

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**

**Environmental and Social Management Framework**

**(DRAFT FOR CONSULTATIONS)**

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# Executive Summary

## Environmental and Social Management Framework

### for the Myanmar Forest Restoration, Development and Investment Project (FREDIP)

This Executive Summary provides a synopsis of the Environmental and Social Management Framework (ESMF) for the Forest Restoration, Development and Investment Project (FREDIP). First, it provides a description of the baseline environmental and social (E&S) conditions that are key to understanding the importance of forest resources and ecosystem services in the national economy of Myanmar, as well as the key drivers of deforestation and forest degradation throughout the country. Second, it provides an assessment of the potential E&S risks and likely adverse impacts associated with the FREDIP. Third, it describes the approach to screen, assess and define the key mitigation, management, monitoring and reporting measures which will be put in place at the site-specific level to address the identified risks and impacts. Fourth, it describes the main institutional responsibilities, organizational structures, and resources (human and financial) required to successfully manage those risks and impacts.

The Development Objective of the FREDIP (the Project) is *“to improve participatory sustainable forest management and increase benefit from forests to communities in target areas in Myanmar”*. Geographically, the project will focus on Ayeyarwady, Bago, Magway, Mandalay and Sagaing Regions, and Nay Pyi Taw Union Territory. Within these priority Regions, the project will take place in townships that have highest potential for Community Forestry (CF) (as determined by the targets of Myanmar Reforestation and Rehabilitation Programme (MRRP), ii) high incidence of poverty measured through the Multi-Dimensional Poverty Index, and iii) estimated to be hotspots for woodfuel extraction-induced forest degradation. Given the sensitivities around land and forest stewardship, the project will engage only in areas that have no ongoing conflict and are not affected by conflict.

The Forest Department (FD) of the Ministry of Natural Resources and Environmental Conservation (MoNREC) will be the lead Implementing Agency for the Project.

The Project objective will be supported through five inter-related Components:

Component 1. **Productive Forests** will accelerate the increase of CF area by supporting the establishment of up to 1,000 new CF User Groups (CFUGs) and revitalizing up to 2,000 existing CFUGs, investing in implementation of their management plans, and support to CF enterprises, including support for improved market access and potential partnerships with commercial enterprises. This component will also support activities aimed at creating enabling conditions for private investments in sustainable forest plantations.

Component 2. **Community Forestry for Livelihoods** will support existing and new CFUGs targeted under Component 1 (up to 3,000 CFUGs in total), to start and expand both traditional and new sustainable livelihoods activities through set up of CFUG-managed revolving funds that provide small livelihood loans to CFUG members; the project will also provide related technical assistance and institutional support.

Component 3. **Forest Protection** will strengthen protected area (PA) management for biodiversity conservation, improved community engagement, and the development of nature-based tourism to create job opportunities and revenue generation. The project will support up to 10 existing PAs in the project target regions, with nature-based tourism investments limited to four PAs. This component will also support detection and prevention of illegal forest activities, in order to contribute to reducing illegal activities in key regions (Bago and Sagaing have been identified as initial priority areas).



Component 4: **Institutional Strengthening and Project Management** will invest in strengthening the efficiency and capacity of the FD as an apex body in the forestry sector, based on priority needs that will be identified through an institutional assessment of the FD, and will finance project management activities, including E&S risk management, communications, short-term technical assistance, training, grievance management, financial management, procurement, project management and support staff services, and required goods and incremental operating costs.

Component 5. **A Contingency Emergency Response Component (CERC)** with zero allocation will be created and made implementation-ready to allow the government respond quickly in case of an eligible emergency (such as a natural disaster or a pandemic).

If the CERC is activated, an addendum to this ESMF or a specific CERC-ESMF may be prepared, as required, and disclosed.

Overall, the FREDIP is designed to address systemic management issues which currently constrain Myanmar's ability to maximize the benefits of CF management initiatives. Project measures include initiatives to support policy and regulatory reforms, improve the administration and functioning of CFUGs, to improve the functioning of CF Enterprises (CFE), to support local initiatives and efforts to establish ecotourism activities, and to more effectively monitor such initiatives.

If successful, the Project is likely to achieve numerous environmental and social benefits. These include the slowing or reversal of forest degradation and deforestation trends, and the improved distribution and management of community benefits derived from improved forest management.

The Project is not expected to be a direct cause of significant adverse E&S impacts. While some project activities such as construction of small-scale infrastructure, community livelihood initiatives, or support for forest products processing may have associated impacts, these are expected to be of a Moderate risk level and can be managed with known mitigation and management measures. The Annexes to this ESMF provide procedural and technical reference materials to guide the implementation of the Project. These Annexes (introduced below) cover a range of topics including, among others: Screening mechanisms for proposed sub-projects; Environmental Codes of Practice (ECoP); and technical guidelines for waste management, use of pesticides, management of unexploded ordnance (UXO), management of involuntary resettlement process, management of restrictions in access to land or natural resources, and community participation processes that address the participation of ethnic groups, and so on.

While such direct impacts are not considered to be especially problematic, there are other concerns related to risks and impacts that may be associated with activities that are poorly conceptualized or poorly implemented. These risks could be potentially more problematic, as failure to address or monitor them could result in significant adverse impacts on the Project itself.

The main adverse environmental and social risks and impacts of the Project could include: (i) inadequate incorporation of E&S risk assessment into policy, regulatory and procedural reforms; (ii) poor implementation of Project initiatives due to limited skills, awareness, sensitivity of FD staff especially on issues of social inclusion, equity and elite capture; (iii) inadequate allocation of human and / or financial resources for E&S management; (iv) increased marginalization of vulnerable and disadvantaged groups<sup>1</sup>,

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<sup>1</sup> The World Bank defines disadvantaged and vulnerable as "those individuals or groups who, by virtue of, for example, their age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits."

including ethnic groups, in situations involving the potential restrictions of access to land and natural resources; and v) challenges in managing social conflict in situations where there may be real or perceived elite capture, having risks such as Gender Based Violence (GBV), Sexual Exploitation and Abuse (SEA), sexual harassment (SH), and absences of fairness or equity, for example in accessing financial resources of revolving funds.

The overall risk rating for the FREDIP is **High**, considering both environmental and social aspects. From an environmental perspective the likely risks are Substantial, while from a social perspective the risks are expected to be High. Addressing these risks is especially important for individuals or communities who may be disadvantaged or vulnerable to exclusion from project participation or who may be vulnerable to elite capture of project benefits or other inequitable distribution or sharing in benefits. To address these risks and impacts, the Project will undertake several interrelated measures.

