

Planning for the 'Displaced': Evaluating Resettlement Work Plans of the Thilawa  
Special Economic Zone, Yangon, Myanmar



A Thesis Submitted in Partial Fulfillment of the Requirements  
for the Degree of Master of Science in Urban Strategies  
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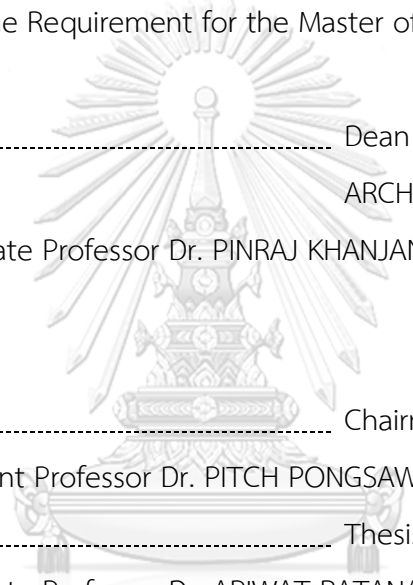
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ดู เอ็ด : การวางแผนเพื่อผู้ถูกย้ายออก:

การประเมินแผนงานการโยกย้ายถิ่นฐานประชาชนในเขตเศรษฐกิจพิเศษติละวา ย่างกุ้ง เมียนมาร์. ( Planning for the 'Displaced': Evaluating Resettlement Work Plans of the Thilawa Special Economic Zone, Yangon, Myanmar) อ.ที่ปรึกษาหลัก : อภิวัฒน์ รัตนวราหะ

ในการนี้งานวิจัยชิ้นนี้มีจุดมุ่งหมายเพื่อศึกษาข้อแตกต่างในโครงการวางแผนการตั้งถิ่นฐานใหม่ในเมืองก่อนนี้เป็นกรณีศึกษา และวิเคราะห์ว่าจะสามารถทำให้ดีขึ้นได้อย่างไร ผ่านการวางแผนและนโยบายสาธารณะ ด้วยกระบวนการเช่นนี้ การวิจัยจะประเมินแผนการตั้งถิ่นฐานในครั้งก่อนของโครงการพัฒนาเมือง โดยใช้ชุดแนวปฏิบัติในการตั้งถิ่นฐานใหม่ต่าง ๆ ที่เปิดเผยโดยองค์กรพัฒนาระหว่างประเทศต่าง ๆ งานวิจัยนี้จะตอบคำถามการวิจัยสองข้อ คือ มีความขาดแคลนใดบ้างในการวางแผนการตั้งถิ่นฐานใหม่ในเมืองด้วยวิธีการประเมินจากแผนการตั้งถิ่นฐานใหม่ก่อนหน้านี้ และการวางแผนการตั้งถิ่นฐานใหม่ในเมืองจะมีประสิทธิภาพมากขึ้นได้อย่างไร โดยการสำรวจแผนการตั้งถิ่นฐานใหม่ของเขตเศรษฐกิจพิเศษติละวาเป็นกรณีศึกษาด้วยวิธีการและข้อมูลเชิงคุณภาพโดยใช้การวิเคราะห์เอกสารและการวิเคราะห์เนื้อหา มีการแหล่งข้อมูลหลักสองแหล่ง : แนวทางปฏิบัติสากลเกี่ยวกับแนวปฏิบัติในการตั้งถิ่นฐานใหม่ ทั้ง JICA ธนาคารโลก ADB และ EBRD และแผนการตั้งถิ่นฐานใหม่ (หรือ RWP ตามที่มีชื่อในเขตเศรษฐกิจพิเศษติละวา) ของเขตเศรษฐกิจพิเศษติละวาที่เผยแพร่โดย YRG.

พบได้ ว่า “ความขาดแคลนที่สำคัญหลาย ๆ ด้านของการตั้งถิ่นฐานใหม่ถูกพบได้ในการวางแผนการตั้งถิ่นฐานใหม่ในเมืองด้วยวิธีการประเมินแผนการตั้งถิ่นฐานเมื่อครั้งก่อน โดยใช้แนวทางระหว่างประเทศที่แตกต่างกัน” ในกรณีของเขตเศรษฐกิจพิเศษติละวา ในแง่ของการพลัดถิ่นทางกายภาพ หน่วยงานล้มเหลวในการจัดหาสถานที่ ย้ายถิ่นฐานให้กับครัวเรือนที่พลัดถิ่นตามที่ต้องการ ดำเนินการตัดสินใจเลือกสถานที่ตั้งถิ่นฐานใหม่เมื่อมีการเปิดเผยแผน และยังให้ข้อมูลที่จำเป็นเกี่ยวกับเงื่อนไขอันก่อนหน้าของครัวเรือน สถานที่ตั้งของย้ายถิ่นฐานใหม่ และที่อยู่อาศัยใหม่ บทบัญญัติและในแง่ของการพลัดถิ่นทางเศรษฐกิจ หน่วยงานก็ล้มเหลวในการฟื้นฟูความเป็นอยู่ด้านการเกษตร สนับสนุน การดำรงชีวิตทางเลือก และยั่งยืน และให้โอกาสในการพัฒนาจากเขตเศรษฐกิจพิเศษและเขตเศรษฐกิจเฉพาะไปยังชุมชนผู้พลัดถิ่น นอกจากนี้ยังมีข้อบกพร่องที่สำคัญในเรื่องวันที่หมดเขตการเข้าร่วมและข้อมูลสำมะโน การชดเชยที่ดิน การพิจารณาถึงประชากรและเพศที่เปราะบาง การมีส่วนร่วมของสาธารณะ และการจัดหาโครงสร้างพื้นฐานของชุมชน

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Thu Htet : Planning for the 'Displaced': Evaluating Resettlement Work Plans of the Thilawa Special Economic Zone, Yangon, Myanmar. Advisor: Assoc. Prof. Dr. APIWAT RATANAWARAHHA, Ph.D.

This research aims to study the discrepancies in the previous urban resettlement planning project as a case study, and examine how they can be improved through planning and public policies. In doing so, the research evaluates the previous resettlement plans of an urban development project by using different sets of resettlement practices disclosed by different international development organizations. This research answers two research questions: What insufficiencies are observed in urban resettlement planning by evaluating the previous resettlement plans? and How can urban resettlement planning be more effective? by exploring the resettlement plans of Thilawa SEZ as a single case-study using qualitative methods and data using document analysis and content analysis. Two major data sources are used: the international guidelines on resettlement practices, including JICA, the World Bank, ADB and EBRD, and the resettlement plans (or RWPs as named in Thilawa SEZs) of Thilawa SEZ published by YRG.

It is found that “Substantial insufficiencies in several areas of resettlements are observed in urban resettlement planning by evaluating the previous resettlement plans using different international guidelines” in the case of Thilawa SEZ. In the case of physical displacement, the agency failed to provide the relocation site the displaced households desired, finalize the choice of resettlement site when the plan is disclosed, and provide necessary information on the previous conditions of the households, relocation site and the new housing provision. In the case of economic displacement, the agency failed to restore agriculture livelihoods, support alternative and sustainable livelihoods and provide development opportunities from the SEZ to the displaced community. There are also major shortcomings in cut-off date and census data, land compensation, consideration of vulnerable population and gender, public participation and the provision of community infrastructure.

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## Chapter 1 Introduction

This chapter provides the background and rationale of the research, the research questions, objectives, hypothesis, study area, research methodologies and data collection, and the benefits and structure the research.

### Background and rationale of the research

Urban development requires massive investments in infrastructure. This includes: greenfield development, brownfield development, urban utilities development and urban infrastructure facilities development, to mention a few. Due to rapid urbanization, urban planners need to make planning decisions for infrastructure development and investment that include adjusting the previous land use planning, in order to accommodate the growing needs and demands of people living in the city. Among such developments, some infrastructure plays a key role in the economic functioning of the city, such as retail (commercial areas and shopping districts), manufacturing (industrial zones and SEZ<sup>1</sup>) as cities are the engines of economic growth. They help cities attract investments, create job opportunities and satisfy basic livelihood needs of the residents.

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<sup>1</sup> Special Economic Zone

In this regard, when planning decision has reached to develop any type of project, it usually requires changes in the existing land use patterns. If the land is already settled, then land acquisitions and displacements are required in order to implement the project. By land acquisition, it generally means that the previous settlements (households and communities) need to move to a new location. The phenomenon is called 'involuntary resettlement' – land acquisition and restrictions on land use which cannot be refused by affected people and communities (EBRD, 2017; The World Bank, 2018). Such resettlements can occur either as physical (the affected have to physically dislocate, abandoning their housing and the previous settlements) or as economic (the affected do not have to relocate, but their sources of incomes and/or livelihoods are disrupted) or, in most cases, as both (EBRD, 2017).

Resettlement processes are not avoidable in urban development planning as development cannot occur if the existing human settlements are frozen forever (Cernea, 1999). However, if resettlement projects are poorly managed without careful and adequate planning, the result can put immense burden on the affected people and communities, and impoverish them, economically, financially, socially and culturally, which can be both short-term and long-term. In this regard, politicians, planners and policymakers cannot discount the negative effects of resettlements caused by urban development projects for the sake of wider economic and societal benefits enjoyed by the wider population. Resettlements, as development projects,

require proper planning in order to minimize the impoverishments of the displaced communities through effective planning and policies.

In the context of developing countries in Asia, most of the urban development projects are carried out with the financial and technical assistance from international development organizations such as JICA<sup>2</sup>, ADB<sup>3</sup> and the World Bank. These organizations have published their own guidelines on resettlements, and the borrower (usually the national and/or regional government) has to comply with, and satisfy, the practices in order to receive sufficient funding and assistance for the projects. However, despite the necessity to comply with the disclosed guidelines, there are sizable gaps between the published guidelines and the resettlement plans in reality, as well as between the plans and the implementation; resulting in the shortcomings in resettlement planning and addressing the costs and impoverishments of the displaced population. In addition to that, there are variations in requirements and conditions among different guidelines, which make the outcomes of the resettlement planning diverse that are funded by different institutions.

Motivated by the abovementioned circumstances, this research aims to study the discrepancies in the previous urban resettlement planning project as a case study, and examine how they can be improved through planning and public policies. In doing

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<sup>2</sup> Japan International Cooperation Agency

<sup>3</sup> Asian Development Bank

so, the research is conducted by evaluating the previous resettlement plans of an urban development project by using different sets of resettlement practices disclosed by different international development organizations. As different guidelines have diverse sets of presentations and stipulated requirements, it is believed that employing multiple guidelines for evaluation can produce more fruitful insights when examining the resettlement plans. Therefore, the guidelines, which will be elaborated in Chapter 3, are nominated from international guidelines from different regions, as well as updated versions of resettlement practices from the same institution.

### Research questions

There are two main research questions to be solved, which are

- What insufficiencies are observed in urban resettlement planning by evaluating the previous resettlement plans?
- How can urban resettlement planning be more effective?

Under the question “What insufficiencies are observed in urban resettlement planning by evaluating the previous resettlement plans?”, the sub-questions are

- What are the similarities and differences between different international guidelines of resettlement practices?
- What are the benefits of using different international guidelines to evaluate urban resettlement plans, instead of using a single guideline?

- What are the major areas of the shortcoming in the resettlement planning?

Under the question “How can urban resettlement planning be more effective?”, the sub-question is

- What kind of innovative planning and policy recommendations are observed through evaluating urban resettlement plans with different international guidelines?

### Research objectives

The objectives of this research are

- to analyze the shortcomings in the previous urban resettlement plans
- to explore the gaps between the published resettlement guidelines and the actual plans
- to understand the multi-faceted nature and challenges of urban resettlement planning, and
- to develop innovative planning and public policies for future urban resettlements.

### Hypothesis

The hypothesis of the research is that “Substantial insufficiencies in several areas of resettlements are observed in urban resettlement planning by evaluating the previous resettlement plans using different international guidelines”.



## Study area

Among the various urban development projects that require displacements and resettlements, this research selects the urban development project of Thilawa SEZ in Yangon, Myanmar, as a study area. Therefore, the research will examine resettlements caused by Thilawa SEZ and analyze its previously published resettlement plans when answering the research questions.

As a brief background of the study area, Thilawa SEZ project was one of the three very first pilot SEZ projects in Myanmar as part of national economic and political liberalization since 2010 in order to boost economic development through attracting foreign investments, along with Kyaukphyu SEZ in Kyaukphyu, Rakhine State and Dawei SEZ in Dawei, Tanintharyi Division, all of which being located in the coastal areas (ADB, 2018). The SEZ is located 20 km southeast of Yangon city center, and is the approximately 6,200-acre project. Announced in January 2011, the development project was undertaken as public-private partnership, jointly by the Government of Myanmar and JICA, along with private consortiums from Myanmar and Japan (Khandelwal, Macchiavello, Teachout, Park, & Htet, 2018). It is located alongside Thilawa port, the largest port terminal of the country, which allows logistics and trade facilitation. It is then developed as a series of different phases with different investment priorities in each phase. The project achieved considerable success in attracting foreign

investments in the country due to its strategic location in Yangon as well as the provision of good and accurate infrastructure and regulatory framework (Htet, 2019).



Figure 1 Map of Thilawa SEZ

Source: Thilawa Special Economic Zone (SEZ) and the Japanese investment in Myanmar. <http://myanmarreport2014feb.blog.fc2.com/blog-entry-3.html>.



*Figure 2 A Warehouse in Thilawa SEZ*

Source: Fukuda and Partners Co., Ltd. (n.d.) FUJITRANS Thilawa SEZ WareHouse.

<https://www.fandp.co.jp/en/result/3456/>

As a necessary and unavoidable part of urban development project, there have been a series of relocations and resettlements of the people and communities who have previously acquired, lived or worked in the area. YRG<sup>4</sup> is the primary responsible agency for conducting resettlements, and preparing resettlement plans for the SEZ.

The reasons for selecting Thilawa SEZ development project and its resettlement plans are threefold. First of all, the project takes place in Yangon, the commercial capital of Myanmar, which makes more relevant and exciting to conduct the research from urban planning perspectives. Second, the project is the very first development project in Myanmar that uses international standards on compensating on resettlements, hence it is worth examining whether the first project fully complies

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<sup>4</sup> Yangon Region Government

with the guidelines. Third, some reports, conducted through surveys and interviews, insist that the Thilawa SEZ resettlement project does not even meet JICA standards that the affected communities seriously impoverished by resettlements (Physicians for Human Rights, 2014), which makes reviewing the resettlement plans and analyzing through different international standards worthy enough to observe its shortcomings.



