The third party service provider will provide WUGs necessary training and continuing capacity development throughout project implementation. Project’s communication and information dissemination activities will include information about grievance redress mechanisms.
68. The participatory Monitoring and Evaluation (M&E) will be conducted, under the facilitation of the third party service provider, whereby affected people will assess the implementation of respective project activities as well as this LRPF, report outstanding issues and air grievances or other issues people may have with the project. The meeting will be attended by township PIC members and village authorities who will assist participants in identifying resolutions for grievances that may be presented. The third party service provider will prepare minutes of the meeting that record the issues raised and how they will be addressed in the subsequent annual cycle. This record will be submitted to PMU through PIC.

*Project monitoring*

69. All PICs will have a LRPF focal point who will regularly supervise and monitor LAAP implementation. PIC focal points will report to PMU Director on LRPF related matters, and request support of the Safeguard Coordinator if needed. S/he will travel to the sites and spot check if the actions are taken and information provided in conformity with the LRPF. The participatory M&E will also be conducted as a means for local population, including both project beneficiaries and negatively affected people, to report project performance and issues they face. The project webpage will have a dedicated section where safeguard supervision monitoring reports to be prepared by PIC focal points and the results of participatory M&E will be disclosed.

*Budget*

70. Since the exact scale and scope of impact are not known till the feasibility studies are completed during project implementation, the costs of implementing this LRPF cannot be accurately estimated during project preparation. Based on the very rough estimation of likely impacts based on similar works carried out elsewhere, it is estimated that the cost will amount to about $2 million, as indicated in the table below. The budget will be constantly reviewed during implementation especially in light of expected impacts, and more budgets may be provided if the scale of impacts make it necessary.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Estimated cost (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The third party service provider</td>
<td>1,945,000</td>
</tr>
<tr>
<td>(inc. costs of farmer consultations and facilitations)</td>
<td></td>
</tr>
<tr>
<td>The cost of compensation and rehabilitation</td>
<td>150,000</td>
</tr>
<tr>
<td>Total</td>
<td>2,095,000</td>
</tr>
</tbody>
</table>
### Entitlement Matrix

<table>
<thead>
<tr>
<th>Type of Losses</th>
<th>Entitled Persons</th>
<th>Entitlements</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of private land</td>
<td>Legal owners or occupants</td>
<td>Cash compensation at replacement cost, equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Affected persons without a legally recognizable right or claim to the land they are occupying</td>
<td>At minimum, rehabilitation assistance to at least restore their livelihoods and standards of living, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</td>
<td></td>
</tr>
<tr>
<td>Loss of trees, structures and other private assets</td>
<td>All affected persons regardless of tenure status</td>
<td>Cash compensation at replacement cost Salvage materials will be handed over to affected people</td>
<td>If remaining parts of the structures are not sufficient for use, compensation will be paid for the entire affected buildings The project will help salvage material transportation Sharecrops and tenants will be compensated for loss in standing crops and other assets they themselves invested in</td>
</tr>
<tr>
<td>Loss of income and standing crops</td>
<td>All affected persons regardless of tenure status</td>
<td>Civil works will be adjusted to avoid loss of income/standing crops Existing contracts on sharecropping, tenancy and agricultural laboring will be honored</td>
<td></td>
</tr>
<tr>
<td>Temporary land occupation</td>
<td>Legal owners or occupants</td>
<td>Cash compensation for loss of income or assets on a net basis Reinstitute land to the original state after the completion of civil works</td>
<td>PIC, under the support of third party service provider, will monitor implementation</td>
</tr>
</tbody>
</table>
Annex 1. Voluntary Donation of Land and Assets Agreement Form

<table>
<thead>
<tr>
<th>Name of land user:</th>
<th>NRC Number:</th>
<th>Beneficiary of the sub-project: Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex:</td>
<td>Age:</td>
<td>Occupation:</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description of land that will be taken by the sub-project:</td>
<td>Area affected:</td>
<td>Total irrigated area:</td>
</tr>
<tr>
<td>Description of annual crops growing on the land now and project impact:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Details</td>
<td>Number</td>
<td></td>
</tr>
<tr>
<td>Trees that will be destroyed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruit trees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees used for other economic or household purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mature forest trees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Describe any other assets that will be lost or must be moved to implement the project:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of donated assets:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Will affected people need to be physically relocated?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date:.......................... Date:..........................

Village Project Support Committee representative’s signature

Affected person signature
(both husband and wife)

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3 This form can only be used for land improvement pilots, since voluntary donations are not allowed for irrigation improvements.
Annex 2 Land Acquisition Forms

Form 1: Inventory of Project Affected People

Region: _________  District: _________  Township: _________  Village Tract: _________  Village: _________

Type of Activity: ☐ Primary/Secondary; ☐ Land Improvement

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Name of head of HH</th>
<th>No. of persons in HH</th>
<th>Agr. Land</th>
<th>Assets</th>
<th>Crop</th>
<th>Income/ Business loss</th>
<th>Other losses</th>
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<td>Total irrigated land (acre)</td>
<td>Land to be acquired (acre)</td>
<td>Loss as % of total</td>
<td>Permanent structures (acre)</td>
<td>Temporary structures (acre)</td>
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The filled form should be attached with minutes and all WUG members/ affected people should sign in it
**Form 2: Entitlement**