This ESMF is part of the suite of environmental and social risk management documents for the FREDIP, which also includes the **Stakeholder Engagement Plan (SEP)**, the **Social Assessment**, and the **Environmental and Social Commitment Plan (ESCP)**. The **SEP** identifies different stakeholders and describes the ways in which such stakeholders will be actively engaged in all facets of the Project. As part of the SEP, the Government of Myanmar commits to regular monitoring and disclosure of project progress and achievements to ensure transparency in all aspects of the project. The **Social Assessment** covers a range of relevant social risk issues identified through pre-screening of social risks identified at the project Concept Stage. The **ESCP** sets out measures and actions required for the project to achieve compliance with the relevant World Bank Environmental and Social Standards (ESS), with specified timeframes.

As part of the SEP, the Project will also establish and maintain robust Grievance Redress Mechanisms (GRM) to ensure that affected people have the opportunity to raise concerns about any aspect of implementation. The proposed GRMs are multi-tiered and multi-faceted. Specific GRMs will be established not only for the project as a whole but, where relevant, for specific aspects of the Project - such as GRM for project workers, for issues related to involuntary resettlement, and for groups that meet the criteria of ESS7 as part of the Community Participation Plan (CPP), as guided by the Community Participation Planning Framework (CPPF). Moreover, local GRM committee with representatives from local communities, project workers, women and local authorities at the village and township level will handle many types of grievances, including Gender Based Violence (GBV)-related grievance. The Project will also require the FD to **consider E&S implications in all policy and procedural reforms** to be undertaken under the Project. Any such reforms will be required to include the consideration of E&S risks within the TOR for any consultancy that supports policy reforms and will provide opportunities for stakeholder feedback on proposed changes.

As mentioned above, where project activities may involve construction of civil works, **all such proposals will be screened for potential E&S risks** and, where relevant, will be required to conduct additional environmental and social assessment and/or formulate management plans to address relevant issues. These E&S management plans, and thematic management frameworks, will, at a minimum, be developed in a manner which is consistent with the ECOP and the various Technical Annexes included in this ESMF. All contractors responsible for civil works and construction will be required to develop and implement a site-specific management plan to address E&S issues under their contracts.

Since many site-specific measures will only be identified during the implementation period certain risks and impacts cannot be known in advance. The ESMF, therefore includes additional **thematic management frameworks**. Among others, these include: a Process Framework (PF); a Resettlement Policy Framework

(RPF); a Community Participation Planning Framework (CPPF); a Labour Management Procedure (LMP); and ECoPs.

The Project will **invest in the building of institutional capacity** of the FD to carry out project activities in a manner consistent with the principles defined in this ESMF. The current capacity of the principle implementing entities is only partially sufficient to implement the proposed risk management measures. The Project will support staff training and professional development throughout the responsible FD implementation units, to ensure that they are able to carry out their E&S management tasks in a professional manner.

All major action commitments included in the ESMF are reflected in the Project's ESCP. The ESCP is legally binding and will refer directly to this ESMF and its recommendations for risk mitigation and management as well as requirements for institutional leadership, organizational structure and human and financial resources.

The development of the ESMF was informed by consultations with stakeholders representing various viewpoints, such as communities familiar with CF, government officials responsible for different aspects of CF and civil society representatives. These took place between February 2020 and January 2021 (planned). These stakeholders were consulted on issues ranging from their direct experiences with CF, perceived E&S risks associated with CF, and recommendations for improving project design. Consultation methodologies included one-on-one interviews, questionnaires and focus group discussions. Due to restrictions and limits imposed by COVID19, field-based interviews and surveys were limited in scope, although some field-based interactions were possible. Moreover, stakeholder engagement, details of which are provided in the SEP, will continue throughout Project implementation.

Assuming that proposed risk management and mitigation measures are effective at reducing risks, the Project's residual risks are expected to be **Moderate**. In the absence of effective mitigation, residual risks could be **Substantial** to **High**. The mitigation and management measures included in this ESMF are appropriate and reasonable for the risks identified. Therefore, the ESMF concludes that the E&S risks are considered acceptable, considering the significant E&S benefits associated with the Project.

This ESMF includes a number of annexes that cover specific E&S aspects, as listed below:

**Annex 1 - Screening Form for Potential Environmental & Social Risks and Impacts** - presents a checklist which will be used to screen all project activities<sup>2</sup> for potential environmental and social risks and impacts. The checklist will primarily apply to activities in six core project areas: (i) civil works; (ii) establishment of new CF groups; (iii) activities included under existing CF management plans; (iv) activities related to CFE, including CFE clustering activities; and (v) project activities related to the enabling environment for private plantations activities related to the implementation of PA investments including, but not limited to, activities such as PA infrastructure and eco-tourism initiatives. The use of this screening template is meant to facilitate the determination of applicable World Bank's ESS, as well as those relevant to Myanmar legislation. The screening form serves purposes, including the identification of risks associated with individual activities, determining whether additional E&S assessments are required, to screen for ineligible activities, and to indicate where supplemental environmental and social management measures may be required beyond the application of standard ECoPs.

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<sup>2</sup> For the purposes of this project, the term "activity" is used in broad way to define individual civil works constructed under a specific contract; a set of such individual works, initiatives or investments which constitute a sub-project; or groups of activities intended to address specified components of community forest management plans, protected areas management plans, or plantation establishment.

Annex 2 - **Environmental Codes of Practice (ECoP)** - technical guidelines to inform practical actions and steps to be used during project implementation to avoid, minimize and mitigate negative environmental impacts. The ECoPs will be used for small-scale civil works activities supported by the Project. The ECoPs are intended to be used for project activities of Moderate to Low environmental risk that can be readily managed using standard operating procedures. Specific ECoPs cover the following activities: general construction activities, construction of walking and cycling trails in PAs, ecotourism development activities in PAs and activities supported through CF revolving funds.

Annex 3 - **Guideline for Environmental and Social Risks and Impacts Management in Community Forest Management Planning Process** - provides a review on the current approach and practices for development of CF Management Plans (CFMP), examination of the gaps between current practices applying the existing CF Instructions and standard operating procedures for CF establishment, CFMP preparation and implementation, and the requirements of ESS, and recommendations on the developing or revising of standard operation procedure for development of CFMP for linking ESS requirements to the current practices of CFMP.

Annex 4 - **Monitoring and Reporting Template** – is a sample form for monitoring and reporting when implementing the Environmental and Social Management Plans (ESMP) to be formulated in accordance with the relevant requirements set out in the ESMF. The details of the form should conform to each potential impact identified in the ESMF document and further specified in ESMP. This includes a format (Table of Contents) with a brief explanation of each section of the report and a set of monitoring forms with some indicators covering a majority of plans, Frameworks and Procedures in the ESMF.