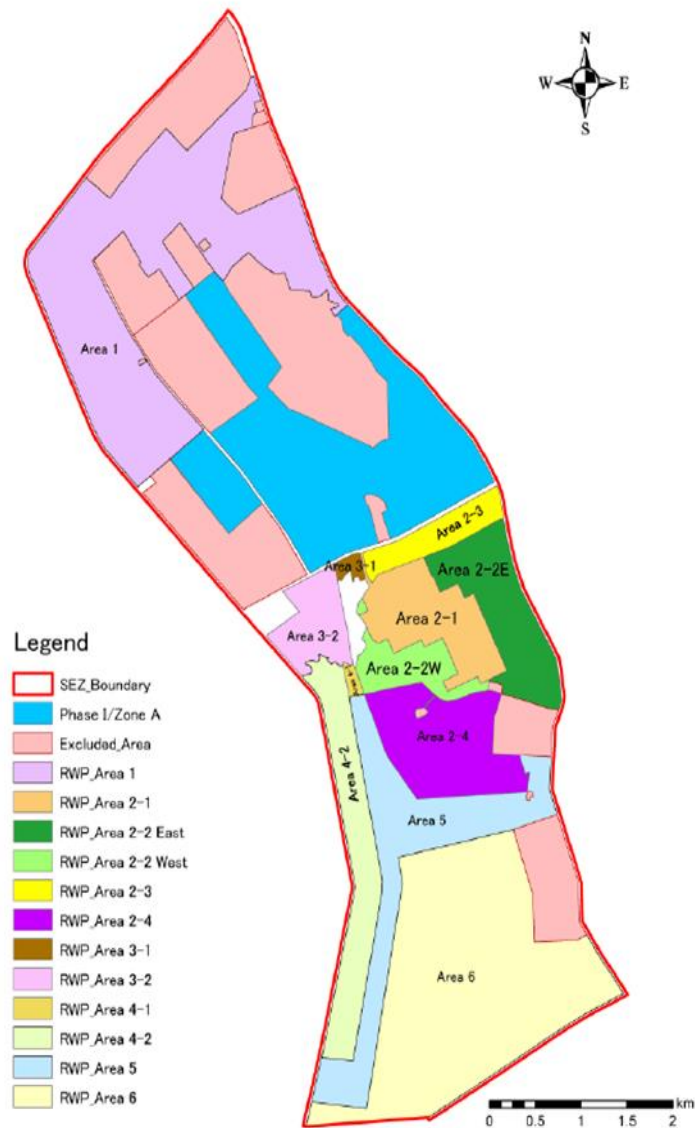


Figure 3 Provisional Areas for Preparation of Individual RWPs for Thilawa SEZ  
 Source: YRG. (2017). Resettlement Work Plan (RWP) for Area 2-2 East (The 108 ha Development Area of Zone B) of Thilawa Special Economic Zone (SEZ).

## Research methodologies and data collection

The research is conducted as single case-study research using qualitative methods and data. It mainly uses content analysis and document analysis - a systematic procedure for reviewing or evaluating documents as an intensive study producing rich descriptions of a single phenomenon, event, organization or program (Bowen, 2009).

There are two major data sources used in the research. First are the international guidelines on resettlement practices, including JICA, the World Bank, ADB and EBRD<sup>5</sup> (which will be discussed in Chapter 3). Second are the resettlement plans (or RWP<sup>6</sup>s as named in Thilawa SEZs) of Thilawa SEZ published by YRG (which will be discussed in Chapter 4). All the data sources are obtained online electronically.

### Benefits of the research

There are three major benefits of the research.

1. The insights of the existing gaps between the international guidelines on resettlements and the RWPs of Thilawa SEZ
2. The more fruitful discussions on the gaps by the use of several guidelines which are different from one another

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<sup>5</sup> European Bank for Reconstruction and Development

<sup>6</sup> Resettlement Work Plan

3. Planning and policy recommendations based on the gaps or shortcomings observed

### **Structure of the research**

The introductory chapter has provided the essential background of the research. The subsequent chapters are structured as follows.

Chapter 2 conducts a brief literature review on definitions and concepts on resettlements, SEZs as urban development projects and additional operational definitions. Chapter 3 then outlines five of the resettlement guidelines of the four international development organizations; namely, JICA, (two guidelines from) the World Bank, ADB and EBRD. It is followed by Chapter 4 which provides the comprehensive review on the published RWPs of Thilawa SEZ, including their overview, contents and most crucial elements. Chapter 5 evaluates the RWPs of Thilawa SEZ using four guidelines elaborated in Chapter 3 to explore the gaps or shortcomings between them, and present the findings of the research. Chapter 6, a final chapter, tests the hypothesis, answer the research questions, provide strategies and policy recommendations to improving urban resettlement planning in the future, as well as stating briefly on the political economy aspects of the project, limitation and future possibilities of the research.

## Chapter 2 Literature Review

This chapter conducts a literature review on two key themes of this research: definitions and concepts on resettlements, SEZs as urban development projects, as well as some additional operational definitions: the difference between income and livelihoods and the definition of gender.

### Definitions and concepts on resettlements

When resettlement is the core concept of this research, it is a broad and contested concept in itself. A short definition on resettlement is the “dislocation of people from their native place and region” (Lone, 2014). A broader definition is made by the World Bank’s very first sociologist and anthropologist Michael Cernea, who defines resettlement as

“... the process of physical relocation of those displaced and to their socioeconomic re-establishment as family/household micro-units and as larger communities” (Cernea, 1999).

According to him, resettlement is caused by involuntary displacement which is a process of unravelling established human collectivities, existing patterns of social organization, production systems and networks of social services (Cernea, 1999).



Another comprehensive definition is made by urban and regional geographer Frank Vanclay, who elaborates resettlement as the following.

“Resettlement can be defined as the comprehensive process of planning for and implementing the relocation of people, households and communities from one place to another for some specific reason, together with all associated activities, including: (a) the provision of compensation for lost assets, resources and inconvenience; and (b) the provision of support for livelihood restoration and enhancement, re-establishment of social networks, and for restoring or improving the social functioning of the community, social activities and essential public services. ... ‘Resettlement’ also addresses issues associated with economic displacement, that is when people do not need to be physically moved but their means of making their living (livelihood strategies) are adversely affected by the project’s land-take” (Vanclay, 2017).

According to the definitions mentioned above, it is evident that resettlement is not limited to the physical dislocation (moving from one location of residence to another). Instead, it should be extended to include changes and adaptations of formal routines and dealing with new socioeconomic institutions by the affected communities. Resettlement is, therefore, much more than a relocation of a person or a community from one place to another; and is an essentially complex and contested concept

involving multi-faceted, multi-dimensional and multi-level issues, matters and processes.

There are two major types of resettlements – voluntary and involuntary. Wilmsen and Wang (2015) states that resettlement is voluntary if “full disclosure of all resettlement-related information is provided; free, prior, and informed consent is given by all those relocating, and each affected person has the right to refuse resettlement without having to fear adverse consequences<sup>7</sup>”. On the other hand, there is no option to refuse the resettlement and remain in the location in involuntary resettlements<sup>8</sup>. Therefore, a definition made by EBRD (2017) and the World Bank (2018) on involuntary resettlement is “land acquisition and restrictions on land use which cannot be refused by affected people and communities”. In addition to two types of resettlements, there are also various factors that can cause and intensify resettlements such as development-induced (construction of dams, urban development projects, infrastructure, etc.), environmental issues (climate change, drought, sea level rise, etc.), civil conflicts, forced migration, etc.<sup>9</sup>.

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<sup>7</sup> The authors acknowledge that it is difficult to distinguish between voluntary and involuntary as it is difficult to assess whether the affected communities are provided the real decision-making power to refuse resettlement in a complex political context.

<sup>8</sup> As most of the resettlements caused by urban development projects are involuntary that the population cannot decide to remain in the area, the term ‘resettlement’ in the later parts of this research will always refer to involuntary resettlements.

<sup>9</sup> The reach of the research scopes resettlements caused by urban development projects in general, and SEZ in particular. Therefore, the term ‘resettlement’ in the later parts of this research will always refer to development-induced resettlements.

As described in the introductory chapter, poor resettlement planning can cause adverse economic, social, environmental and cultural effects to the affected communities, both short-term and long-term. Therefore, it is important not to ignore these negative impacts of resettlements faced by the affected communities by planners and policymakers when implementing urban development projects. It is because, among the various causes of displacements, development projects alone cause displacements of ten million people each year on a global scale (Cernea, 2004), which demonstrate the significance in scale and intensity of the (displacement and resettlement) impact of the projects. While it is undeniable that the projects are necessary to improve many people's lives and livelihoods, provide employment opportunities and supply better services on a wider regional and national levels, on the flip side they also create a massive burden on some particular population segments, causing the affected population to worse off compared to their previous socioeconomic conditions (Cernea, 2004). In most cases of displacements and resettlements, the affected population are usually forcefully put into more vulnerable positions than their pre-existing conditions due to changes in traditional socioeconomic systems and loss of livelihoods (Sapkota & Ferguson, 2017).

Thus, nowadays, when resettlement is an inevitable aspect of human development, academic scholars and policy practitioners are becoming increasingly aware of, and are advocating, the importance of resettlement planning projects in

development projects and that the planning and implementation of resettlements and the development projects should be undertaken as twin projects. In other words, resettlement projects should be treated as similar attention and importance to development projects themselves (Kangave, 2012).

After discussing on the definitions and importance of resettlement, the term will be approached as two distinct functions or identities, that are (1) resettlement as scholarly research, and (2) resettlement as policy framework and practice.

Resettlement was conducted as scholarly research mostly by anthropologists and sociologists on forced population displacements; however, it was not a scholarly popular field until it reached a turning point in 1980 when the World Bank first adopted an explicit policy concerning involuntary resettlement, formulated by social scientists (Cernea, 1995). Since then, the subject became a distinctive discussion on public policy, and that social science research on involuntary resettlement has literally improved, becoming a contemporary 'subfield' in social science (Cernea, 1995). The extent and topics of research has dramatically exploded and diversified; for instance, development anthropologists' move from participant observers to active actors in minimizing the impacts of resettlements; specific types of displacements and resettlements (dam, urban, forestry, mining, politically-motivated, to mention a few); the move from ethnographies research to policy-oriented research; and a more quantitative forms of analysis (Cernea, 1995).

Since the development of resettlement as an academic focus, social scientists have attempted to develop theoretical models and conceptual frameworks to explain the nature of resettlements. Among them, three distinctive frameworks on resettlements will be briefly described here; they are known as: action research paradigm, four-stage model on resettlements and IRR model.

- Action research paradigm – This paradigm was developed by Indian anthropologists Binod C. Agrawal, P. C. Gurivi Reddy and N. Sudhakar Rao (1981). The model states that anthropologists serve dual roles in studying resettlements: as a researcher and as a change agent. As a researcher, an anthropologist evaluates needs and problems, prioritize them and provide suggested solutions. Then, an anthropologist becomes a change agent by discussing their solutions in consultation with the sponsored agency and then evolve strategy to introduce change, which then need to be monitored.
- Four-stage model – The model was developed by Scudder and Colson, which is more widely known than the first one. According to them, resettlement process can be divided into four distinctive phases/stages; namely, planning and recruitment; adjustment and coping; community formation and economic development; and turnover and incorporation. Planners prepare the resettlement plans in the first phase. In the second phase, the displaced population prepare for the upcoming resettlement, with increased

psychological tensions. In the third stage, physical dislocation actually happens, and the displaced population rebuild their economic activities and social networks. In the final stage, the second generation of the displaced population takes over local production systems and community leadership positions. Resettlement can be regarded complete when the displaced population has successfully gone through these four phases (Chiruguri, 2015; Sapkota & Ferguson, 2017).

- IRR model – The model was developed by the World Bank anthropologist Michael Cernea, and perhaps the most popular model on explaining and researching resettlements. Unlike four-stage model, he identifies eight types of impoverishment in resettlements – landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property and services, and social disarticulation. These impoverishments are interconnected as a pattern of variables, and they affect the displaced population simultaneously, resulting in a crisis (Cernea, 2004). The model provides the targeted strategies to dealing with different types of impoverishments – land-based reestablishment, reemployment, house reconstruction, community reconstruction, social inclusion, restoration of community assets/services, adequate nutrition, and better healthcare. The model, therefore, not only explain the various types of impoverishments

caused by resettlements but also provides generic strategy tools to deal with each type of impoverishment.

In the recent years, academic researches on social science of resettlements have dived more rigorously into new dimensions. In the Conference named 'International Resettlement Conference: Economics, Social Justice, and Ethics in Development-Caused Involuntary Migration, the Hague' on October 2010, scholarship on resettlements in various fields have contributed to the existing knowledge and paradigms on resettlements, and discussed about the future directions in the research of resettlements, which are: the link between social justice, human rights and displacements; the need for inclusion of social and cultural dimensions in resettlement planning; and the nexus between displacement, development and climate change (Maldonado , 2012).

Resettlement is not only an ongoing and lively scholarly debate but also a policy framework and practice that international development organizations, governments, and private sector have to adhere to. As previously described, the World Bank is the very first international development organization that adopted a resettlement policy framework in 1980. The practice is then followed by other agencies when ADB adopted its first resettlement policy in 1995, the Inter-American Development Bank in 1998 and the African Development Bank in 2003, respectively (Maldonado , 2012). Nowadays, most of the international financial institutions and

development organizations that function to provide financial and/or technical assistance in development projects all have their own published environmental and social standards and guidelines for the projects they fund, including in the area of resettlement (Vanclay, 2017). The more extensive discussions on the topic of resettlement guidelines will continue in Chapter 3 of this research.

### **SEZs as urban development projects**

The policy of SEZ development is the popular place-based strategic tool for economic development, especially in the emerging economies. It is the effective instrument to promote industrialization, economic development and structural transformation when they are implemented properly in the right context; and hence, countries are attempting to seize the opportunities presented by the zones to catalyze its benefits (Zeng, 2019). Therefore, SEZs play an important role in fostering urban, regional and/or national economic development of a country.

SEZs are “the geographic areas within a country where specific economic activity is encouraged through policy or other support not available to the rest of the economy” (Gebrewolde, 2019). These incentives may include better and adequate infrastructure, tax and/or duty exemptions, one-stop business environment, among others.



A broad definition of SEZ can be stated as the following.

“[The SEZs are the] demarcated geographic areas contained within a country’s national boundaries where the rules of business are different from those that prevail in the national territory. These differential rules principally deal with investment conditions, international trade and customs, taxation, and the regulatory environment; whereby the zone is given a business environment that is intended to be more liberal from a policy perspective and more effective from an administrative perspective than that of the national territory” (Farole & Akinci, 2011).

As the concept of SEZ is generic and evolves over time, there are different types of zones with differing objectives, markets, and activities, such as

- free trade zones (small, fenced-in, duty-free areas, offering ware-housing, storage, and distribution facilities for trade, transshipment, and re-export operations)
- export processing zones (industrial estates offering special incentives and facilities for manufacturing and related activities aimed mostly at export markets)
- freeports (accommodate all types of activities, including tourism and retail sales, permit people to reside on site, and provide a much broader set of incentives and benefits)

- enterprise zones (to revitalize distressed urban or rural areas through the provision of tax incentives and financial grants) and
- single factory SEZ (provide incentives to individual enterprises regardless of location<sup>10</sup>) (FIAS , 2008).

The SEZs are developed to achieve the following policy reasons (FIAS, 2008; Farole & Akinci, 2011; Zeng, 2019).

- attracting foreign direct investment and promoting exports and industrialization
- serving as “pressure valves” to alleviate large-scale unemployment
- supporting a wider economic reform strategy, and
- acting as experimental laboratories for the application of new policies and approaches.

Although these are the broad policy objectives for developing SEZs, there is no universal standard to measure the success or failure of SEZ. The success or failure of SEZ is inherently context-specific; which means that the success depends on whether it meets the objectives defined when it was established (usually a time horizon about 10 to 15 years) (Zeng, 2019).

Conceptually, cities and SEZs share similarities from economic and market point of view. This is because both cities and SEZs exist, and are formed, based on the

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<sup>10</sup> The authors note that this type of SEZ does not meet the principle of SEZ being in a particular demarcated geographic area.

concept of ‘economies of agglomeration’. It is evident in the concepts of urban economics and urban geography that one primary existence of cities is the cluster of firms in a particular geographic area (which are cities). Firms cluster in cities because of comparative advantage, economies of scale, the reduced cost of production and the (consumer and job) market accessibility (O’Sullivan, 2012) which make firms advantageous and thrive. Such geographical clustering of firms also fosters the externalities that arise from labor market pooling, knowledge interactions, specialization, and the sharing of inputs and outputs, as well as access to specialized human resources and skills, lower input and service costs, knowledge spillovers, and pressure for higher performance (Aggarwal, 2011). Such clusters allow each member to benefit as if it had greater scale or as if it had joined with others without sacrificing its flexibility – fostering competitive advantage (Porter, 1998). The SEZs are also the clustering of firms in a particular place or area in order to exploit the benefits of economies of agglomeration described above.