Type of Activity: [ ] Primary/Secondary; [ ] Land Improvement

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Name of head of HH</th>
<th>No. of persons in HH</th>
<th>Agr. Land</th>
<th>Assets</th>
<th>Crop</th>
<th>Other</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Quantity</td>
<td>Unit cost</td>
<td>Donation agreed&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Compensation in cash/in kind</td>
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<sup>4</sup> Voluntary donations are allowed only for Land Improvement
### Annex 3 Farmers Action Plan

- Is consensus built as the WUG that the designed improvements in irrigations provide best benefits to the members? Y/N
- Is consensus built as the WUG that the in-assistance from fellow farmers will be sufficient to mitigate income loss of negative affected farmers in one year? Y/N
- Will anyone’s residential plots be affected? Y/N
- Will anyone need to physically relocate? Y/N
- Are all members aware of the grievance mechanisms available under the project? Y/N
- Is it conceivable that anyone loses more than 10% of their income? Y/N

<table>
<thead>
<tr>
<th>No</th>
<th>Name of husband and wife of HH</th>
<th>Facilities to be build that cause loss (canals, etc)</th>
<th>Approx land loss (acre)</th>
<th>Loss of permanent structures (type, acre)</th>
<th>Loss of temporary structures (type, acre)</th>
<th>loss of other assets (type, acre)</th>
<th>Estimated loss in paddy production (Kyat)</th>
<th>Estimated income loss from paddy (Kyat)</th>
<th>Estimated loss in production of other crops (Kyat)</th>
<th>Estimated income loss from other crops (Kyat)</th>
<th>Trees (type, number)</th>
<th>Estimated loss in other income (type, kyat)</th>
<th>Kin-kind assistance to be provided from fellow farmers</th>
<th>Agreement (signature by husband and wife)</th>
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- Briefly describe how negative impacts that may fall on farmers are addressed
- Describe examples of how larger negative impacts are to be addressed
- Describe alternatives to further reducing impacts discussed and why they were rejected

Minutes of the meeting where consensus is built on the Community Action Plan to mitigate temporary impacts should be attached.
The Community Action Plan should be signed by the third party service provider, the representative of SLRD, village chief
Annex 4 Guidance to Ensure the Participation of All Eligible Farmers in Project Activities (the Annex 9 of ESMF also provides the identical guidelines)

a) Special attention will be paid to ensure that the vulnerable water users have a full access to all project-related information. For this purpose the project will engage a third party service provider to disseminate project information to all stakeholders.

b) Scheme/ Site Specific Participatory Social Assessment (SA): will be carried out under FS for each irrigation scheme and pilot land improvement site. The SA will (i) identify vulnerable farmers; (ii) conduct free, prior and informed consultations with them including, if relevant, ethnic minority farmers; (iii) identify measures to enhance their participation in the management of farmer owned systems and the implementation of land improvement pilots; and (iv) assess local sociopolitical dynamics and the risk that they may be excluded from local decision processes.

c) Vulnerable water users should be allowed to meaningfully particulate in the processes in which Water User Groups (WUGs) are formed and develop mechanisms for an equitable allocation of project benefits, minimize negative impacts on fellow water users and identify measures to mitigate residual impacts. The third party service provider will be hired and provide necessary support and guidance to beneficiary farmers so that they will form, gradually and over time, WUGs in an inclusive and equitable manner.

d) Vulnerable water users should be allowed to receive training and other capacity development supports as do fellow water users.

e) Grievances from people affected by the project and vulnerable water users will be addressed primarily through the WUG under the participatory mechanisms as per procedures described in this ESMF. Vulnerable water users will participate in the monitoring of project implementation and be given opportunities to provide feedbacks. In particular, they will be allowed to participate in participatory Monitoring and Evaluation (M&E) to assess outstanding issues and identify measures to address them. Participatory M&E will seek to verify that farmer owned systems are rehabilitated and land improvement pilots are implemented in an incisive and equitable manner, and that negative impacts are addressed based on the consensus built among beneficiaries without causing significant impact on any member. The third party service provider hired under the project will regularly participate in the meeting of WUGs and monitor project implementation.

f) Members of the project oversight and implementation entities at all levels will be made fully aware of the challenges and constraints of the vulnerable water users, and of the needs for specific actions for their inclusion and informed participation. The project implementation agencies and oversight bodies at all levels will be made aware of the project principles and procedures with regard to farmer participation in project activities. Field extension workers will also be trained and sensitized so they will respond to the needs of smallholders and vulnerable farmers including female and ethnic farmers.

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5 Where ethnic minorities are present in project areas of influence, SA will address requirements provided in the Indigenous Peoples Planning Framework attached to this ESMF.
g) All farmers should be allowed to select crops they grow.

h) Grievance procedure will be developed so all complains made by anyone locally or regionally to the displacement that may occur under the project will be properly processed. Such a procedure can set a good precedent and contribute towards resolving this difficult issue that require a nation-wide dialogue and consensus building.

i) The project will be implemented in sites that are free of land disputes brought to the consideration of the Land Loss Enquiry Commission of the Parliament.

j) Farmers should be allowed to participate in the decision on the investments/activities.