Annex 5 - **Standard Operation Procedure for unexploded ordnance (UXO) /Landmine Risk** – provides instructions on appropriate risk assessment of project sites for UXO and/or landmines presence and on avoidance of sites with suspected or confirmed presence of UXO and/or Landmines.

Annex 6 - **Generic Pest Management Plan** – guides management of risks from use of chemical pesticides. The Project should give preference to an integrated pest management approach which is a mix of farmer-driven, ecologically-based pest control practices that seeks to reduce reliance on synthetic chemical pesticides.

Annex 7 - **Waste Management Plan** – guides handling of waste generated from select project activities in view of avoiding or minimizing the impacts through the implementation of good practices including compliance with WBG Environmental, Health and Safety Guidelines. This plan serves as a primary guidance plan for implementers to consider on waste management before commencement of any activities generating waste. The plan takes the approach of minimizing the generation of waste, reusing, recycling, and recovering waste in a manner that is safe for human health and the environment and where it is not possible, disposal of waste in an environmentally sound and safe manner that includes the appropriate control of emissions and residues resulting from the handling and processing of the waste material.

Annex 8 – **Labour Management Procedures** - set out the way in which project workers will be managed, in accordance with the requirements of national law and the World Bank's ESS, specifically the objectives of ESS2: Labour and Working Conditions. The LMP seeks to ensure that measures are in place to manage risks associated with employment under the project and help to determine the resources necessary for labour planning and management. These procedures will be applied to different the Project's direct workers and contracted workers, whether full time, part time or temporary.

**Annex 9 – Security Risk Assessment and Management Plan** - describes the material measures which will be followed by the Project in situations which require the use of security personnel in various forms. This plan provides preliminary guidance for project implementing entities regarding applicable policies, recommend procedures, and practical measures to be implemented during the course of the FREDIP. The objectives of this framework are: (i) to ensure that security personnel are deployed in a manner which promotes public safety; (ii) to ensure that security personnel are provided adequate training in all aspects of their duties and responsibilities; and (iii) to ensure that security personnel are aware of and follow professional codes of conduct to avoid and minimize conflict with local communities or other intended project beneficiaries.

**Annex 10 - Community Health and Safety Plan** - describes the material measures that will be used under the FREDIP to avoid, reduce or mitigate the potential adverse risks and impacts on community health and safety that could arise during Project implementation. This Annex describes potential risks and impacts on communities that may be affected by Project activities and spells out institutional roles and responsibilities for implementing such measures. The principle community health and safety issues associated with the FREDIP include risks associated with: (i) civil works and construction activities; (ii) the collection, handling, transport and disposal of waste materials, including hazardous substances; (iii) the handling, storage, transport and application of pesticides; (iv) forest management including harvesting and silvicultural practices; and (v) emergency events such as traffic accidents, forest fires, extreme weather events and flooding, among others. The Annex is prepared in accordance with the key principle of ensuring preparedness of project implementers to address the health, safety, and security risks and impacts on project-affected communities and to avoid or minimize such risks and impacts.

**Annex 11 - Resettlement Policy Framework (RPF)** - A Site Specific Social Assessment (SSSA) shall be conducted on all project sites (refer to ToRs in Annex 15). In the cases that an involuntary resettlement impact (economic or a temporary physical displacement) is identified (activities causing permanent physical displacement will not be allowed under the project), during the SSSA process, a Resettlement Action Plan (RAP) will be prepared using the RPF, in accordance with Myanmar Legal Framework and World Bank ESF, particularly in compliance with ESS5. This Annex presents a framework to help identify, screen and prepare a RAP. In cases where this is applicable, it clarifies resettlement principles, organizational arrangements, and design criteria to be applied to project activities during project implementation. A Framework has been developed since specific project sites have not yet been chosen, it may be necessary to produce site-specific resettlement action plans based on the RPF. These site-specific plans will guide specific actions when there is a specific case of economic or physical displacement.

**Annex 12 – Process Framework** - describes the process which will be followed under the FREDIP to assess and manage potential restrictions of access to land and natural resources within PAs that may result from Project actions and activities. In accordance with World Bank ESS5 (Land Acquisition and Involuntary resettlement), a Process Framework is required for any project which may cause restrictions in access to natural resources in legally designated PAs. The purpose of the Process Framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve the objectives of ESS5, and implementation and monitoring of relevant project activities. Once the sites of interventions within target PAs are known and screened, this framework will need to be adapted to site specific situation. The applicability of the CPPF will be determined through activity screening.

Annex 13 - **Community Participation Planning Framework (CPPF)**<sup>3</sup> aims to provide operational guidance on principles, procedures, and standards to be met by the FD when FREDIP activities are implemented either for the benefit of ethnic groups or where project activities are likely to have adverse effects on those communities. The CPPF also aims to ensure that project activities affecting ethnic groups, whether positively or adversely, are prepared in a participatory manner based on a targeted and site-specific social assessments, meaningful consultations and, where relevant, application of the principles of free, prior and informed consent (FPIC). The applicability of the CPPF will be determined through activity screening, and site-specific community planning measures will be developed, including as relevant, provisions for ethnic groups.

Annex 14 - **Cultural Heritage Management Procedure** – aims to avoid or mitigate impacts from project activities to cultural heritage consistent with national laws, and international good practices. This procedure indicates the process for screening and assessment of adverse impacts on cultural heritage, preparation of a cultural heritage management plan, and a chance find procedure.

Annex 15 – **TOR for Site-Specific Social Assessment** – As the specific project sites and locations of interventions within those sites are yet to be determined, the project Social Assessment includes a broad assessment for all six Regions. Once the specific sites have been selected, these will require Site-Specific Social Assessments (SSSA). Conducting an SSSA will confirm implementation of each project component on a site is specifically tailored to benefit the local community and impacts are identified with optimized mitigation measures incorporated into the implementation, and in compliance with World Bank ESF. SSSA preparation will be guided by the SSSA ToRs in this Annex along with the already prepared Project Social Assessment.

Annex 16 – provides a **summary of consultations undertaken in preparation of this ESMF**, which will be the outcomes of public consultations meetings for disclosure of ESMF.

Drafts of the ESMF, Social Assessment, ESCP and SEP in English, together with translations of their Executive Summaries in Burmese, were disclosed for public consultations on December 18, 2020 on the FD website.<sup>4</sup> Copies were also shared with all participants invited to a series of regional consultations held in January 2021 (using virtual means due to COVID-19 restrictions).