In addition, when the relationship between cities and SEZs are analyzed, it is observed to be inherently bidirectional (UN Habitat and UNCTAD, 2020). It is true that, in some cases, SEZs are developed from scratch or in the rural areas in order to initiate and promote a particular place or region’s socio-economic development. However, the underlying concept of agglomeration economies and strategic location as a key success factor for SEZs posit that a SEZ in a city or peri-urban area will have the

advantage of easy access to firms, capital, and skilled labor, as well as support innovation activities already existing in the cities (White, 2011; Kilroy & Norman, 2014). Therefore, new investments/firms in the SEZs and the existing firms outside SEZs can foster linkages, spillovers and externalities (White, 2011), fostering positive externalities for the firms in both areas and creating the overall benefits for the region. As strategic location of a SEZ being close to existing infrastructure, large market and labor pools (what a city has already) can also enhance the possibility of attracting more investors into the zone, as well as spur zone dynamism (UN Habitat and UNCTAD, 2020), cities offer fundamental prerequisites for success and spillover opportunities for SEZ development. The existing landscape, infrastructure and the clustering of firms in the cities affects the location decisions for SEZs. On the other hand, the policy of SEZs development in the city can also accelerate urbanization (attracting more urban migrants to seek job opportunities) and thus fostering urban development. Therefore, cities and SEZs have mutually beneficial relationships.

In order to foster the role of SEZs in economic development, they have to be integrated and institutionalized into policy and planning; specifically, to be a part of a country's development strategy and to effectively respond to the dynamics of the local, national and global economy (Aggarwal, 2019). Strategic planning is required to exploit the opportunities provided by the SEZs, as well as political support and resource commitments. According to Aggarwal (2019), the synergetic effect combining

place-based SEZ development and wider economic development strategy “create a mutually reinforcing and self-supporting system wherein the benefits of zones flow forward, backward and vertically, expanding capacity and improving the competitiveness of the wider economy”. In addition, as described above, SEZs can promote spillover effect; however, this does not occur in vacuum. To exploit spillovers from SEZs also require planning and policy responses, including soft policies such as supplier linkages and on the job training (Alexianu, Saab, Teachout, & Khandelwal, 2019).

The table shows the key elements of SEZs through cost-benefit view using a format of “profit and loss statement”.

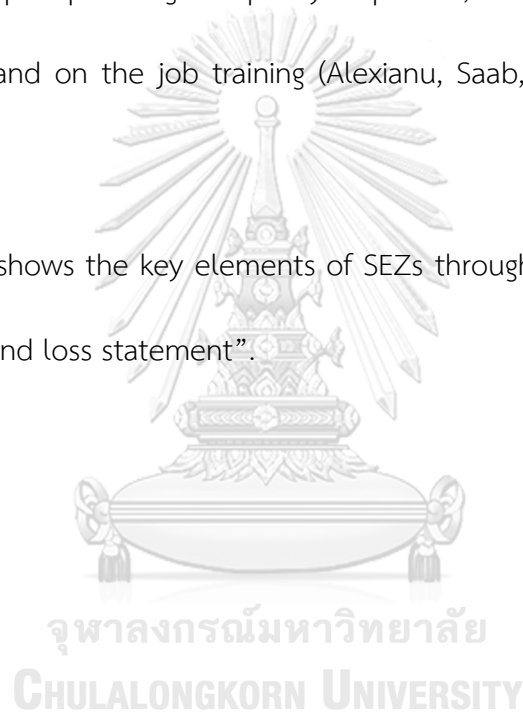


Table 1 SEZ sustainable development “profit and loss statement”

<i>Cost-benefit areas</i>	<i>Key elements</i>
<i>Direct economic contributions</i>	Attraction of FDI
	Job creation
	Export growth
+	Foreign exchange earnings
<i>Indirect economic contributions</i>	Supplier linkages beyond the zones
=	Indirect and induced job creation
<i>Combined economic impact</i>	Additional GDP growth
+/-	
<i>Net cost of/revenue from zones</i>	Investment expenditures
	Operating costs
	Foregone revenues and subsidies
=	Income from zones
<i>Fiscal/financial viability of zones</i>	Payback time of zone investment
+	Fiscal burden
<i>Dynamic economic contribution</i>	Technology dissemination
	Skills and know-how transfers
	Industrial diversification and upgrading
+/-	Enhanced regional economic cooperation
<i>Policy learning and broader reform impact</i>	Pilot function of zones
	Catalyst function for reforms
=	Reduced motivation to reform
<i>Overall sustainable development impact</i>	Evolution of the role of zones in the economy
	Long-term zone transformations

Source: UNCTAD. (2019). World Investment Report 2019: Special Economic Zones. United Nations Publications.

In sum, SEZs promote economic development through stimulating foreign investments, creating job opportunities, providing rooms for wider structural reforms and exerting spillovers, although they are not instantly guaranteed and require strategic planning and context-specific policies.

### **Additional operational definitions**

Resettlement and SEZ are two main concepts used in this research. Moreover, it is necessary to briefly state two important additional operation definitions; namely, the difference between income and livelihoods and the definition of gender in this final part of the literature review. It is because not only they play a key role in the upcoming parts of this research but they are also essentially contested concepts; therefore, it is crucial to define them in order to gain clarity when mentioning these concepts are important when evaluating the resettlement plans.

#### **Income and livelihoods**

In a simplest term, income is “money that is earned from doing work or received from investments” (Income, n.d.) or “the amount of money received during a given period of time by a person, household, or other economic unit in return for services provided or goods sold” (Rider, 2018). Another useful definition of income would be “the sum of (1) the market value of rights exercised in consumption and (2) the change in the store of property rights between the beginning and end of the period” (Simons, 1938).

On the other hand, livelihood is “(the way someone earns) the money people need to pay for food, a place to live, clothing, etc.” (Livelihood, n.d.). A definition proposed by Chambers and Conway on sustainable livelihoods provides a comprehensive understanding of livelihoods that can be applied in any context, which is stated as the following.

“A livelihood comprises the capabilities, assets (stores, resources, claims, and access) and activities required for a means of living: a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to other livelihoods at the local and global levels and in the short and long term” (Chambers & Conway, 1992; Serrat, 2008).

Therefore, it can be denoted that while income is the monetary value earned in a given period, livelihood is more concerned with the broader implications on how someone earns and their available resources and assets (tangible and intangible) to achieve their income.

#### Gender

Gender is also a contested concept in both social sciences and public health. It is different from sex as the former is bounded in social and cultural characteristics and the latter is anatomical and physiological, and are biologically determined



(Medical News Today, n.d.). Nowadays, there are various genders beyond the binary classification between man and woman, boy and girl, as well as on their sexual preferences.

A definition made by World Health Organization on gender is worth describing here.

“Gender refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time” (World Health Organization, n.d.).

### Chapter 3 International Guidelines on Resettlements

This chapter explores one of the most important pillars of this research: the selected international resettlement policies or guidelines published by international development organizations. The following guidelines will have a closer look for in-depth exploration.

- JICA Guidelines for Environmental and Social Considerations (April 2010)
- The World Bank Safeguard Policy (December 2001) OP<sup>11</sup>/BP<sup>12</sup> 4.12 Involuntary Resettlement
- The World Bank ESF<sup>13</sup> (October 2018) ESS<sup>14</sup> 5: Land acquisition, Restrictions on Land Use and Involuntary Resettlement
- ADB Safeguard Policy (June 2009) Safeguard Requirements 2: Involuntary Resettlement
- EBRD Environmental and Social Policy (May 2014) Performance Requirements 5: Land Acquisition, Involuntary Resettlement and Economic Displacement

The rationales behind these selected guidelines for in-depth discussion in this research are as follows.

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<sup>11</sup> Operational Policy

<sup>12</sup> Bank Procedure

<sup>13</sup> Environmental and Social Framework

<sup>14</sup> Environmental and Social Standard

- These three resettlement guidelines are listed in the RWPs of Thilawa SEZ as major policies and guidelines for resettlements; therefore, taking account of these guidelines in this research is mandatory.
  - JICA Guidelines for Environmental and Social Considerations<sup>15</sup> (April 2010)
  - The World Bank Safeguard Policy (December 2001) OP/BP 4.12 Involuntary Resettlement<sup>16</sup>
  - ADB Safeguard Policy (June 2009) Safeguard Requirements 2: Involuntary Resettlement<sup>17</sup>
- The following two guidelines are not listed or applied in RWP of Thilawa SEZ. These are solely employed for this particular research to evaluate the resettlement plans of Thilawa SEZ for the following reasons.

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<sup>15</sup> The author's additional reasoning for selecting this guideline is that as the case study of the research is JICA-assisted project, the compliance between the project and the guidelines is the most important for the agency. Hence, it is worth to examine whether the resettlement plan of Thilawa SEZ complies with the guidelines of JICA.

<sup>16</sup> The author's additional reasoning for selecting this guideline is that the Bank is the first international development organization to adopt a resettlement policy for their development projects. The policy is widely regarded as the most progressive international legal document dedicating to resettlements, and is widely accepted and applied not only in Bank-funded projects but also as a template for developing resettlement policy of other organizations (Kangave, 2012). Also, JICA's guidelines make a reference to World Bank resettlement guidelines when developing resettlement action plan of their projects.

<sup>17</sup> RWP of Thilawa SEZ for development of Phase 1 area states that although they acknowledge that ADB Safeguard Policies are one of the most popularly adopted policies in Myanmar, especially in conducting Environmental Impact Assessment, but it is not much applied in the context of resettlement planning. The plan mainly refers to JICA Guidelines and the World Bank OP 4.12 for the preparation of the resettlement plan. This research employs ADB policy as a major guideline referred by RWPs of Thilawa SEZ as well as to diversify the various guidelines in order to produce more fruitful insights for the research.

- The World Bank's newly adopted ESF is the updated version of the previous policy guidelines of the Bank through lessons learnt from applying the latter in the various development projects. It is declared as the Bank's effort to better manage environmental and social risks of projects and to improve development outcomes by making important advances in the areas of transparency, non-discrimination, public participation, and accountability (The World Bank, n.d.). Instead of a separate resettlement guideline as OP 4.12, the new ESF integrates the various aspects of environmental and social considerations, including resettlement as one of the crucial components of ESF. Therefore, it is convinced that new resettlement guideline under the framework (Environmental and Social Standard 5: Land acquisition, Restrictions on Land Use and Involuntary Resettlement) is worth examining to evaluate the project's RWP, and that the compare and contrast between the previous and updated guidelines will also be instrumental in evaluating the plan's potential shortcomings.
- EBRD Environmental and Social Policy (Performance Requirements 5: Land Acquisition, Involuntary Resettlement and Economic Displacement) is selected to analyze and evaluate the project to add an European dimension to the research, as the former four have been drawn from Asian (referring to JICA and ADB) and (more or less) global

perspectives (referring to the World Bank), to examine the similarities and differences between international guidelines on resettlements of different continents, and as described above, the compare and contrast between different guidelines itself is instrumental in evaluating the Thilawa SEZ's resettlement plan.

There are a handful of resettlement guidelines published from other institutions; such as guidelines from International Finance Corporation (IFC), African Development Bank (AfDB), and Asian Infrastructure Investment Bank (AIIB), etc. The author believes that evaluating the RWPs of Thilawa SEZ using five different guidelines (three that are declared to be adopting in the RWPs of Thilawa SEZ; two not adopted but additionally applied for this research) is considered to be sufficient and comprehensive enough to evaluate the resettlement plans and explore the shortcomings in preparing the plan.

The following parts of this chapter will explore each resettlement guideline in details.

#### **JICA Guidelines for Environmental and Social Considerations (April 2010)**

JICA guidelines on involuntary resettlement are described in Section 7: Involuntary Resettlement in Appendix 1: Environmental and Social Considerations Required for Intended Projects. The guideline was made explicit that involuntary resettlement and loss of livelihoods should be avoided by exploring all the

alternatives. Only when impossible to avoid displacements, resettlement of the affected population should be conducted to minimize impacts and to compensate for the losses in a sufficient and timely manner. According to JICA, it is the responsibility of the host country “to enable people affected by projects and to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels” (JICA, 2010). These include: compensation of land and money to cover land and property losses, support for the cost of relocation and re-establishment of communities and resettlement sites, and assistance for alternative and sustainable livelihoods.

The guidelines also emphasize the importance of participation by the affected people and communities in the planning, implementation and monitoring of resettlement plans. The plan is mandatory for projects that involve large-scale resettlements<sup>18</sup>. When preparing the plan, it is required that consultations made with the affected communities based on sufficient information made available to them in advance, and that the form, manner and language should be accessible to them. In

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<sup>18</sup> To understand what is meant by large-scale resettlement, JICA makes the classification on the development projects into four categories: Category A, B, C, and FI, which are based on the extent of environmental and social impacts, as well as the project scale and site conditions. Category A projects have the highest and irreversible, complicated or unprecedented impacts; Category B projects have the impacts less adverse than that of Category A; Category C projects have minimal or little adverse effects; and Category FI projects are that JICA’s funding is provided through a financial intermediary or executing agency, and require approval from JICA. Resettlement plan is required for projects listed as category A and B; and FI if necessary, by the financial intermediary.

addition to that, the guidelines state that it is desirable to refer to the World Bank OP 4.12, Annex A in preparing a resettlement plan for JICA-assisted projects.

In addition to Section 7 of the guideline that directly deals with resettlement planning, it is important to highlight the general principles on the environmental and social considerations of JICA that

- the agency declares to play an important role in contributing to sustainable development in developing countries, so that the guidelines stress the social and environmental costs of development projects should be properly considered to enable sustainable development.
- the importance of obligation to international human rights standards and special attention must be given to the human rights of vulnerable social groups such as women, indigenous people, women with disabilities, and minorities.
- meaningful stakeholders' participation is crucial as part of democratic decision-making to ensure transparency, accountability and efficiency.

#### **The World Bank Safeguard Policy (December 2001) OP/BP 4.12 Involuntary Resettlement**

OP/BP 4.12 is one of the most popular international guidelines on resettlements. The World Bank is pioneer international development institution in hiring first in-house social scientists to research the impacts of resettlements and adopting resettlement guidelines for their Bank-funded projects (Maldonado, 2012;

Cernea, 1995). As similar to JICA guidelines, OP/BP 4.12 states that involuntary resettlements cause multi-dimensional impoverishments so that they should be avoided as possible, and if impossible, need to address, reduce and mitigate those impoverishment risks. The latter, BP 4.12, is much more corresponding to the internal procedures carried out by the Bank regarding resettlements, such as how the bank staffs evaluate and assess the resettlement project and plan, and how the Bank makes decisions and the subsequent assistance for the borrowers (if necessary) (The World Bank, 2001a).

OP 4.12 covers direct economic and social impacts caused by the involuntary land grab causing loss of shelter, assets, access to assets, income sources and livelihood means<sup>19</sup>. The guidelines are required that in order to adequately address these challenges faced by the affected people and communities, when preparing the resettlement plan, the displaced people are

- adequately informed about their options and rights prior to resettlement
- offered viable resettlement alternatives that are technically and economically feasible
- provided assistance during relocation (moving allowances for instance)

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<sup>19</sup> According to the plan, the disruption in the means of livelihoods is accounted whether the person or household is physically displaced or not.