**This text will be added to final versions only: Final copies of these documents, completed based on the results of these consultations and cleared by the World Bank, have been disclosed on the FD website and by the World Bank on [www.worldbank.org](http://www.worldbank.org).**

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<sup>3</sup> As per guidance provided by the World Bank's Regional Standards Advisor (RSA), the CPPF is considered equivalent to an Indigenous Peoples Planning Framework (IPPF) guided under ESS7. Per the definition under ESS7, the term applies to distinct social and cultural groups that meet the four criteria of the standard. The CPPF would not apply to individuals simply on the basis of ethnicity, recognizing that there are many cases where such individuals may be co-mingled, inter-married, or have been living in multi-cultural situations for some time.

<sup>4</sup> [www.forestdepartment.gov.mm/](http://www.forestdepartment.gov.mm/)

## List of Acronyms and Abbreviations

ASEAN	Association of South-East Asian Nations
CBOs	Community Based Organizations
CDCs	City Development Committees
CERC	Contingency Emergency Response Component
C-ESMP	Contractor Environmental and Social Management Plan
CF	Community Forestry
CFE	Community Forestry Enterprise
CFI	Community Forestry Instructions
CFMP	Community Forest Management Plan
CFUG	Community Forest User Group
CFWG	Community Forestry Working Group
CHMP	Cultural Heritage Management Plan
CITES	Convention on International Trade in Endangered Species
CPPF	Community Participation Planning Framework
DALMS	Department of Agricultural Land Management and Statistics
DOA	Department of Agriculture
DSW	Department of Social Welfare
E&S	Environmental and Social
EA	Environmental Assessment
EAO	Ethnic Armed Organizations
ECL	Environmental Conservation Law
ECOPs	Environmental Code of Practices
ECR	Environmental Conservation Rules
EHSG	Environmental Health and Safety Guidelines
EIA	Environmental Impact Assessment
EIAP	Environmental Impact Assessment Procedure
EMP	Environmental Management Plan
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment

ESMF	Environmental and Social Management Framework.
ESMP	Environmental and Social Management Plan
ESRS	Environmental and Social Review Summary
ESSs	Environmental and Social Standards
FAO	Food and Agriculture Organization
FD	Forest Department
FFI	Flora and Fauna International
FMP	Forest Management Plan
FMU	Forest Management Unit
FPIC	Free, Prior, and Informed Consent
FREDIP	Forest Restoration, Development and Investment Project
GAD	General Administration Department
GHG	Greenhouse Gas
GHS	Globally Harmonized System
GoM	Government of Myanmar
GRM	Grievance Redress Mechanism
ha	Hectare
ICT	Information and Communications Technology
ICU	Intensive Care Unit
IDA	International Development Association
IEE	Initial Environmental Examination
INGOs	International Non-Government Organizations
IPMP	Integrated Pest Management Plan
ITTA	International Tropical Timber Agreement
KBA	Key Biodiversity Area
LMP	Labour Management Procedures
LPG	Liquid Petroleum Gas
LS	Local Supply
LUC	Land Use Certificate
M&E	Monitoring and Evaluation
MCCMP	Myanmar Climate Change Master Plan
MCCP	Myanmar Climate Change Policy
MIC	Myanmar Investment Commission

MSMEs	Micro, Small and Medium Enterprises
MMK	Myanmar Kyats
MNCWA	Myanmar National Committee for Women's Affairs
MOALI	Ministry of Agriculture, Livestock and Irrigation
MOHS	Ministry of Health and Sport
MOI	Ministry of Industry
MOLIP	Ministry of Labour, Immigration and Population
MONREC	Ministry of Natural Resources and Environmental Conservation
MOPFI	Ministry of Planning, Finance and Industry
MORAC	Ministry of Religious Affairs and Culture
MOSWRR	Ministry of Social Welfare, Relief and Resettlement
MRRP	Myanmar Restoration and Rehabilitation Programme
MSDP	Myanmar Sustainable Development Plan
MWWS	Moeyungyi Wetland Wildlife Sanctuary
NBASP	National Biodiversity Strategy and Action Plan
NDCs	Nationally Determined Contributions
NEP	National Environmental Policy
NEQG	National Quality (Emission) Guideline
NFMS-AP	National Forest Monitoring Action Plan
NFPWC	Non-wood Forest Products Working Circle
NGOs	Non-Governmental Organizations
NTFP	Non-Timber Forest Product
NWCD	Nature and Wildlife Conservation Division
PA	Protected Area
PAP	Project Affected Persons
PF	Process Framework
PFE	Permanent Forest Estate
PIC	Prior Informed Consent

PMP	Pest Management Plan
PMU	Project Management Unit
POP	Persistent Organic Pollutants
PPF	Protected Public Forest
PSC	Project Steering Committee
PWC	Production Working Circle
REDD	Reducing Emissions from Deforestation and Forest Degradation
RF	Reserve Forest
RPF	Resettlement Policy Framework
SA	Social Assessment
SEP	Stakeholder Engagement Plan
SEZ	Special Economic Zone
SLRD	Settlement and Land Records Department
SMP	Security Management Plan
SOP	Standard Operating Procedure
TDC	Township Development Committee
TOR	Terms of Reference
TRC	Temporary Registration Cards
UN	United Nations
UXO	Unexploded Ordnance
VFV	Vacant, Fallow and Virgin Land
WB	World Bank
WCS	Wildlife Conservation Society
WMP	Waste Management Plan



## Glossary

Term	Explanation
CERC	Contingency Emergency Response Component (CERC) is designed to provide swift response in the event of an Eligible Crisis or Emergency <sup>5</sup> through a portion of the undisbursed project envelope to address immediate post-crisis and emergency financing needs.
CF	Community Forestry means “all sustainable forest management and utilization activities, in which the local community itself is involved. This expression includes establishing new plantations and managing existing forests, to create employment income opportunities from subsistence to commercial purpose, to generate food, to stabilize ecosystem and to improve the environmental conditions for the members of the Community Forest User Group,” as defined in the Community Forestry Instructions 2019.
CFE	Community Forestry Enterprise means harvesting of wood and non-wood forest products, foods, and value-added products from the community forest, and trading them in the local and international markets in accordance with the standing laws, or business conducting local community-based tourism. CFEs require permits issued by the FD. CFEs are established by CFUGs with formed Management Committees. (Community Forestry Instructions, 2019)
CFI	Community Forestry Instructions. A by-law of the Forest Law 2018 that defines community forestry and community forest-based enterprise.
CFUG	Community Forest User Group. The group of community-forest users as stipulated by the Community Forestry Instructions 2019.
CHMP	Cultural Heritage Management Procedure (CHMP) is described in detail in Annex-14 of this ESMF.
CPPF	Community Participation Planning Framework (CPPF) is described in detail in Annex 13 of this ESMF
Contractor’s ESMP (C-ESMP)	Refers to the specific contractual obligations of a contractor to address environmental and social mitigation and management measures. A C-ESMP will be required for each construction contract.
Elite capture	Elite capture refers to situations where elites shape development processes according to their own priorities and/or appropriate development resources for private gain. Elite capture is a potential driver of social inequality where project benefits are biased in favour of socially advantaged groups (e.g., by virtue their levels of education, wealth, social status, market knowledge, political connections) which leads to a crowding out or exclusion of less advantaged from sharing in project benefits.
ESMF	Environmental and Social Management Framework. Refers to the environmental and social risks assessment, guiding principles and main management approaches which will guide the operational implementation of the FREDIP for management of identified environmental and social risks.

<sup>5</sup> Defined as “an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact associated with natural or man-made crises or disasters”, OP/BP 8.00, Rapid Response to Crises and Emergencies.

<b>Term</b>	<b>Explanation</b>
ESMP	Environmental and Social Management Plan. Refers to a site-specific operational plan for avoiding, minimizing, managing or mitigating environmental and social risks and impacts which may be present in a project area.
Ethnic Group	For the purposes of this ESMF, the term “ethnic groups” is used to refer to any group which meets the four criteria for Indigenous Peoples as defined under World Bank ESS7.
FPIC	Under ESS7, Free, Prior and Informed Consent (FPIC) will be the standard for demonstrating community support for project activities in three specific circumstances. These are situations where project activities: (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation of Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities from land and natural resources subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities’ cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities’ lives.
LUC	Land Use Certificate, also known as Form 7. An authorization given by the Settlement and Land Records Department to formalize the tenure of farmland, including the right to transfer, sell or mortgage the land under the Farmland Law 2012.
KBA	Key Biodiversity Areas (KBA) are sites that contribute to global significance for biodiversity, including vital habitat for threatened plant and animal species in terrestrial, freshwater and marine ecosystems. They are critically important for protecting biodiversity and the ecosystem services they provide.
PA	Protected Area means the area determined under the Conservation of Biodiversity and Protected Areas Law 2018 for the purpose of Protecting and Conservation of wildlife, ecosystem or significant landscape for their sustainment .
PFE	Permanent Forest Estate. A type of forest area to be retained as forest and may not be converted to other land use, as stipulated by the Forest Law 2018. PFE distinguishes between: Reserved Forest (priority areas for timber production); and Public Protected Forest (mainly for local use).
Process Framework	Process Framework is described in detail in Annex 12 of this ESMF
RAP	Resettlement Action Plan (RAP) is time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation to address the land acquisition, involuntary resettlement and livelihood impacts of investment projects.
SIA	Social Impact Assessment (SIA) is an analytical process used to identify and assess the potential social impacts of a proposed project, evaluate alternatives, and design appropriate mitigation, management, and monitoring measures.
VFV	Vacant, Fallow and Virgin Lands. The type of land stipulated by the Vacant, Fallow and Virgin Land Management Law 2012 as land on which agriculture or livestock breeding business can be carried out and which was tenanted in the past and

Term	Explanation
	abandoned for various reasons and without any tenant cultivating on it and the lands which are specifically reserved by the State.
Wood fuel	Fuelwood and charcoal.

### Conversion Table

1 cubic metre = 0.833 cubic tons

1 cubic ton = 1.133 cubic meters

1 acre = 0.405 hectares

1 hectare = 2.471 acres

1 Kyat (MMK) = 0.00071 US Dollar (US\$) (exchange rate on xx December 2020)

1 US Dollar (US\$) = 1410.37 Kyat (MMK) (exchange rate on xx December 2020)

# 1 Introduction

1. Myanmar is the second largest country in Southeast Asia, with a land area of 676,575 square kilometres. It has the most intact forest cover of any country in mainland Southeast Asia, and a large share of the coast of the Bay of Bengal. Its huge altitudinal range (from the sea to the eastern Himalayas) and position between major biomes make it highly important for biodiversity and wildlife. The country's significant forest resources provide a strong foundation for sustainable forest management, with the potential to benefit all areas of society. Myanmar's forests are critically important for jobs, incomes and livelihoods, particularly for poor communities and women, but also for generating timber export revenues and invaluable ecosystem services that underpin agriculture, mangrove fisheries and disaster resilience.

2. The Forest Restoration, Development and Investment Project (FREDIP)<sup>6</sup> is designed to support the core forest sector objectives of the Government of Myanmar (GoM) to prevent deforestation and degradation of Myanmar's forests, while intensifying efforts for forest restoration and for enabling more employment and economic opportunities for local communities through the establishment of Community Forestry (CF) and support to ecotourism around Protected Areas (PA). Recognizing the central role that forests have for the country's economy and rural population, and the inextricable linkages between forests and broader national objectives for peace and social inclusion, the Project places special emphasis on improving collaborative forest management to increase benefits for forest-dependent communities.

3. Project implementation will focus on the Regions considered to have the greatest CF potential. These are Ayeyarwady, Bago, Magway, Mandalay and Sagaing Regions, plus Nay Pyi Taw Union Territory. Within these priority Regions, the project will take place in townships that have CF potential and where safe access to project sites can be assured. In addition, proposed activities that require the acquisition of land or that will have significant environmental and social impact potential (as determined through project level and site-specific assessment and screening) will not be eligible for project financing.

4. The Project will engage only in geographic areas that have no ongoing conflict and are not affected by conflict.

5. The FREDIP will be implemented by the Forest Department (FD) under the Ministry of Natural Resources and Environmental Conservation (MONREC).

## 1.1 Objectives of Environmental and Social Framework

6. This document presents the Environmental and Social Management Framework (ESMF) that will guide environmental and social management requirements throughout the life of the Project. The ESMF will help to ensure that the Project is implemented in compliance with the World Bank's (WB) Environmental and Social Framework (ESF) as well as applicable national legislation and regulatory requirements of the GoM. The ESMF, together with other implementation reference documents, will serve as the principle operational document describing the responsibilities of the FD and other implementing entities and the environmental and social standards that they are expected to meet during the implementation period<sup>7</sup>.

7. This ESMF provides specific guidance for the FD to adequately screen environmental and social risks and impacts of site-specific activities, to prepare the required measures and plans to reduce and mitigate adverse risks and impacts, to set up the responsible institutions for addressing project risks and

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<sup>6</sup> In this document, FREDIP is used interchangeably with 'the Project'.