- provided housing, and (if necessary) agriculture sites that have productive potential, desirable location, as well as additional factors that (at least) match the standards of the old location and site
- offered post-resettlement support for a reasonable period of time to require to restore their income, livelihoods and standard of living, such as credit facilities, land preparation, job opportunities and appropriate training
- provided social and public infrastructure and services to restore or improve accessibility and levels of services for the displaced people, as well as the compensation for the loss of access to the community resources
- given an appropriate priority and attention to the needs of the vulnerable population among those who are displaced, including women, children, the elderly, the landless, the indigenous and those population who are under poverty line.

Looking at the compensation scheme, OP 4.12 states that for those displaced population who livelihoods are land-based, land-based resettlement strategies are always preferred, including the resettlement on the public land or on the purchased or acquired private land for resettlement. Such land, as mentioned above, should offer factors that are at least equivalent to, or better than, the advantages of the taken land. When land-based resettlement options are severely limited or impossible, non-land-

based options should be built around on the assurance of employment opportunities.

On the other hand, cash compensation for loss of assets is desirable when

- livelihoods are not land-based
- only a small fraction of land is taken, and is viable for continuous operation
- there exists an active market which the displaced population can use (The World Bank, 2001b).

During the implementation of compensation, OP 4.12 states that displacement or restriction of access to assets does not occur before the appropriate measures are taken place. These include the preparation of compensation or other assistance required for relocation and the resettlement sites with adequate infrastructure and facilities before the displacement is taken place.

OP 4.12, Annex A details the crucial elements to include when preparing a resettlement plan (The World Bank, 2001c). They are described as follows.

- Description of the project
- Potential impacts of the project – such as the project components or activities that cause resettlements and the alternatives considered to avoid or minimize resettlements
- Objectives

- Socioeconomic studies – such as the results of the census survey (including the current population in an affected area, characteristics of affected households, their livelihood methods, the magnitude of the expected loss of assets, and information on the vulnerable groups), and other studies (including land tenure and transfer systems, the patterns of social interaction in the affected communities, public infrastructure and social services that might be disrupted, and social and cultural institutions of the affected communities)
- Legal framework – such as the description of applicable national, local and traditional laws, regulations, policies and administrative procedures, the analysis of the gaps between the legal institutions and Bank's procedures, and the description of the necessary legal steps to implement the resettlement project.
- Institutional frameworks – such as the identification of the responsible agencies and NGOs, the assessment of their institutional capacities, and the steps to enhance their institutional capacities (if necessary)
- Eligibility – criteria for identifying the displaced people and their eligibility for compensation, including relevant cut-off dates
- Valuation of and compensation for losses
- Resettlement measures – such as a description of the packages of compensation and other resettlement measures

- Site selection, site preparation and relocation – such as the alternative relocation site(s) and the reasons why the site(s) is/are selected (including the arrangements and assessments for identifying the relocation sites, measures to prevent land speculation or the entry of ineligible persons to the selected sites, procedures for physical relocation such as timetables for site preparation and relocation, and legal arrangements)
- Housing, infrastructure, and social services – such as the plans to ensure such services are comparable to the location prior to resettlement and the host populations, the financing plans, and the site development, engineering or architectural designs for the facilities (if necessary)
- Environmental protection and management – such as the assessments on the environmental impacts of the resettlements, and how the impacts are planned to mitigate
- Community participation – such as consultation strategies with the displaced persons and the host communities in design and implementation of resettlement activities, the views of the stakeholders and how they are integrated in the resettlement plan, and the resettlement alternatives and the choices made by the displaced persons
- Integration with the host populations – such as consultation strategies with the host communities, plans to integrate the social services and public

infrastructure shared between the displaced and the hosts, and measures to resolve potential conflicts between the displaced and host population

- Grievance procedures – such as the judicial mechanisms and community and/or traditional conflict resolution mechanisms
- Organizational responsibilities – such as the organizational framework for implementing resettlement plan
- Implementation schedule – such as a schedule covering all the resettlement activities and the expected target targets of the project completion and the termination of the various forms of assistance
- Costs and budget – such as a budget plan showing cost estimates of all resettlement activities, timetables for expenditures and sources of funds
- Monitoring and evaluation – such as arrangements for monitoring of resettlement activities by the implementing agency, supported by independent monitors as considered suitable from the Bank

### **The World Bank ESF (October 2018) ESS 5: Land acquisition, Restrictions on Land Use and Involuntary Resettlement**

In August 2016, the World Bank adopted a new set of environmental and social policies named ‘Environmental and Social Framework’. The ESF applies to new investment projects financed by the World Bank as of October 1, 2018 (The World Bank, n.d.). Currently, the existing projects will run with the previous Safeguard Policies

(which includes OP/BP 4.12) and that the two policies will run in parallel for seven years.

The policies on the involuntary resettlement are covered in ESS 5 of the framework, which is named as ‘Land acquisition, Restrictions on Land Use and Involuntary Resettlement’. The standard, unlike OP 4.12, makes a clear distinction between physical displacement (relocation, loss of residential land, housing and shelter) and economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihoods). The procedures not only provide the general principles on dealing with resettlements but they also issue distinctive and additional principles to adhere when dealing with physical and economic displacements.

ESS 5 extends the scope of application of the guidelines by including all forms of permanent and temporary physical and economic displacements that result from the land acquisition and restriction on land use related to or imposed in connection with development project implementation, whereby excluding displacements that are not the direct results of the development projects, land-related disputes between private entities, and other forms of displacements rather than development-induced. The standard stipulates that “involuntary land acquisition or restriction on land use should be limited to the direct project requirements for clearly specified project purposes within a clearly specified period of time” (The World Bank, 2018).

ESS 5 states the general requirements for dealing with resettlements before emphasizing on the specific requirements for physical and economic displacements. For all categories of compensation resulted from displacements, the calculation of the compensation rates should apply upward adjustment<sup>20</sup> where negotiations are made, with the documentation of calculation of compensation and the transparent procedures on the delivery of such compensation. Section 14 state that whenever the context of the development project allows, the borrower should provide opportunities to the displaced population by deriving the benefits from the project. In addition to that, ESS 5 ensures the borrowers to engage with the appropriate stakeholders with the displaced and host communities, appropriate disclosure of information and meaningful participation should take place during the consideration stage of alternative project designs. In doing so, the participation process should ensure that the women's perspectives and voices are obtained and integrated into all aspects of resettlement planning and integration; as well as conducting intra-household analysis when the women and men are affected differently in terms of housing and/or livelihoods needs.

In carrying out physical displacements, ESS 5 warns against forced eviction<sup>21</sup> that the borrowers need to avoid. The displaced population should be informed on

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<sup>20</sup> Upward adjustment is the accounting method in which the final consideration exceeds the estimated consideration.

<sup>21</sup> Forced eviction is "the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in the ESS" (The World Bank, 2018).

and provided the alternatives among the feasible resettlement options and relocation assistance as appropriate to the needs of the different groups of the displaced population. The new location site should have living conditions (at least) equivalent to those previously enjoyed, or consistent with minimum codes of standards, whichever set of standards is higher (The World Bank, 2018). The replacement property should have equivalent or higher value than the characteristics, locational advantages or cash compensation of the previous settlement. In addition, the preferences of the displaced population regarding to relocating in preexisting communities should be respected wherever possible, while adhering to the existing social and cultural institutions of the displaced and that of the host.

For economic displacements, when land acquisition or restriction on land use affects the existing commercial enterprises, the cost of viable alternative location, of net income during the transition period, of transfer and reinstallation of the plant, machinery or other necessary equipment, and of reestablishing the commercial activities will be provided to the business owners. Employees will also enjoy the assistance for loss of wages during the transition period, and if necessary for alternative employment, the assistance for searching alternative jobs should be provided. For those whose land with agricultural or commercial activities are displaced, the property should be compensated with the equivalent or higher value with other additional benefits identified above. If the land-based replacement or resource is unavailable, or



if alternative livelihood opportunities are preferred, the borrower needs to offer the economically displaced persons the options for alternative income learning opportunities such as credit facilities, skills trainings, business start-up assistance, employment opportunities and cash compensation for the replacement of assets<sup>22</sup> (The World Bank, 2018).

ESS 5, Annex A describes the elements of a resettlement plan, as in OP 4.12, Annex A. The outlines are mostly similar to that of OP 4.12; but ESS 5 distinguishes between the minimum requirements of the resettlement plan and the additional elements that are required where the physical and/or economic displacements take place. The minimum requirements are: Description of the project, Potential impacts, Objectives, Census survey and baseline socioeconomic studies, Legal framework, Institutional framework, Eligibility, Valuation of and compensation for losses, Community participation, Implementation schedule, Costs and budget, Grievance redress mechanism, and Monitoring and Evaluation. The additional planning requirements where physical displacements are required are

- Transitional assistance – such as assistance for relocation of household members and their assets and properties, additional assistance for households choosing cash compensation and then securing their own housing through

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<sup>22</sup> The Bank notes that the previous experiences show that cash compensation alone is not enough to provide the affected communities with the productive livelihood opportunities.

construction of new properties, transitional allowance such as rental and other expenses if relocation sites are not ready at the time of displacement

- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Consultations on relocation and arrangements
- Integration with host populations

The additional planning arrangements required where economic displacement takes place are

- Direct land replacement – such as options to receive alternative land of equivalent productive value for agricultural livelihoods
- Loss of access to land or resources – such as means to obtain substitutes or alternative resources or support to alternative livelihoods for those whose livelihoods are affected by loss of land or resource use or access
- Support for alternative livelihoods – such as considerable alternatives to obtain satisfactory employment or to establish a business enterprise (including support measures of skills training, credit, licenses or permits, or specialized equipment) while providing special assistance to women, minorities or vulnerable groups who are more prone to securing additional livelihoods

- Considerations for economic development opportunities – such as feasible opportunities to promote improved livelihoods as a result of resettlement processes (including, for instance, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures). In addition, where relevant, the plan should consider the possibility of financial or benefit distribution to the displaced population and the communities through the establishment of project-based benefit-sharing arrangements.
- Transitional support – such as assistance for those whose livelihoods are disrupted during displacements (including reimbursements for loss of crops and natural resources, loss of profits in the businesses, loss of wages for employees who are unpaid during business relocation)

#### **ADB Safeguard Policy (June 2009) Safeguard Requirements 2: Involuntary Resettlement**

ADB Safeguard Policy is the response to the changing context of the Asia-Pacific Region which is undergoing rapid social and environmental transformation which results in the growing concerns for the long-term sustainability of development; involuntary resettlement being one of the primary concerns (ADB, 2009). ADB as multilateral development agency, being alarmed by such economic, social and environmental threats the region faces, adopted Safeguard Policies to enhance its

development effectiveness and to reduce direct and indirect negative effects resulted by the development initiatives.

The policy mentions that it covers both physical and economic displacements in which the losses are full or partial, permanent or temporary, as in ESS 5. The policy principles stipulated by ADB are as follows.

- Early screening of the project, including the scope, census, as well as gender analysis
- Meaningful consultations with stakeholders, inform on their entitlements and resettlement options, pay particular attention to the vulnerable groups, support the social and cultural institutions of both the displaced persons and host communities
  - Improve, or at least restore, the livelihoods of all displaced persons through land-based resettlement strategies
  - replacement of assets or access to assets of equal or higher value
  - compensation at full replacement cost for non-replaceable assets
  - additional revenues and services through benefit sharing mechanisms where possible
- Assistance for displaced persons through secure housing, better housing, integration with host communities, employment opportunities, transitional

support and development assistance, civic infrastructure and community services

- Improving the living standards for the poor and vulnerable segments of the displaced population
- Conceive and execute involuntary resettlement as part of development project by including all costs of resettlements during cost-benefit analysis, and consider resettlement project as stand-alone component for large-scale displacements
- Conduct the payment for compensation and other resettlement entitlements before physical or economic displacement
- Prepare a resettlement plan that includes displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule (ADB, 2009).

#### **EBRD Environmental and Social Policy (May 2014) Performance Requirements 5: Land Acquisition, Involuntary Resettlement and Economic Displacement**

EBRD established its Environmental and Social Policy due to the Bank's commitment in the environmentally sound and sustainable development in full ranges of technical and financial cooperation activities by setting strategic goals to promote projects with high environmental and social standards (EBRD, 2014). It adheres to the

existing EU environmental principles and recognizes the international environmental and social agreements, treaties and conventions, as well as respect to human rights, gender equality, market economy and democratic governance.

Under EBRD Environmental and Social Policy, Performance Requirement 5: Land Acquisition, Involuntary Resettlement and Economic Displacement details the Bank's procedures on dealing with resettlements as part of development projects. The policy, as ESS 5 and ADB policy, makes a clear distinction between physical and economic displacements, and it applies to both cases, full or partial, permanent or temporary, and does not apply to voluntary land transaction or resettlements caused by other factors (as in ESS 5). The Bank recognizes that poor management on involuntary resettlements may “result in long-term hardship and impoverishment for affected persons and communities, as well as environmental damage, and adverse socio-economic impacts in areas to which they have been displaced” (EBRD, 2014).

Performance Requirement 5 stipulate that the consultations should begin as early as possible for informed participation and decision-making by providing the opportunities to participate in eligibility requirements, compensation package negotiations, resettlement assistance, suitability of proposed resettlement sites and timing, as well as participate in the stages of implementation, evaluation and monitoring. As stipulated in other international guidelines mentioned above, the particular attention should be given to vulnerable population by fully informing,

protecting their fundamental human rights and equally benefits from the resettlement opportunities.

For compensation scheme, EBRD policy states that the client will offer all displaced persons for loss of assets with full replacement cost and additional measures, which include land, resources, wages and/or business activities. Compensation should be provided before restrictions or displacements take place, and that the client will require to provide opportunities to the displaced communities “to derive appropriate development benefits from the project” (EBRD, 2014). When documenting ownership or occupancy such as title deeds and lease agreements, and opening bank accounts for compensation payments, they should be issued in the names of both spouses or single head of households. Alternative methods should be considered in the places where women have less likelihood to access formal financial institutions and/or bank accounts. Under circumstances where women are prohibited to own, hold or exchange properties, to the extent possible, women are provided opportunities to have access to security of tenure. In addition, the additional resettlement assistances should also be equally available to men and women and adapted to their needs, and these should be incorporated into resettlement action plans.

For resettlements that include physical displacements, the client will need to offer choices among feasible resettlement options, including adequate replacement

housing or cash compensation and relocation assistance suited to the needs of each group of displaced persons, all of which need to be available prior to relocation. New settlement sites should meet, at least, pre-displacement living conditions, and sustainable and cost-effective opportunities to improve the standard of living if possible. In addition, the choice of resettlement property need be equal or higher monetary value. The Bank acknowledges that in some cases, there may be crucial trade-offs arise in the urban areas that the previous informal settlers may gain security of tenure due to resettlements but they may lose locational advantage, or vice versa.

For resettlements that include economic displacements, the appropriate and adequate compensation for loss of assets and/or access to assets should be initiated before displacements take place. Depending on the type of business activities the displaced persons perform prior to resettlements, the compensation scheme will differ. For business owners, the cost of establishing commercial activities elsewhere, loss of net income during the period of transition, and the cost of transfer and re-installation of the plant, machinery or other equipment should be provided. If businesses experience temporary losses or hiccups due to project-related displacements, both the owners and the employees, either losing pay or employment, should be properly compensated. For those who possess formal legal rights to access land and properties, replacement properties of equal or greater value should be provided. Full replacement cost needs to be provided for those who do not have



formal legal claim(s) to land and are economically displaced. The additional target assistance should also be provided (such as credit facilities, training or job opportunities) as well as opportunities to restore, and where possible, to improve, their income-earning capacity, production levels and standards of living.