<sup>7</sup> Other key ESF documents relevant to the Project include the Stakeholder Engagement Plan (SEP), the Environmental and Social Commitment Plan (ESCP), and the Project Operational Manual (POM).

impacts at each level, and to enhance its capacity to manage environmental and social risk and impacts, with the provision for estimating and budgeting the costs for such measures, including training programmes.

8. The ESMF has been developed through consultation with project stakeholders and was disclosed in draft form prior to appraisal, as well as after the completion of the final version.<sup>8</sup>

## **1.2 Scope of Environmental and Social Framework (ESMF)**

9. The ESMF sets out the principles, rules, and procedures to assess the potential environmental and social risks and impacts associated with the activities of the FREDIP. Where those risks and impacts cannot be avoided or minimized through Project design, the ESMF will ensure that they will be adequately identified, assessed, designed mitigations and implemented in line with the relevant World Bank environmental and social standards (ESS).

10. The ESMF is structured as follows:

- Chapter 1 (this chapter) provides a brief overview of the Project background, objectives and scope of the ESMF.
- Chapter 2 describes the FREDIP development objectives and components in more detail.
- Chapter 3 outlines the relevant policies, legislative and regulatory framework for the Project.
- Chapters 4 and 5 provide information on the environmental and social baseline conditions of the areas where Project activities will be implemented.
- Chapter 6 identifies the Project's potential environmental and social impacts, and mitigation measures.
- Chapter 7 provides guidance for the environmental and social management approach and procedures.
- Chapter 8 presents the Grievance Mechanisms to be operated under the Project.
- Chapters 9, 10 and 11 describe the implementation of ESMF, capacity strengthening of the implementation agency and proposed budget, respectively.
- Chapter 12 outlines the process of stakeholder consultation and engagement, including procedures for disclosure and consultation of ESMF.

11. A series of technical annexes give specific guidance on methodologies and procedures to be used for specialized aspects of environmental and social aspects of the Project. These include Annexes on screening of project activities, management planning methodologies and formats, Labour Management Procedures (LMP) and Guidelines for Waste Management, among others. The technical annexes are intended to provide the minimum standard for addressing and managing project risks. They may be modified or adjusted from time to time in response to operational experience, incorporating feedback from affected stakeholders or implementing divisions of the FD.

12. This ESMF does not address risks and impacts in relation to the Contingency Emergency Response Component (CERC), given that the type and nature of likely emergency and indicative list of activities that will be supported through CERC cannot yet be determined. Thus, the ESMF may not cover potential social

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<sup>8</sup> For a summary of feedback received from Stakeholders during project preparation please refer to Annex 17 of the ESMF.

and environmental issues in relation to the CERC. All activities financed through the CERC are subject to the World Bank ESF. In the event that CERC activation is proposed, a brief CERC-ESMF or CERC ESMF-Addendum may be prepared, or additional E&S management instruments as required will be prepared to cover CERC activities and disclosed, within six months of project effectiveness.

## 2 Project Description

### 2.1 Project Development Objective

13. The project development objective (PDO) of the FREDIP is to improve participatory sustainable forest management and increase benefit from forests to communities in target areas, including community forests and PAs in Myanmar, and to provide an immediate and effective response in case of an eligible crisis or emergency.

### 2.2 Project Beneficiaries

14. The intended direct beneficiaries of project interventions will include community forest user groups (CFUGs) including vulnerable forest-dependent communities and sectoral government institutions. Indirect benefits will also accrue to farmers / rural communities through improved provision of environmental services by forests; national and regional governments; private sector investors (indirectly through an improved enabling environment); and government budgets through enhanced fiscal revenue from value chain developments.

### 2.3 Project Components and Sub-components

Component 1: Productive Forests

Subcomponent 1.1: Community Forestry, including Community Forestry Enterprises

15. This sub-component will support activities related to afforestation / reforestation, restoration and avoided deforestation / forest degradation (by means of empowering responsible stewardship of forests by communities), as well as incubating forest-based community enterprises. The activities to be implemented under this sub-component are described in Table 2-1.

**Table 2-1 Activities to be Implemented under Sub-component 1.1**

Sub-component	Description of Project Activities
1. Policy and regulatory reform for community forestry, including CFE	<p>(a) <b>review of Community Forest Instructions (CFI)</b> with a view to simplifying the administrative burden and strengthening the robustness of the process, including integrating the World Bank's ESF requirements with a focus on stakeholder engagement and FPIC (where applicable);</p> <p>(b) <b>other policy and regulatory actions</b> that may be required to support (i) a simplified registration process for CFEs; (ii) simplified regulations for extraction, transport and sale of CFE products (including more favourable requirements for CFEs); (iii) facilitation of dialogue with the Department of Agricultural Land Management and Statistics (DALMS) to facilitate CF establishment on Vacant, Fallow and Virgin (VfV) land; and (iv) improved access to loans for CFUGs (including through use of CF certificates as a collateral);</p> <p>(c) <b>dissemination of CF regulations and information on CF</b> to all FD structures as well as local governments, Ministry of Agriculture, Livestock and Irrigation (MOALI) and other</p>

Sub-component	Description of Project Activities
	relevant agencies, and to enhance understanding of CF in the Government agencies.
2. Facilitation and support to the establishment of new CF (up to 1,000 new CFUGs)	<p>(a) <b>strengthening capacity of FD staff</b> at the township level and, for community outreach, awareness raising and communication to understand CF objectives and modalities, planning and facilitating formation of representative CFUGs, development of management plans, community engagement and training required for CF certification and management, in target townships. This will also include procurement of motorcycles and equipment for township FD teams;</p> <p>(b) <b>capacity building for local technical service providers</b> (like local NGOs and CBOs);</p> <p>(c) <b>development and printing of information materials for CF outreach activities;</b></p> <p>(d) <b>construction and equipping of CF extension centres at district level</b> (9 in total, and one mobile extension unit); and</p> <p>(e) <b>support to establishment of up to 1,000 new CFUGs and development of CFMPs</b> and support through issuance of CF certificates; this process will have a special gender focus, to ensure that women are included in the management committees of the CFUGs (at least one woman in each management committee). This support will cover an average of five new townships in each Region per year, with support to an average of six CFUGs per township per year.</p>
3. Support to strengthening existing CF (up to 2,000 CFUGs)	<p>(a) <b>updating of the approved Community Forest Management Plans (CFMP);</b></p> <p>(b) <b>re-demarcation of CF area boundaries</b> where required;</p> <p>(c) <b>technical and financial support</b> (through technical service providers) <b>to implementation of approved CFMPs</b>, including new investments in forest restoration, watershed and agroforestry planting, natural regeneration or establishment of small-scale wood fuel and timber plantations, support to establishment of community nurseries, and so on;</p> <p>(d) <b>Regular peer-to-peer learning activities, including community exchanges, CF newsletter, CF webpage.</b> The project will also support regular (quarterly) meetings of Community Forestry Working Groups (CFWG) at the Regional, and district level. In the mangrove townships (in Ayeyarwady Region) the project will support establishment of up eight mangrove nurseries. In addition, in townships located within the Dry Zone, the project will provide investments in small</p>



Sub-component	Description of Project Activities
	water provision infrastructure such as rehabilitation of water storage ponds and tube wells to support forestry activities.
4. Support to incubating new or strengthening existing CFEs	<p>These activities will be implemented by CFUGs with the support of NGOs, government extension services or other technical departments and organizations as technical service providers (drawing on well-established modalities in place in Myanmar). Activities to support small scale CFEs will include:</p> <p>(a) <b>identification/mapping of value-chains and value-added products</b>; subsequent development of outreach and training material for CF extension centres and</p> <p>(b) <b>Training for small CFEs on market orientation, processing and product marketing, business skill development, product certification</b>, etc.</p> <p>The identification and design phases will make sure that the needs and wants of women as well as men in the communities are taken into consideration. Certain value-added products will be designed to ensure women are active players in the value chain and relevant trainings will be designed in a way that enhances the participation of women.</p> <p>The project will also support the establishment of up to five processing clusters anchored around existing private sector operators, in order to capitalize on the experience and expertise of these operators and tap into existing markets for CF products, through investments in capacity and equipment as required. These clusters will be supported to establish supply contracts with identified private companies / associations.</p> <p>This cluster approach will help establish mutually beneficial links between CF and the private sector, including private plantation investors. Scaling up community-based forestry requires markets for timber and non-timber forest products or services (such as ecotourism) that only private entrepreneurs can provide. At the same time, working with communities as outgrowers will help provide timber and product inputs for private investors. To secure local support and avoid potential conflict will require private investors to develop approaches to timber plantation development that take local communities' needs into account.</p> <p>A variety of approaches is possible, including rotational intercropping, silvo-pasture and smallholder outgrower schemes. The cluster approaches for different products, where private enterprises provide community out-growers with</p>

Sub-component	Description of Project Activities
	<p>planting material and technical support, and enter purchase guarantees for their products, will be important for ensuring the viability of CFEs and the success of the CF programme as they will help communities derive financial benefits from sustainable management of their community forests.</p> <p>The teams have identified two cluster ideas that can be piloted initially, while identification of another two potential clusters is ongoing: around the paper mill in Ayeyarwaddy Region (with a private paper mill ‘anchoring’ the cluster) and for bamboo in Bago region (working through the bamboo growers’ association).</p>

Subcomponent 1.2. Sustainable private sector plantations development

16. Activities under this subcomponent are based on recommendations of the preparatory study that reviewed options for incentivizing investment in sustainable commercial forest plantations.<sup>9</sup> Table 2-2 describes the specific activities to be included.

**Table 2-2 Activities to be Implemented under Sub-component 1.2**

Sub-component	Description of Project Activities
<p>1. Creating enabling conditions for investments in private plantation sector with the participation of Multi-stakeholder Policy Working Group</p>	<p>(a) revising related policies, legal framework, and regulations;</p> <p>(b) exploring availability of suitable land for plantation establishment;</p> <p>(c) environmental and social safeguards due diligence;</p> <p>(d) local conflict resolution;</p> <p>(e) investments in creating enabling environment for private sector plantation sector investments;</p> <p>(f) protection against fire, insect and pest and conservation of soil productivity</p> <p>These activities will be conducted through discussions with key stakeholders and will include analytical studies to support any policy and technical reform.</p>
<p>2. Exploring investment models and identifying private plantation tender blocks in nine potential districts in three regions (Sagaing, Bago and Ayeyarwady)</p>	<p>(a) exploring availability of plantation areas in nine districts based on the broad area of plantation working circle, failed old plantations and large area of MRRP plantations;</p> <p>(b) surveying for valuation of existing old plantations which are listed for failure or loss of trees;</p>

<sup>9</sup> <https://openknowledge.worldbank.org/handle/10986/34149>

Sub-component	Description of Project Activities
	(c) mapping land-use of planting sites and identifying plantation blocks depending on the landscapes; (d) field data collection (e) consultations with stakeholders at all levels: Region, district and township; and (f) preparation of land-lease tenders appropriate to ground conditions.
3. Setting up a national plantation information system to improve plantation management	(a) hiring consultants for designing a plantation information database and providing trainings, testing design of data collection and maintaining the system; (b) contracting service providers for surveying and data collection in nine districts; (c) providing necessary training on information and data management for FD staff; (d) establishing a monitoring and reporting system at township and district levels in three selected regions for recording data on MRRP plantations established from 2017 up to date, and (e) collecting data on old plantations based on inventory of 30-year old plantations.

Component 2: Community Forestry for Livelihoods

17. In order to ensure that the CFUGs start creating more sustainable<sup>10</sup> livelihood opportunities, which will contribute to their adaptation and resilience capacity, Component 2 of the Project will provide grants for replenishment of community revolving grants that the communities can use to fund livelihoods activities (Table 2-3).

**Table 2-3 Sub-Components of Project Component 2**

Sub-component	Description of Project Activities
1. Community revolving funds for existing and new CFUGs, targeted under Component 1 (up to 3,000 CFUGs in total)	The project will support establishment support to and provide grants for initial replenishment of community revolving funds that the communities can use to finance their livelihoods activities. The standard grant amount has been set at US\$10,000 per CFUG. The project will pay special attention to ensure that rules of the revolving funds guarantee equal access to women and that this right is respected. In addition, this subcomponent will provide gender-inclusive support and trainings to CFUGs on marketing of products of the livelihood

<sup>10</sup> A livelihood is sustainable when it enables people to cope with and recover from shocks and stresses and enhance their well-being and that of future generations without undermining the natural environment or resource base.

Sub-component	Description of Project Activities
	<p>activities. All livelihoods / economic activities will also consider climate adaptation and mitigation measures. Annex 4 of the PAD provides a detailed description of the revolving fund scheme set up.</p> <p>This component will also finance consulting services required for administration of the revolving fund scheme.</p>

Component 3: Forest Protection

Subcomponent 3.1: Protected Area Management and Ecotourism Development

18. The objective of this component is twofold – first, it will aim to improve management of existing PAs and second, it will support the creation of enabling conditions to realize economic opportunities from the PA system by pursuing ecotourism development, including community-based ecotourism, and promoting forest restoration and reforestation activities in CPAs/PAs. Support for activities in PAs will focus on selected priority sites identified using a set of agreed criteria (see Table 2-4).