### Summary

Although there are similarities in the overall content and scope applicable to resettlement planning, each has its own emphasis and several unique factors. It is found that JICA Guidelines on Environmental and Social Considerations lacked substantial attention towards involuntary resettlement and that the contents covered are not detailed and comprehensive enough to cover the complicated nature of the impoverishments caused by involuntary resettlement. Instead, the agency refers to the World Bank's OP 4.12 Annex A for the reference to prepare a resettlement plan. The observation also applies to ADB Safeguard Policy that the one-page Safeguard Requirement 2: Involuntary Resettlement can only be described as a brief policy principle and a checklist to consider when preparing a resettlement plan.

The World Bank policies (OP 4.12 and ESS 5) and EBRD policy, on the other hand, provides a more comprehensive and detailed account on dealing with involuntary resettlements as a consequence of development projects. When OP 4.12 is perhaps the most popular and widely adopted and referred policy document on resettlement planning that is concerned by international agencies, ESS 5 and EBRD

policy, being the significantly updated policies that incorporate the lessons learnt in the previous resettlement projects, provide a more comprehensive dimensions to deal with when preparing a resettlement plan (such as separating physical and economic displacements and providing a more complete response for both causes, providing a more inclusive account on dealing with various types of economic impoverishments and disruptions of livelihoods, integrating ‘gender’ dimension into resettlement planning in a more detailed manner rather than a vague statement to consider the needs of women and vulnerable, and most importantly, the policy to derive the development benefits to the resettlement planning through appropriate mechanisms where applicable<sup>23</sup>).

In this regard, the following elements derived from the abovementioned guidelines will be used as a benchmark to evaluate the RWPs of Thilawa SEZ.

- Physical displacement – including housing provision, land replacement and compensation
- Economic displacement – including land and livelihood restoration and compensation for loss of assets and livelihoods
- Additional provisions such as participation and consultation, attention to vulnerable population and gender dimension, provision of social infrastructure

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<sup>23</sup> It is important here not to be confused with the argument that the policies being identical. Although ESS 5 and EBRD policies have similarities in expanding and detailing the contents covered, they still have different approaches and specific requirements in each guideline.

## Chapter 4 Resettlement Work Plans of Thilawa Special Economic Zone

This chapter conducts a comprehensive review on the resettlement plans (RWPs) of Thilawa SEZ, which have been published to date. The chapter is structured as: overview, plans for physical displacement, plans for economic displacement, public participation and consultation, and additional elements.

### Overview

The resettlement plans of Thilawa SEZ are prepared by YRG, and are disclosed and made available to public as part of the requirement by JICA Guidelines<sup>24</sup>. These documents can be obtained from the JICA website source as part of public disclosure. To date, there are seven RWPs, and are listed as follows in accordance to their published time.

- RWP for Development of Phase 1 Area (November 2013)
- RWP for Area 2-1 (The 100-ha Initial Development Area of Zone B) (August 2016)
- RWP for Area 2-2 East (The 108 ha Development Area of Zone B) (January 2017)

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<sup>24</sup> The Thilawa SEZ project is described Category A project under JICA guidelines, which has the highest and irreversible, complicated or unprecedented impacts, and that the preparation of a resettlement plan is mandatory.

- Supplemental RWP for Expanded Area of Area 2-1 (February 2018)
- Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)
- RWP for Area 3-1 and Related Area (January 2019)
- RWP for Area 2-2 West (Part-1) (September 2019)

At a first glance, it is found that all the seven RWPs have similar structure as described in OP 4.12 Annex A; including the chapters of introduction, relocation scope, socio-economic profile, legal framework, compensation and assistance package for project-affected persons, resettlement site plan, income restoration program, public participation and information disclosure, institutional arrangement, grievance redress mechanism, implementation schedule, and monitoring and evaluation, as well as annexes on the survey forms, record of consultation meetings and others.

In the introductory chapter, RWPs outlines the rationale for the development of Thilawa SEZ project, makes a claim on why the respective RWPs are necessary to perform, and shows the spatial maps and information showing the area that land acquisition and subsequent relocation of the population who have settled in the area.

As a brief background of the area, the RWPs stated that approximately 87% of land inside Thilawa SEZ development area was previously acquired by the government in 1997 for Thanlyin-Kyauktan Industrial Zone Development at that time. Now, as to develop the new project, the land is transferred to Thilawa SEZ Management Committee. They claimed that during 1997 land acquisition, farmers and residents

inside the proposed development area were offered compensation and other assistances; however, as the development project did not happen, some of the relocated farmers/residents have migrated back to the area. They also insisted that efforts to avoid and reduce resettlements were done especially for the densely populated areas and areas with facilities such as religious buildings, factories and universities were excluded. The requirement to relocate people/households described in each RWP were, therefore, according to inevitable circumstances, according to RWPs.

To conduct resettlement, the rough census and field socio-economic surveys were first conducted in 4 April 2013 to identify the overall scope of the households living in the Thilawa SEZ development area. The date is declared as cut-off date of the project. It showed that there are overall 1,066 households covering the entire SEZ area that are likely to be affected by the project. After that, detailed measurement surveys were conducted for preparing the resettlement plan of each phase in accordance with the project development before the actual displacement occurs.

However, when conducting detailed measurement surveys for each individual RWP, some households have already moved to a new location when the field survey was conducted and an eviction notice was received in 2013; and are therefore not residing in the area anymore. In addition, some household data cannot be surveyed due to the lack of contact in any official records and local information available, or some data were not included in the RWP as landownership statuses are under

confirmation when detailed surveys take place. Therefore, there are some discrepancies in the total numbers of people/households affected by the project in the later RWPs<sup>25</sup> between April Census in 2013 and when the detailed measurement surveys are conducted for each RWP at later years. For this particular research, when there arises a conflict of data representation within the RWP, the maximum available number of the total persons/households affected by the project before the cut-off date, which is 4 April 2013 when the census takes place according to the World Bank OP 4.12, will be described, as they all are eligible for compensation and the subsequent opportunities derived from the RWPs.

In this regard, the following table shows the total number of persons/households who are identified as project-affected, including those who are physically displaced or those who are cultivating in the area to date. All of the numbers are obtained from the abovementioned RWPs respectively.

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<sup>25</sup> These refer to RWPs of Expanded Area 2-1, Expanded Area 2 of 2-1 and Area 2-2 West.

Table 2 Total number of project-affected persons/households in each RWP

AREA	NO. OF HOUSEHOLDS	NO. OF PERSONS
PHASE 1	81	382
AREA 2-1	44	214
AREA 2-2 EAST	99	387
EXPANDED AREA 2-1	14	50
EXPANDED AREA 2 OF 2-1	17	33
AREA 3-1	5	21
AREA 2-2 WEST	58	211

Source: Data obtained from RWPs of Thilawa SEZ. Prepared by author.

The following table shows the total number of persons and households who live inside the project area therefore required to be physically displaced under the RWPs of Thilawa SEZ.

Table 3 Total number of persons/households who live in the project area in each RWP

AREA	NO. OF HOUSEHOLDS	NO. OF PERSONS
PHASE 1	65	292
AREA 2-1	6	25
AREA 2-2 EAST	78	303
EXPANDED AREA 2-1	8	N/A
EXPANDED AREA 2 OF 2-1	8	N/A
AREA 3-1	3	N/A <sup>26</sup>
AREA 2-2 WEST	38	N/A <sup>27</sup>

Source: Data obtained from RWPs of Thilawa SEZ. Prepared by author.

The detailed measurement surveys conducted in RWP for Phase 1 Area include: religion of project affected households, ethnicity, their use of language, education level (no education, monastery education, primary, secondary education), their inventory assets (including types and average floor size of structures, type and number of livestock raised, crops and trees, movable assets – such as television, electric fan,

<sup>26</sup> The total number of people that require physical relocation for Area 3-1 is not provided in the RWP.

<sup>27</sup> The total number of people that require physical relocation for Expanded Area 2-1, Expanded Area 2 of 2-1 and 2-2 West are unavailable because the RWPs categorizes the project-affected people into landowners, residents and cultivators which make the numbers overlapping, making the number of people who require physical relocation difficult to extract. The plans do not provide the number separately as in the previous RWPs as well. Apparently, the number lies anywhere less than the total number of project-affected persons for each RWP.



generator, bicycle, motorcycle, tractor, etc.), their income sources (odd jobs, wage worker, rice farming, cash crops, livestock, public servant, others and no job), their average household income, expenditure, and vulnerable households (headed by women, disabled person, elderly, below the poverty line and households including disabled person as a member) (YRG, 2013). In the RWP for Area 2-1, education has been replaced by literacy (not able to speak, read and write, able to speak, but not to read and write, able to speak, but read and write little, and speak, read and write fluently, removed the survey on the possession of small livestock such as goats, chickens, and pigs, income sources were separately documented for the household heads and the working members, annual income are separately shown as primary and secondary, household expenditure were categorized (food, health, education, commuting, and others), and the households having a pregnant woman at the time of relocation was added as additional category for being vulnerable (YRG, 2016).

In the RWP for Area 2-2 East, the survey on the types of vegetables were expanded, as well as the types of movable assets (YRG, 2017). In the RWP for Expanded Area of Area 2-1, the type and number of small livestock raised by households, which was surveyed in the RWP for Phase 1 then omitted in the later RWPs, were re-included (YRG, 2018a) as well as in the RWPs prepared onwards. There are no substantial differences in the nature of survey data in the later RWPs of Expanded Area 2 of 2-1, Area 3-1, and Area 2-2 West (YRG, 2018b; YRG, 2019a; YRG, 2019b).

The RWPs claimed that, in conducting resettlement of the displaced population, they comply to international guidelines on environmental and social considerations occurring under development projects; which include the guidelines from JICA, the World Bank OP 4.12, and ADB Safeguard Policy, which the research has already mentioned in the previous chapter. RWPs also made gap analysis between the Government's laws/regulations, JICA Guidelines and OP 4.12, and provided the measures to fill the gaps.

#### **Plans for physical displacement**

Physical displacement is, without doubt, the most important element in a resettlement plan. The project clients need to provide adequate housing for all displaced households who are impoverished by displacement to meet at least pre-project levels, and if possible, improve their livelihoods and quality of life.

According to RWP of Phase 1, for houses inside the area, a substitute house with necessary infrastructure in a relocation site, or cash assistance for those who demand self-construction of their new houses and cash assistance to differences in floor area if it is smaller in a substitute house than a current living house will be provided. For those who prefer to construct a house by themselves, cash assistance for house construction will be provided. The proposed relocation site for Phase 1 development is in Myaing Tharyar Ward, Kyauktan Township, which is approximately 4.5 to 8 km away from houses who live in the Phase 1 area. A housing plot will be

provided to those who wish to live in the relocation site, either living in the Phase 1 area or outside of Phase 1 but living in the SEZ area. The features of the relocation site are described in the following table.

*Table 4 Features of relocation site in RWP for Phase 1*

FEATURES	SIZE/QUANTITY
TOTAL AREA OF RELOCATION SITE	Approximately 3 acres
TOTAL NUMBER OF HOUSING PLOTS	65 plots (maximum)
SIZE OF EACH HOUSING PLOT	25' x 50'
INFRASTRUCTURE TO BE DEVELOPED	
- ROAD (12' WIDTH OF CONCRETE PAVED ROAD)	2000 ft
- 2" HAND-PAVED WELL	6 no
- ARRANGEMENT OF ELECTRIC DISTRIBUTION AT EACH HOUSE	1 set

Source: YRG. (2013). Resettlement Work Plan (RWP) for Development of Phase 1 Area Thilawa Special Economic Zone (SEZ).



*Figure 4 The resettlement site of the Phase 1 of Thilawa SEZ*

Source: Physicians for Human Rights. (2014). A Foreseeable Disaster in Burma:

Forced Displacement in the Thilawa Special Economic Zone.



*Figure 5 The flooding in the resettlement site of the Phase 1 of Thilawa SEZ*  
 Source: EarthRights International. (2014). Analysis of EIA for Phase I of Thilawa SEZ.

It also states that the resettled population can use the existing social infrastructure in the area, such as health center, schools, monasteries, administrative office, etc.

In the RWP for Area 2-1, the households expressed two preferences on the resettlement sites - namely the excluded areas in Aye Mya Thida Ward and Shwe Pyi Thar Yar Ward as they are closer to the current areas of their residences. However, they were found not viable to be used as a resettlement site according to the plan; therefore, the resettlement site of Myaing Tharyar Yar Ward is proposed by the responsible authorities. The RWP states that the final discussions need to be

conducted on the choice of the resettlement site. It also refers to the existing social facilities near the resettlement site are viable enough to accommodate the new settlers, and claimed that they will be expanded or enhanced according to the need. A community center was later developed by the authorities as a new social infrastructure for the new residents in the area.

In the subsequent resettlement plans, the project-affected persons expressed their preferences to relocate to either Aye Mya Thida Ward or Shwe Pyi Thar Yar Ward, yet at the end, Myaing Tharyar Ward was projected and imposed as the only viable resettlement site. In some cases, consultations have not been finalized on the choice and details of the resettlement site at the time of publication of RWPs. In addition to that, the resettlement site (Myaing Tharyar Ward) was not fully developed for all project-affected households to be resettled at the time of relocation so that the phased relocation including the temporal relocation option and specific timeline were needed to be discussed (YRG, 2017).

In the three later RWPs (Expanded Area 2 of 2-1, Area 3-1, and Area 2-2 West), the new option of resettlement site was included. The site is located in Let Yat San Village, and developed as an apartment complex with some social infrastructure for residential and commercial purposes mainly for workers of Thilawa SEZ. The RWPs stated that some of the apartments can be allocated to project-affected persons/households. It is noted that the detailed features of the relocation site such

as number and size of housing plots are not observed since the RWP of Area 2-1 till the latest RWPs.

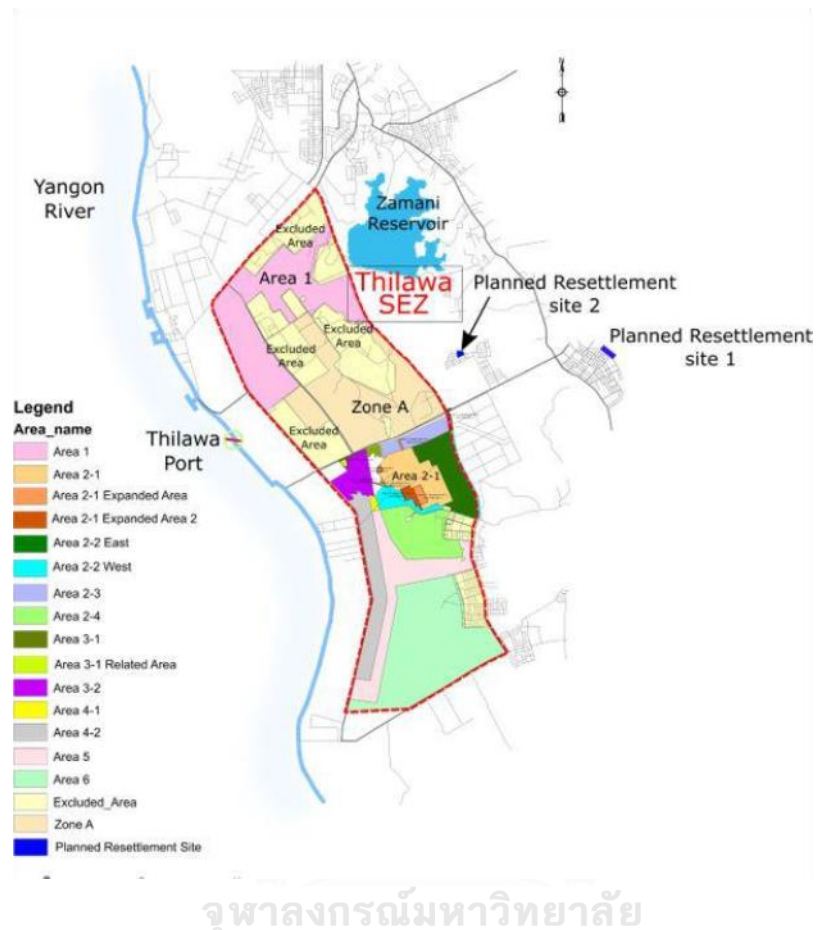


Figure 6 Locations of the options of the planned resettlement sites

Source: YRG (2019b) Resettlement Work Plan (RWP) for Area 3-1 and Related Area of Thilawa Special Economic Zone (SEZ).

For compensation for the loss of assets, the land which is previously acquired by the government in 1997 for the project development which is later postponed are claimed not receiving the compensation. Land that are not previously acquired will be compensated in cash at full replacement cost by calculating with the market price through consultations with individual households. In addition, houses will be

compensated at full replacement cost, and hut and other structures will be compensated by cash assistance two times of the current market price.

In addition to compensation for the loss of assets, relocation assistance is provided. Under the scheme, the moving cost was assisted in cash at 150,000 Kyats (\$ 100)<sup>28</sup> lump sum per household. For those workers and students who needed to commute further due to relocation, 72,000 Kyats (\$ 48) and 30,000 Kyats (\$ 20) are assisted lump sum per person. Those who cooperate on-time relocation are also provided cooperation allowance of 100,000 Kyats (\$ 66.67) lump sum per household (YRG, 2013). The later RWPs (from Area 2-1 to Area 2-2 West) increased the moving cost to 200,000 Kyats (\$ 133.33), commute assistance to 87,000 Kyats (\$ 58) for workers and 12,000 Kyats (\$ 8) per month per student.

#### **Plans for economic displacement**

Economic displacement is also an important pillar in resettlement planning. As inadequate planning on economic displacement can cause short-term burden and long-term impoverishment on the livelihoods of the displaced population, it should also be paid as similar attention as physical displacement by the project clients.

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<sup>28</sup> The exchange rate will be standardized at \$ 1 = 1,500 Kyats, and the rate will be continued to apply in the later monetary representations.



According to the RWPs, the main income source for the most of the displaced persons are agriculture livelihoods. For those agricultural livelihoods, the rate of cash compensation described in the very first RWP for Phase 1 are as follows.

- for paddy farmers, cash assistance for six times of yield amount in total in the current market price
- for vegetable/tree farmers, cash assistance for four times of yield amount in total in the current market price
- for livestock farmers, cash assistance for three times of yield amount in total in the current market price
- for wage workers, cash assistance for seven working days with 4,000 kyats per day per person (28,000 Kyats (\$ 18.67) in total per person)
- for livestock and agricultural machines, cash assistance per animal or per asset in the current market price

In the RWP for Area 2-1, the rate of cash compensation had some changes, which are

- for paddy farmers, cash assistance for three years of yield amount in total in the current market price (for those who obtain income from cultivating rice at own paddy) and for six years of yield amount in total in the current market price (for those who obtain income from cultivating rice at other than own paddy)

- for vegetable/tree farmers, cash assistance for three years of yield amount (for those who obtain income from vegetable and/or tree at own garden land) and for four years of yield amount (for those who obtain income from vegetable and/or tree at other than own garden land)
- for business owners, cash assistance equivalent to three years of income from running business

For those people whose former livelihoods are disrupted due to resettlements, IRP<sup>29</sup> is provided in order to enhance their vocational opportunities. According to RWPs, IRP supports capacity building and development for the displaced population to enhance their income earning activities to cover their livelihood needs after relocation. The scope of IRP covers to

- farmers who require altering income earning activity from farming to another activity
- daily casual workers and other off-farming workers who desire to alter alternative job place
- currently unemployed people who desire to improve technical skill for finding job opportunity, and

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<sup>29</sup> Income Restoration Program

- people do not need to change their current income earning activities but want to improve technical skills (YRG, 2013).

The RWPs state that IRPs consist of three main activities, which are technical support for improvement of work skill, technical support for livelihood management, and assistance for finding the income earning opportunities. Technical skills for improving work skills and income earning activities include construction activities (construction, mechanical works, and housing management), small-scale industrial activities (carpentry, food processing, tailoring, store keeping, staff management), and small-scale livestock and horticulture. For livelihood management, the RWP describes the formulation of religious and social groups, income and expenditure management (opening and maintaining bank accounts, development of the financial plan, and hygiene education) are planned. The RWP mentions that job opportunities in and around SEZ are preferred to recruit the displaced persons during construction and after an operation.

In the second disclosed IRP, the contents are expanded to include job matchings between the displaced persons' skills and qualifications and the job openings in and around SEZs (including the jobs of construction workers, health and safety personnel, cleaners, security guards, gardeners, electricians, manufacturing factory workers, and office workers) as well as providing workshops and factory site-

visits (YRG, 2016). Support on account management and financial literacy to earn interest, increase savings, avoid misuse, and reduce debt are also provided.

The following table summarizes the vocational trainings conducted and planned in accordance with IRP of Zone A and are completed as of the planning of RWP for Area 2-2 East.

*Table 5 The vocational training conducted in the IRP of Zone A*

CONTENTS		NO. OF TRAINEES	STATUS
BASIC TRAINING	ARITHMETIC	20	Provided between June and August 2015
CAR DRIVING TRAINING		6	Provided in October 2015
TAILORING TRAINING	TECHNICAL	14	Provided in October 2015
LANGUAGE TRAINING (ENGLISH)	SKILLS	1	Provided in November 2015
COMPUTER TRAINING	SKILLS	1	Provided in November 2015
ELECTRICITY TRAINING	INSTALLING	8	Provided in November 2015
CAR REPAIRING TRAINING		-	Planned

CYCLE REPAIRING TRAINING	-	Planned
WELDING TRAINING	-	Planned
DYNAMO REPAIRING TRAINING	-	Planned
PRINTING TRAINING	-	Planned
TV REPAIRING TRAINING	-	Planned
SECURITY TRAINING	7	Provided in November 2015
MUSHROOM PLANTATION TRAINING	3	Provided in February 2016
<b>TOTAL</b>	<b>60</b>	

Source: YRG. (2017). Resettlement Work Plan (RWP) for Area 2-2 East (The 108ha Development Area of Zone B) of Thilawa Special Economic Zone (SEZ).



*Figure 7 Mushroom plantation training (left) and site tour to Thilawa SEZ (right)*

Source: YRG. (2017). Resettlement Work Plan (RWP) for Area 2-2 East (The 108 ha Development Area of Zone B) of Thilawa Special Economic Zone (SEZ)

For households classified as vulnerable group<sup>30</sup>, the additional one-time cash assistance of 25,000 Kyat (\$ 16.67) is provided lump sum per person in the first RWP for Phase 1. The rate is increased to 40,000 Kyats (\$ 26.67) per person in the later RWPs. The rate is calculated which is equivalent to about 50 kg of rice per person.

In addition, beginning from RWP for Area 2-1, IRP includes additional measures to support community development and adaptation of new economic, social, and environmental conditions. The RWPs state that the displaced population are changed from semi-rural to semi-urban life and livelihoods. The measures include

- support to create a sense of cooperation

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<sup>30</sup> The criteria for vulnerable group were previously described on how RWPs conduct detailed measurement surveys.

- support to establish internal rules and systems – such as management of common social infrastructure such as common wells, waste collection, drainages and other common infrastructure
- support to trainings for sustainable resettlement site management – creation of working groups for each task or activity of community management such as common well, waste collection and others community or social activities
- support for enlightenment on appropriate environmental and hygiene management – such as management of common wells, private toilets, waste, and noise from individual houses to prevent diseases and nuisance noise and odor
- support to coordinate with host communities – such as meeting with local leaders and introducing the social norms of the host communities.

#### **Public participations and consultations**

The RWPs of Thilawa SEZ mention that they emphasize the importance of public participation and consultation in effective planning, to reflect their opinions in preparing RWPs and to secure transparency of the procedures for preparing the RWP including IRP by disseminating relevant information to public as well as PAPs in a timely manner. In this regard, the RWPs reports on the results and key points for each of the conducted consultation meetings.

In the RWP for Phase 1, four consultation meetings were conducted. Among these four meetings, the minimum number of attendees was 80 persons and that of maximum was 167 persons. Invitation letters were prepared by YRG and delivered by each township or employed consultants for meetings, and later public notice on the meeting was also attached on the public notice boards of each township and village.

In the RWP for Area 2-1 as well as in the later RWPs, in addition to public consultation meetings, more than 10 meetings were conducted in both public and village levels on various matters such as discussion of eligibility and entitlement, feedback meeting, follow-up discussions, etc.<sup>31</sup>. The agencies claim that consultation meetings were held to explain the project brief, scope of relocation, entitlement matrix, compensation scheme on assistance packages and possible relocation sites, and the planned schedule. Also, it is stated that the meetings were conducted on weekends to ensure the participation of people who are not available during weekdays. The venue selection was made to ensure easy accessibility and capacity, as well as the feedback forms are provided for to share their views and opinions for those who are reluctant to speak in the public, in addition to inviting interested third parties such as civil societies and non-governmental organizations. The summary of the

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<sup>31</sup> For additional clarification and to explore the details and results for each consultation meeting, respective minutes in each RWP are referred.



feedbacks made by project affected persons as well as the organizations are disclosed in each RWP.

### **Additional components**

The additional components of RWPs include: institutional arrangement, grievance redress mechanism, implementation schedule, monitoring and evaluation.

YRG is a responsible agency for implementing resettlement plans. Two sub-committees, chaired by Administrators from General Administration Department, are Relocation Implementation Sub-Committee and Income Restoration Program Implementation Sub-Committee. Both sub-committees will be directed under the guidance of Thilawa SEZ Management Committee. In July 2016, a new committee named Resettlement and Income Restoration Supervisory Committee (Steering Committee) was established by YRG to supervise and support the functions of the two sub-committees. Since RWP for Area 2-1, village representatives were included in the sub-committees to reflect public opinion in resettlement process. In addition to the three committees, Multi-Stakeholder Advisory Group was later established to broaden stakeholder engagement in the subsequent resettlement planning – including the members from respective committees, developers, project-affected persons, mediators, local and international non-governmental organizations, Thilawa Social Development Group (a local residents' organization), and Myanmar Centre for Responsible Business.

Grievance redress mechanisms are also addressed in order to deal with complaints related to relocation and assistance packages appropriately and to resolve the issues effectively. According to RWPs, officials from General Administration Departments who participate in two sub-committees will directly deal with such complaints, and interview with the persons who raised the issue. If they cannot negotiate within 15 days, the case is forwarded to YRG. Then, the relevant departments will deal with project-affected persons through document reviews and interviews. If the case cannot be resolved within 15 days from the case is forwarded to YRG, the case is then forwarded to the court. In the RWP for Area 2-1, non-formal mechanisms, such as conflict resolution through village administrators, 100-household heads, 10-household heads and religious leaders are also considered.

Since the fourth RWP for Expanded Area of Area 2-1, Thilawa SEZ Complaints Management Procedure was established, with six main steps: (1) Receive, (2) Assess and assign, (3) Acknowledge, (4) Investigate, (5) Respond and resolve, and (6) Follow up and close out – in order to deal with the issues more coherently through an integrated system through the detailed steps and approaches in each step.

In the case of implementation, each RWP provided schedules to conduct each phase of resettlement. For evaluation and monitoring, the RWPs conduct both internal and external monitoring. The principal components of internal monitoring include

- timely and complete compensation
- timely development of relocation site
- participation of project-affected persons
- information disclosure
- efficiency of grievance mechanisms
- unforeseeable issues or additional issues to be taken

The external monitoring was conducted through external professionals as well as non-governmental organizations. The major components of the external monitoring are to

- review the internal monitoring reports
- identify the discrepancies between agreed assistance packages and implementation
- evaluate the effectiveness, impacts and sustainability of resettlement activities
- provide recommendations to improve future RWPs and IRPs

## Chapter 5 Evaluating the plans: Research findings

The chapter will evaluate the RWPs of Thilawa SEZ (as described in Chapter 4) using international guidelines on resettlements (as described in Chapter 3) as benchmarks to observe the gaps between the resettlement guidelines and practices and explore the shortcomings in the RWPs. They are the major findings of the research. This chapter will be structured as: evaluating plans for physical displacements, evaluating plans for economic displacements and additional evaluations related to implementation.

### Evaluating plans for physical displacement

When evaluating the RWPs in terms of physical displacements, the following gaps between the guidelines and the practices are observed.

Problems in choices to select resettlement sites by the displaced persons

First of all, it is obviously observed in the RWPs for Phase 1 that the affected households were only given one resettlement option in Myaing Tharyar Ward, Kyauktan Township. The affected households did not have their input in the resettlement plan. In the later RWPs, the households voiced out their resettlement site preferences in either Aye Mya Thida Ward or Shwe Pyi Thar Yar Ward; however, Myaing Tharyar Ward was selected at the end due to project infeasibility of the former two wards and government land availability of the latter. The adequate reasons why the former two

areas were not feasible to implement as resettlement sites were not discussed in the RWPs. In the RWP for Expanded Area 2 of Area 2-1, some of the affected households were given option to resettle in the apartment complex in Latt Yat San village, the apartments intended for the workers in Thilawa SEZ.

This poses a significant shortcoming because although JICA Guidelines did not specify on the specific requirements on the choice of resettlement sites, OP 4.12, ADB Safeguard Requirement 2 and EBRD Performance Requirement 5 state that the affected communities are adequately informed about their options and rights prior to resettlement, and offered viable resettlement alternatives that are technically and economically feasible. According to RWPs, the extent to which the agencies offer options and rights to the affected households is questionable.

In addition, as resettlements are conducted as part of the unavoidable consequences of the development project, the agencies should avoid 'forced eviction' during physical displacements, as resettlement scholarship claimed as well as stipulated by ESS 5. However, the manner of which resettlement was conducted in RWP for Phase 1 can be acknowledged as forced eviction because (1) the households were not consulted on the resettlement plan prior to resettlement, and (2) only four meetings were held where they were informed that they were evicted and needed to resettle in a new location (YRG, 2013). Although the later RWPs provided more room for consultation for the affected communities on the choice of relocation site, it is

observed that it was not sufficient enough to claim that the agencies effectively considered the options and rights of the displaced.

No sufficient description and data on the new relocation site and housing provision in RWPs

According to JICA Guidelines that the project needed to adhere to, resettlement planning should improve, or at least restore, their standard of living to those people affected by projects. In this regard, new resettlement housing provisions have to be at least equivalent to, or better than, their pre-project ones. In addition, Annex A of OP 4.12, which JICA refers to when preparing a resettlement plan, describes to include ‘site selection, site preparation and relocation – such as the alternative relocation site(s) and the reasons why the site(s) is/are selected’ (The World Bank, 2001). Other guidelines: ESS 5 and EBRD policy also states that the new location site should have living conditions (at least) equivalent to those previously enjoyed, or consistent with minimum codes of standards, whichever set of standards is higher and the choice of resettlement property need be equal or higher monetary value than the property prior to resettlement.

In the RWPs of Thilawa SEZ, however, the detailed surveys only classified between the structures of house and hut, and did not address the information of their previous housing of each displaced persons (structure, estimated market value, etc.) as well as the information on the new housing provision (structure, floor area, room composition, etc.) in the new resettlement site. Only in the first RWP for Phase 1 only

mentioned that the size of each housing plot was 25' x 50', and the later RWPs failed to address this.

The agencies responsible for preparing a resettlement plan, YRG in this case, need to address adequate information related to physical relocation according to international guidelines on resettlements. The lack of detailed description and information in the RWPs raised concerns over how physical relocation was conducted, due to the unavailability to compare between the housing circumstances prior to resettlements and housing provisions in the resettlement site. In addition, the housing size prepared in the resettlement size is 25' x 50', which meant that all the houses were built the same, without considering the pre-conditions of the households as well as the specific needs each household may need, which fell short of the published guidelines.

Unfinished decision on the relocation site when the plan is published – the plan without a plan

Another major discrepancy in the RWP is that the discussions on the resettlement site were ongoing and not completed yet when the RWP for Area 2-1 Initial Development Area for Zone B and RWP for Expanded Area of Area 2-1 were disclosed. Moreover, it was found that when conducting physical relocation for Area 2-2 East, the resettlement site was not fully developed so that the temporal relocation to another area had to be conducted. JICA did not specify on this matter; however, EBRD Policy

states that alternative housing has to be completed and provided prior to resettlement.

This is essentially problematic because it can be denoted as ‘the plan without a plan’. Perhaps the agencies would want to implement the next phase of SEZ project so that rushed to disclose the resettlement plan as part of requirement by JICA, without clearly addressing the needs of the displaced population.

### **Evaluating plans for economic displacements**

When evaluating the RWPs in terms of economic displacements, the following gaps between the guidelines and the practices are observed.

Compensation only for loss of agriculture land and income for a specific time period, no restoration for agricultural livelihoods

Although the project site is located just about 20 km from Yangon city center, most of the affected households exercised agricultural livelihoods prior to resettlement, as observed in surveys. Therefore, according to the guidelines, the agencies are responsible to restoring their agricultural livelihoods.

However, when conducting compensation schemes for economic displacements, the agencies only provided cash compensation for yield amount of current market price depending on the nature of crops they produced. It is not observed that the appropriate resources to continue their agriculture livelihoods (land, assets, capital, etc.) were provided, which might translate to the fact that they could



not continue their livelihoods without livelihood resources; therefore, their agricultural livelihoods were fundamentally disrupted. This essentially deviates from the guidelines as OP 4.12 and ESS 5 stipulate that when livelihoods are land-based, land-based resettlement strategies are always preferred. In addition, it is always preferred that pre-project livelihoods should be appropriately restored for the economically displaced persons, and if not possible, should consider other alternatives to sustain their livelihoods. Revisiting the JICA Guidelines that the project is required to comply with, it states that the host country needs to support means for alternative sustainable livelihoods for the displaced population, which will be clarified more in the following discussion.

#### Insufficient support for alternative livelihoods

As mentioned above, the RWPs of Thilawa SEZ did not restore the agricultural livelihoods for the affected households. Instead, they were relocated to a new location where there was no land substituted for continuing agriculture. In this regard, the affected persons needed to switch to new jobs, either the jobs available in Thilawa SEZ or establishing new businesses, for their livelihoods.

IRPs of Thilawa SEZ were prepared in this regard to fulfill the objective to offer alternative sustainable livelihoods for the affected communities when their previous livelihoods were disrupted. These contents of IRPs mainly focus on vocational trainings that are available in/near SEZ. They were intended to fill the gaps between available

jobs in the SEZ and the skills of the trainees. They, however, have major shortcomings as they did not assure on the employment status of the trainees after the successful trainings. IRPs acknowledged that there existed gaps between job openings in the SEZ (supply) and the job applications of the displaced persons (demand) who had already lost their livelihoods. There were also gaps between available jobs and the preferred jobs of the candidates. The job booklets were prepared for them to understand which jobs were available immediately and which jobs were available after trainings were conducted. However, the plan failed to address on how many people received employment after vocational trainings and how the supply and demand were matched to ensure that all the displaced persons received their desired jobs by the responsible agencies.

Second, the available jobs in the SEZ, according to IRPs, were construction workers, health and safety personnel, cleaners, security guards, gardeners, electricians, manufacturing factory workers, and office workers – most of them being low-skilled low-paid jobs. Since the initiation of the development project, the locals expressed their frustrations that they were worried that the displaced will only receive low-paid jobs while the rest enjoyed the benefits of the project (YRG, 2013). IRPs failed to mention how these types of jobs would match and satisfy the previous income/livelihood enjoyed by the displaced persons prior to resettlement.

Third, the timing of the implementation of IRPs is also problematic. The guidelines are explicit that plans for economic displacements should be fulfilled before displacement took place. The affected communities also demanded to apply IRPs before resettlement takes place so that they could find alternative livelihoods as soon as physical resettlement is conducted. But such recommendation was ignored that the agency only insisted that IRP could be applied as soon as physical relocation takes place (YRG, 2016; YRG, 2017).

Fourth, instead of waiting for job openings in the SEZ, there were some displaced persons who wanted to start their own businesses in/near their resettlement site (YRG, 2017). Being a form of livelihood restoration, the agencies are responsible to support new business establishments if they chose to. Although IRPs describe that they would support small business development and access to credit programs as part of the framework of restoration of economic activities, the plan, again, lacks a plan on how the small businesses will be assisted.

Recalling specifically the JICA Guidelines as well as other international guidelines on resettlements that the host country must fulfill the displaced persons with alternative and sustainable livelihoods, the RWPs of Thilawa SEZ were not satisfactory enough in fulfilling income/livelihoods, and were claimed to be unsustainable, insufficient and incomprehensive. They have failed to rebuild the

livelihoods of the displaced persons either by providing their livelihoods prior to resettlements or by providing alternative and sustainable livelihoods.

Lack of transferring development opportunities of SEZs to the displaced communities

When it is evident that the resettlement plans of Thilawa SEZ failed to build the livelihoods of the affected communities as stipulated by JICA Guidelines, some of the guidelines have gone beyond the livelihood restoration. ESS 5 and EBRD policy were more updated and innovative to provide development opportunities to the displaced population by deriving the benefits from the project such as the possibility of financial or benefit distribution to the displaced population and the communities through the establishment of project-based benefit-sharing arrangements. This, according to the policies, were not limited to livelihood restoration that the financial and non-financial benefits from the projects should be enjoyed by the project-affected persons. This meant both direct opportunities (job openings) and indirect opportunities (spillover effects, project benefits reinvested to the affected communities, market opportunities). In the case of RWPs of Thilawa SEZ, however, the RWPs were not satisfactory in livelihood restoration that every guideline stipulates, therefore, providing development opportunities is unimaginable.

### **Additional evaluations related to implementation**

#### Problems in land compensation and replacement

Procedures in land compensation and replacement is an important aspect in resettlement planning because both physical and economic displacement are caused by land acquisition for urban development projects. This is essentially true when their livelihoods prior to resettlements are land-based. OP 4.12, ESS 5 and EBRD Policy have stipulated that land replacement should be at least equivalent value to their acquired land, whichever value is higher. If land replacement is impossible, land compensation should be conducted where negotiations took place in an appropriate manner and compensation should be at least equal to the market value of the acquired land. However, the RWP for Phase 1 did not even provide land compensation as the plan claimed that project-designated land was already acquired by the government in 1997 that the residents in the area occupied land informally or even illegally. For those land where acquisition was not conducted in 1997 and required by the project, only cash compensation at full replacement cost by calculating with the market price through consultations with individual households were conducted, without adequate explanation on how these negotiations would take place in the RWPs.

#### Problems in cut-off date census data

The guidelines stipulate to declare cut-off date of the project in order to effectively record the existing households, examine their existing socio-economic conditions, and, most importantly, deter additional people flowing into the project

area to exploit the opportunities from resettlement plans. EBRD policy states that setting a cut-off date will provide clarity as to eligibility for compensation and assistance (EBRD, 2014). In the case of RWPs, there were observable shortcomings in the declaration of cut-off dates. The first one is the duplication of notifications in the very first RWP. To date back, three governmental notices were made, which are

- banning of rice farming activities inside the Thilawa SEZ development area in August 2012
- termination of supply of irrigation water or summer cropping in December 2012, and
- eviction from the Thilawa SEZ development area in January 2013.

After that, the cut-off date for the entire SEZ project was declared in 4 April 2013. The RWP for Phase 1 insisted that those who were evicted before the cut-off date were also eligible for compensation, and were included in the surveys. In addition, even after the cut-off date for the entire SEZ was announced, the responsible agencies failed to deter inflow of new migrants into the area as well as to get accurate data on actual residence in the area, hence they need to conduct confirmation of eligibility in 2015. Yet according to international guidelines, declaring cut-off date should be exact and succinct for future implementation efficiency.

Another major problem regarding cut-off date and surveys was observed in the case that when the cut-off date covered the entire SEZ, the project was then

developed phase-by-phase. This phenomenon created several consequences. First of all, some households moved from the project-designated area after cut-off date (or the eviction notice in the RWP for Phase 1) was announced and did not wait for the actual resettlement to take place. Therefore, when the agencies conduct resettlement plans for the designated phase, they were not existing in the area anymore. This has two crucial implications. First, as observed in Chapter 4, this created gaps between survey data conducted after cut-off date and data when actual resettlement took place. Second, it became more challenging for planners and policymakers to prepare and plan resettlements, especially for eligibility and preparation of compensation.

The second issue is perhaps more problematic. For those who remained in the designated area, their agriculture activities were forced to terminate since either the notice in 2012 or cut-off date in 2013. This meant that their livelihoods were disrupted since that period according to the formal procedures, although some chose to continue their farming in the area so. However, as the implementation of the resettlement plan came years after, the affected communities found difficult, or even impossible, to sustain their livelihoods because there was a huge gap between the cut-off date and the actual implementation. For instance, when we glimpse the latest available RWP for Area 2-2 West, the actual implementation of RWPs occurred in September 2019 (YRG, 2019a), 6 years after the cut-off date. Also, there were remaining areas that were designated to be displaced yet the resettlements have not been

conducted. The participants also expressed concerns over not implementing the development project at the same time during public consultations (YRG, 2016).

Lacking appropriate consideration regarding vulnerable population and gender  
As evident in Chapter 3, the guidelines were explicit that displacements need to consider the needs of vulnerable population in an appropriate manner. ESS 5 posits that alternative livelihood assistances should give special attention to the needs of women and vulnerable populations' specific needs and requirements, when ADB Policy denotes that improving the living standards for the poor and vulnerable segments of the displaced population is an important aspect of resettlement planning. In addition, ESS 5 and EBRD policy point out that different genders should have appropriate input in the earliest stages of the planning possible and their voices should be incorporated into resettlement planning and implementation.

The RWPs of Thilawa SEZ were found short of satisfying the needs of the vulnerable population and different gender segments. For the households classified as vulnerable group, the agencies provided the one-time cash assistance of 25,000 Kyat (\$ 16.67) lump sum per person in the RWP for Phase 1 development, and was increased to 40,000 Kyats (\$ 26.67) per person in the later RWPs. The RWPs claim that the support amount provided is approximately equivalent to about 50 kg of rice per person, covering about three months. This was only the support for the vulnerable group in displacements, and apart from that, the plan neither described the special



needs of the vulnerable nor provide additional measures that meet the needs of vulnerable population during physical and economic displacements (in housing, relocation, livelihood restoration, additional considerations, etc.).

In addition, the household unit plays an essential role when providing livelihood restoration that households that consist of vulnerable group should be provided specific considerations, according to the guidelines. By extending the concept that if households possess members classified as vulnerable group and their livelihoods were disrupted and could not be effectively restored in a household level, the burden and impoverishment imposed upon the unit will be significant. Yet the plan failed to consider how the households having vulnerable people will be assisted beyond the rice covering three months, in terms of long-term livelihood buildings and improving income in a household level.

In terms of gender considerations, the RWPs insisted that the affected females were not discriminated to participate in public consultations as well as they were allowed to participate in IRPs regardless of sex (YRG, 2019b). Allowing to participate in vocational training programs regardless of sex, or equality of opportunity for different sexes, does not necessarily translate into gender consideration in RWPs. In addition, the survey collected data on the households lead by women as vulnerable household, and that the support was, as described above, limited to 50 kg of rice. Apart from that, there was no specific consideration for different gender segments, especially for

women, observed in every aspect of physical and economic displacement. This meant that different gender identities with different social roles, needs and vulnerabilities were not adequately addressed in the RWPs of Thilawa SEZ.

#### Shortcomings in public participation and consultation

Despite being slightly different in description of how to conduct effective participation, all the guidelines make a clear demand on the importance of public participation and consultation in resettlement planning. Public participation only can assure that the needs of the affected communities are adequately informed and addressed, and provide operative assistance when dealing with their physical and economic displacements.

Resettlement plans of Thilawa SEZs substantially fell short of the standards established by the guidelines in many aspects. RWP for Phase 1 only conducted four meetings in which they were only informed that they will be evicted to a new place and the following procedures determined by the agencies, where the affected communities had no input on their options or choices on resettlement site whatsoever (YRG, 2013). Also, their preferences on the resettlement sites were not considered by the authorities in the later RWPs (YRG, 2016; YRG 2017).

In the case of economic displacements and livelihood restorations, during the public consultations for Phase 1, one participant raised that most of the displaced persons are low-skilled and less-educated so that they are immensely concerned that

they will only receive low-skilled and low-paid jobs such as cleaning and security, and that the development will not serve good for the region (referring to the region nearby SEZ and the resettlement site) (YRG, 2013). Yet the following contents of the trainings provided in accordance to IRPs are mostly the low-skilled and low-paid jobs. In addition, one comment was the suggestion to apply IRPs before resettlement takes place so that they could find alternative livelihoods as soon as physical resettlement is conducted but the agency insisted that IRP could be applied as soon as physical relocation takes place (YRG, 2016; YRG, 2017). When one participant commented that there were few representatives from the village area in the IRP Committee and that government ministries were overloaded, the response was that the opinions of the villagers are ‘reflected’ through the village authorities (YRG, 2016), not mentioning how the agency will respond to the matter such as adding more public opiated members to the Committee.

These are some of the evidences that the RWPs did not properly perform public participation and consultation, and more may be observed in the disclosed meetings, which are seen as discrepancies between the guidelines and the practices.

Lack of support for community infrastructure and public facilities

In addition to direct requirements caused by physical and economic displacements, the support of the community infrastructure and public facilities are crucial to support the livelihoods of the affected communities and to reduce the

disruptions in their social needs and long-term impoverishments. The affected communities not only lost their housing and livelihoods but also were disrupted in the functions they previously enjoyed such as education (schools, kindergarten, etc.), religion (monasteries, pagodas, etc.), health (health centers, hospitals, etc.) and others (libraries, parks, etc.). Apart from JICA Guidelines, the other guidelines employed in this research mentioned to restore these community infrastructures for the displaced communities in the new resettlement site, or to upgrade the existing ones if they were to be shared with the host population.

In the RWPs of Thilawa SEZ, it is claimed by the agencies that the existing infrastructure were sufficient enough to accommodate the displaced population in a new site, and will be upgraded/enhanced if necessary. Yet they lacked reasons on why they were considered sufficient, and under what conditions they will be enhanced. The plans also lacked how they would be shared with the host population who previously enjoyed such infrastructure. It is found that only a community center was developed in Zone A development site (YRG, 2018a). This, therefore, can be denoted as a gap between the guidelines and the practices in Thilawa SEZ.

A summarized table showing the gaps between the guidelines and the plan is provided in the following.

*Table 6 A summarized table showing the gaps between the guideline and the plan*

Component	The guideline's stipulation	The gap
Physical	The affected communities are adequately informed about their options and rights prior to resettlement, and offered viable resettlement alternatives that are technically and economically feasible.	The affected households were only given one/two resettlement option.
Physical	Information on the alternative relocation site(s) and the reasons why the site(s) is/are selected need to be included in the RWP. In addition, the new location site should have living conditions (at least) equivalent to those previously enjoyed, or consistent with minimum codes of standards, whichever set of standards is higher and the choice of resettlement property need be equal or higher monetary value than the property prior to resettlement.	There lacks detailed information on the relocation site and structure in the RWPs. and did not address the information of their previous housing of each displaced persons as well as the information on the new housing provision.
Physical	Alternative housing has to be completed and provided prior to resettlement.	The discussions on the resettlement site were ongoing and not completed yet when some RWPs were disclosed.

Economic	When livelihoods are land-based, land-based resettlement strategies are always preferred.	The agencies did not provide land-based resettlement and only provided cash compensation for yield amount of current market price.
Economic	Alternative and sustainable livelihoods should be provided for the affected communities when their livelihoods were disrupted.	<p>There were gaps between job openings in Thilawa SEZ and the candidates and they did not assure on the employment status of the trainees after the successful trainings.</p> <p>The available jobs in the SEZ for the affected communities were mostly low-skilled low-paid jobs.</p> <p>IRP were applied as soon as physical relocation takes place, not before the latter so that the affected households would have time for livelihood restoration.</p> <p>IRPs of RWPs lacks a plan on how the establishment of small businesses will be assisted.</p>
Economic	Development opportunities to the displaced population should be provided by deriving the	The RWPs were not satisfactory in livelihood restoration that every

	benefits from the project such as the possibility of financial or benefit distribution to the displaced population and the communities through the establishment of project-based benefit-sharing arrangements.	guideline stipulates as well as providing development opportunities.
Additional	Land replacement should be at least equivalent value to their acquired land, whichever value is higher.	No information is provided on the value of land and its compensation.
Additional	Cut-off date of the project must be set up clearly in order to effectively record the existing households, examine their existing socio-economic conditions, and, most importantly, deter additional people flowing into the project area to exploit the opportunities from resettlement plans.	There were duplications in cut-off date of RWPs. The phase-by-phase development of the project and the declaration of cut-off date for the entire project makes the displaced persons living in the areas where resettlements were conducted years after more vulnerable.
Additional	Alternative livelihood assistances should give special attention to the needs of women and vulnerable populations' specific needs and requirements. Different genders should have appropriate input in the earliest stages of the planning possible	The vulnerable people were only provided the one-time cash assistance of 25,000 Kyat (\$ 16.67) lump sum per person in the RWP for Phase 1 development, and was increased to 40,000 Kyats (\$ 26.67) per person in the later

	and their voices should be incorporated into resettlement planning and implementation.	RWPs, equivalent to 50 kg of rice.  The gender considerations were lacking in the RWPs in an overall sense.
Additional	All the guidelines make a clear demand on the importance of public participation and consultation in resettlement planning.	The RWPs did not properly perform public participation and consultation.
Additional	The support of the community infrastructure and public facilities are crucial to support the livelihoods of the affected communities and to reduce the disruptions in their social needs and long-term impoverishments.	The RWPs did not improve on the existing community infrastructure and public facilities with the claim on being sufficient without clear description on why they are considered sufficient.

Source: Author



## Chapter 6 Conclusion

This chapter concludes the research by testing the hypothesis, answering research questions, and stating the limitations and the future prospects of the research.

### Testing the hypothesis

By examining the evidences and findings of the research, it is found that “Substantial insufficiencies in several areas of resettlements are observed in urban resettlement planning by evaluating the previous resettlement plans using different international guidelines” in the case of Thilawa SEZ. Therefore, the hypothesis is found valid and true.

### Answering research questions

Research question 1: What insufficiencies are observed in urban resettlement planning by evaluating the previous resettlement plans?

Answer: The plans failed to adequately address the challenges faced by the affected communities in both physical and economic displacements, as well as in other areas. The plan lacked detailed planning, and relevant and important information to be considered. They fell short of the standards of JICA as they needed to adhere to, and the shortcomings are more evident and extreme when more comprehensive guidelines than JICA are used to evaluate the resettlement plans.

Sub-question 1-1: What are the similarities and differences between different international guidelines of resettlement practices?

Answer: Although the guidelines seem to be similar in content and description, there are considerable differences among each other when analyzed critically. JICA Guidelines are very brief and vague in most elements of the policy, which may create more insufficiencies by the implementing agencies during implementation. OP 4.12 and ADB Policy are more comprehensive compared to that of JICA and addressed some major aspects of resettlements. But ESS 5 and EBRD Policy are the most innovative and updated policies with clear distinction between physical and economic displacements as well as some measures that the previous guidelines do not consider (such as providing development opportunities to the affected communities more than job opportunities, attention to gender, etc.)

Sub-question 1-2: What are the benefits of using different international guidelines to evaluate urban resettlement plans, instead of using a single guideline?

Answer: As each guideline has its own emphasis and are slightly different from each other, using different international guidelines will help observe more shortcomings than one guideline would not observe. For instance, the policy of providing development opportunities can only be observed in ESS 5 and EBRD Policy; therefore, using these guidelines help to highlight the major shortcoming that the other guidelines overlooked. Also, these two policies made a clear distinction between

physical and economic displacements, which helped the research to distinguish between the two and emphasizing the important forms of impoverishments in each case.

Sub-question 3: What are the major areas of the shortcoming in the resettlement planning?

Answer: It is found that every area of resettlement has its form of major shortcomings in the case of Thilawa SEZ. Distinguishing between physical and economic displacements, the former failed to provide the relocation site the displaced households desired, finalize the choice of resettlement site when the plan is disclosed, and provide necessary information on the previous conditions of the households, relocation site and the new housing provision. On the other hand, the latter failed to restore agriculture livelihoods, support alternative and sustainable livelihoods and provide development opportunities from the SEZ to the displaced community. There are also major shortcomings in cut-off date and census data, land compensation, consideration of vulnerable population and gender, public participation and the provision of community infrastructure. Overall, it can be claimed that the shortcomings in the resettlement plans of Thilawa SEZ are substantial.

Research questions 2 and sub-question 2-1 will be answered simultaneously.

Research question 2: How can urban resettlement planning be more effective?

Sub-question 2-1: What kind of innovative planning and policy recommendations are observed through evaluating urban resettlement plans with different international guidelines?

Answer: The following are the planning and policy recommendations for improving resettlement planning, based on the Thilawa SEZ case study.

First of all, as the latest guidelines are more updated and comprehensive in the contents and requirements, the host countries can refer to those guidelines, even if it is not legally and politically bounded to do so. It can not only produce better resettlement outcomes for the displaced population but can also produce positive benefits to the urban development project and the region as a whole. International organizations should also consider updating their guidelines in a regular basis to adapt to the changing global context. For instance, they could improve their guidelines by including the digital aspects, and rights of the displaced population to access digital infrastructure as a fundamental right during resettlement.

Second, the agencies should be aware that the plan should be adequately ‘a plan’ – a clear goal with steps to conduct, including detailed descriptions, analysis, rationale, etc. They should invest time and resources when preparing a plan, because the displaced population’s potential long-term impoverishments depend on how their challenges are adequately addressed in a plan. As evident in Thilawa SEZ, there lacks many essential elements, information and rationales that are immensely important for

the displaced population's lives and livelihoods, especially the detailed information on housing provision in the case of Thilawa SEZ.

Third, the shortcomings observed in the Thilawa SEZ show that the steps and procedures for resettlements are important from the very beginning, from conducting census data and declaring cut-off date. Inadequate conduct in that first step can cause consequent problems in the remaining parts of resettlement planning, such as inability to control migrating new people into the project-designated area, missing out the compensation eligible households, etc.

Fourth, livelihood restoration strategies for the displaced population should be integrated and long-term oriented, and should not focus only on short-term income substitution. According to the definitions, livelihoods involve the capabilities, assets (stores, resources, claims, and access) and activities required for a means of living. Therefore, the agencies should build their long-term capabilities to restore their livelihoods. Job openings in the Thilawa SEZ which cannot guarantee their employment status and restore their livelihoods to pre-project levels were not sustainable enough to restore their agriculture livelihoods. Even if the project causing displacements cannot provide job opportunities (roads, bridges, etc.), the agencies are responsible to rebuilding the displaced persons' livelihoods – both in personal and household levels. As livelihoods include not only income and business activities but also community infrastructure and public facilities for their welfare and well-being,

they should also be upgraded/enhanced or developed according to the needs and demand.

Fifth, the planning process should be more inclusive and participatory, allowing more input of the displaced persons and adequately considering their decisions. Their choices should be respected and broadened as they are the real beneficiaries of the resettlement. In order to achieve this goal, the context of politics and power come into play in this aspect that more decision-making power should be invested to them. This also involves considering the needs of the vulnerable population and different genders since the beginning of the project.

#### **Political economy perspectives of Thilawa SEZ**

It is found that the resettlement plans of Thilawa SEZ were packed with shortcomings and deficiencies. In this final part of the research, the reasons why YRG and Myanmar government on one hand and JICA and Japanese government on the other continue to implement the development project despite the major shortcomings in the resettlement plan will be briefly elaborated. In doing so, tracing back to political economy of the project as well as be situated in the wider historical, geopolitical and economic context of Myanmar-Japan Relations is necessary. As the context itself is significantly broad and contested, this section will provide a brief background and reasons on why the respective governments' ignorance to the

resettlement project from political economy perspectives – political significance of the SEZ project and the wider geopolitical and economic elements influencing the project.

Japan is a significant Official Development Assistance donor of Myanmar and investor due to their colonial ties; namely the Japanese invasion during World War II. Between 1960 and 1988, Japan disbursed a total of \$2.1 billion in assistance to Myanmar (Strefford, 2007). When the military staged a coup in 1988, such assistance was suspended ‘principle’, although some projects ‘partially’ resumed in early 1989 (Strefford, 2007), as development assistance are obliged to the principles of supporting democratization and human rights of the country. Since that time, JICA assistance was limited to humanitarian assistance (Asano, n.d.). When Myanmar initiated top-down military-led democratization in 2011, Japanese investments and assistance poured into the country with a rapid pace, where Thilawa SEZ is one of the most significant investments.

Such investments and assistance have both geopolitical and economic influences. From Myanmar’s side, it desires economic liberalization followed by political liberalization when the country is heading towards market economy and welcoming foreign investments. In this regard, the country sees Japan as a reliable partner and investor in the region due to the historically strong bonds, the potential of creating job opportunities as well as positive public perception of Myanmar towards Japan (Asano, n.d.). Geopolitically, when China is a dominant and influential actor in

Myanmar's political affairs, Myanmar wants to diversify its relations with other nations, including Japan, Association of South East Asian Nations, South Korea and the West, by strengthening economic and political relations, in order to reduce Chinese influence, and balance of power, in the country.

From the perspective of Japan, Myanmar's cheap and massive labor base, and its strategic location between China, India, Bangladesh and Thailand will allow Japanese access to one of the largest markets in Asia, which serve as strong economic incentive to invest in Myanmar. In addition, China is a major geopolitical threat of Japan; therefore, the latter also sees it advantageous to counter growing Chinese influence in the region through strategic and economic engagements in Myanmar (Asano, n.d.).

Such mutually beneficial relations provide opportunities for both Myanmar and Japan to invest as public-private partnership in Thilawa SEZ to exploit both economic and geopolitical benefits. The zone development fulfilled its objectives in this regard because Japanese businesses poured into the country for investments as Thilawa SEZ provides strong incentives and infrastructure; hence, Japan became the top foreign investments into the SEZs of Myanmar (Mizzima, 2019). In addition, Thilawa SEZ is not the end of the Japanese investment and assistance in itself. Not only JICA invested and provided technical and financial assistance in the Thilawa SEZ, it is also supporting the planning and implementation of the wider Greater Yangon's strategic urban



development plan collaborated between YRG, Yangon City Development Committee and JICA. Overall, The Japanese government, through JICA, is exerting its power, influence and diplomacy in Yangon, as Japan sees Yangon's geo-economic potentials.

As the Thilawa SEZ development project was not only economically advantageous for both countries but also played a significant role from geostrategic perspective, both governments rushed the implementation of the project, and neglected some of the major negative externalities caused by the project, such as the shortcomings observed in the resettlements. Such political economy factors caused that both Myanmar and Japan, despite there are disclosed JICA guidelines on resettlements, failed to meet the principles and standards when planning and implementing resettlements.

The additional factor worth considering is that as Myanmar began democratization when the project initiated in 2012<sup>32</sup>, its legal and institutional structures had been severely weak to meet the international standards relating to resettlements and environmental and social standards (OP 4.12, for instance). One example was that although Myanmar passed the Farmland Law and the Vacant, Fallow and Virgin Land Law to increase land investment through the formalization of the land market in 2012, there has been a major obstacle to achieving that as its legacy of

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<sup>32</sup> Myanmar has undergone under military coup and rule since 1962, between 1974 and 1988 was one-party socialist regime and again military coup and rule from 1988 to 2011.

multiple regimes created ‘stacked laws’ – the existence of the multiple layers of laws simultaneously, which lead to conflicts and contradictions in the legal system (Mark, 2016). This is one of the many examples that Myanmar was legally and institutionally unable to implement the international resettlement guidelines which has caused to rely on JICA Guidelines that are, as argued in this research, more flexible and vaguer in some aspects.

To sum up, the economic significance of the project and the underlying geopolitical factors as well as Myanmar’s vulnerable position in legal and institutional structures regarding land and development investments mainly drove the project; that resettlement planning and compensation policies became a neglected, or rarely changed in practice despite shortcomings and loud criticisms<sup>33</sup>, area in the implementation of Thilawa SEZ development project.

#### **Limitations of the research**

This research has three limitations. First, the research solely focuses on the document analysis on evaluating the previous resettlement plans of Thilawa SEZ. The research acknowledges the lack of field research or interviews to the affected communities due to several operational constraints as a limitation. Second, there may

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<sup>33</sup> As outlined in the previous chapters, because RWP for Phase 1 is fundamentally short of the standards, civil societies and human rights agencies raised their concerns – which led to some changes in physical displacement planning and increase in compensation; however, apart from that, the changes were insignificant.

be several limitations in the use of international guidelines. The research may either expand the use of guidelines of other international institutions such as Asian Infrastructure Development Bank or apply the other related guidelines from the institutions that have been employed in this research, for example, the guidelines for treating vulnerable population as social considerations from the World Bank. This can enrich the findings of the research. Third, the research is limited on single case study of Thilawa SEZ. This can either use the case studies of the SEZ implementation in Myanmar (Dawei and Kyaukphyu for instance) or the case studies from other countries and regions for comparative analysis.

#### **Future prospects of the research**

Being aware of the limitations, this research also has future research prospects and opportunities.

- Using new fresh research methodologies to explore the case (field studies and interviews, spatial data analysis, quantitative analysis, etc.) or triangulating the findings of this research with other research methodologies
- Adjusting (removing or adding) the use of international resettlement guidelines when applying to a case study
- Employing more academic (conceptual and theoretical) paradigms of resettlements to analyze the case with or without resettlement guidelines

- Exploring the case through other theoretical dimensions (theories of urban planning, urban economics, urban politics, urban sociology, to describe a few)
- Combining the theories and approaches from different social science and engineering disciplines to conduct a more multidisciplinary approach to resettlements
- Conducting comparative analysis between different cases in a same country or cross-country research for more fruitful implications



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