**Table 2-4 Activities to be Implemented under Component 3.1**

Sub-component	Description of Project Activities
<p>1. Strengthening PA management (including community conservation)</p>	<p>This subcomponent will support activities aimed at strengthening PA management systems, including zoning, monitoring, boundary demarcation and signage, together with community awareness and livelihood support in and around identified priority PAs. It will also provide equipment in the form of vehicles and generators, as well as buildings such as education centres and staff accommodation.</p> <p>This subcomponent will also support strengthening of the financial sustainability of PAs by building on identified entry points for setting up sustainable financing mechanisms. It will support establishing possibilities for revenue retention and promotion of reinvestments in conservation, building on laws that permit a variety of revenues to be earned and retained, but that currently are not realized due of lack operationalization. Increased revenue retention will provide increased budget for consistently underfinanced PAs where staff costs dominate public budgets (even though PAs are currently operating with 50% of staffing capacity) and where little surplus remains for other critical investments.</p>
<p>2. Ecotourism development for selected PAs.</p>	<p>In line with the key objectives of the 2015-2025 Myanmar Ecotourism Policy and Management Strategy for Protected Areas (MEPMSPA), the Project will support policy and institutional reform focused on ecotourism-related income generation for PAs, such as income generated from entry fees</p>

Sub-component	Description of Project Activities
	and concession revenue from ecolodges, management agreements for restaurants and permits for tour operators and tour guides to deliver services in PAs. PA ecotourism plans will be prepared for target PAs identifying ecotourism activities suited to the PA, along with small infrastructure needs such as signage, boat landings and campsites. There will also be training and capacity development of PA staff. Final selection of PAs will be made after consultation with tour operators and confirmed by FD. The project will also invest in enhancing the capacity of FD to plan and manage tourism that supports the conservation objectives of the target PAs.
3. Community-based ecotourism promotion	This subcomponent will support a series of capacity-building measures for communities living in sites of high tourism potential, or where existing tourism activity is taking place in the selected PAs. Activities will include supply chain studies and value chain development, coupled with investment support for community tourism enterprise development, together with investments in small-scale infrastructure such as bird hides, cycle paths and washrooms as proposed in the PA ecotourism plans. Capacity-building activities will include tour guide, hospitality and language training, together with waste management and recycling training and support. All activities are based upon recommendations set out in the MEPMSPA and will be designed in detail based upon consultations with the private sector operators promoting tourism activity to these sites.

### Subcomponent 3.2. Detection and Prevention of Illegal Forest Activities

19. The project will invest in support for strengthened national activities related to detection and prevention of illegal forest activities, including introduction of new technologies and collaboration with communities to prevent illegal logging, conserve natural resources, ensure biodiversity is sustainably managed for the socio-economic benefit of local communities, reduce revenue losses through illegal timber, wildlife and wood fuel trade, and enhance detection and prosecution for illegal logging activities. The FD will undertake these activities in collaboration with customs, enforcement agencies, line ministries and regional / state authorities, and where appropriate, Ethnic Armed Organisations (EAOs).

**Table 2-5 Activities to be Implemented under Component 2.1**

Sub-component	Description of Project Activities
1. Detection and prevention of illegal forest activities	Activities under this sub-component will include: (a) establishment and operation of an inter-agency task force on illegal forest activities;

Sub-component	Description of Project Activities
	(b) consultancy for scoping illegal logging/transport typology and strategy formulation; (c) consultancy for intelligence system development (and follow up annual visits for review); (d) training of relevant staff; (e) procurement, operation, and maintenance of required logistics and equipment; (f) remote sensing application for near real time detection.

#### **Component 4: Institutional Strengthening and Management**

##### **Subcomponent 4.1. Institutional Strengthening of FD's Delivery Efficiency**

20. The project will support an institutional assessment of the FD structure vis-a-vis its existing capacity for fulfilling its mandate efficiently and effectively. The project will invest in strengthening FD's capacity according to the identified needs, through provision of training and equipment, under coordination by a dedicated national training coordinator.

##### **Subcomponent 4.2. Project Management, Monitoring and Evaluation**

21. This subcomponent will finance technical and operational assistance for day-to-day management and implementation of the Project, which will be mainstreamed within the FD system. This will include outside technical expertise, incremental operating costs including those related to environmental and social risk management and operation of the grievance redress mechanism, office equipment, logistics, development and maintenance of the management information system, costs of the Project Steering Committee and the cost of audits. It will provide institutional support and capacity development for project management, coordination, environmental and social risk management, and monitoring and evaluation, including the costs of information and communication technology (ICT). It will also finance activities for citizen engagement.

22. This subcomponent will finance costs of Project Management Unit (PMU) at the Union level and incremental costs related to project coordination and monitoring at the township, district and regional levels, including costs of hiring project assistants for each region to support coordination and reporting functions, in support of the FD-appointed project focal points. The PMU at the Union level will be composed largely of FD regular staff, drawn from the respective FD divisions, supported by a few dedicated consultants covering the areas of (a) procurement (one full-time national procurement consultant for the project duration and a part-time international TA, (b) financial management (FM) (one full-time national FM consultant for the project duration (c) three full-time environmental and social risk consultants (covering inclusion, gender and grievance redress) (d) M&E (one full time national consultant), and (e) technical support to project management (one full time national consultant - TBC).

23. Building upon the experience of other Bank-financed projects in Myanmar, the project will support annual review meetings which would, among others, examine project progress, identify emerging lessons, engage directly and simultaneously with various relevant stakeholders. This would see FD staff from HQ and township / district / regional level convene to discuss and share knowledge on challenges and experiences in responding to these, and to identify emerging best practice.

## Component 5. Contingency Emergency Response (US\$0 million, all IDA)

24. A CERC (with zero allocation) will be created and made implementation-ready to allow the GoM to respond quickly in case of an eligible emergency. The mechanism will be defined in a specific CERC Operational Manual that will specify the triggers, eligible expenditures, procurement thresholds, and procedures for using part of IDA resources in case of emergency.

### **2.4 Criteria for Selection of Project Sites in Target Regions**

25. For Sub-component 1.1 and Component 2, the following criteria will be applied to select townships for intervention:

26. Priority will be given to townships with large CF areas and/or high potential for new CF establishment, as well as high poverty levels as per the multi-dimensional index (MDI), and high pressure on remaining forests due to commercial woodfuel demand. The project will not support activities in townships that include large urban areas, as these have few CF areas and low potential for new CF establishment.

27. The Project will support CF activities in the priority townships starting from the first or second year of implementation). Project activities in remaining townships will be started in later years.

28. The project will not work in townships with ongoing conflicts or that are affected by conflicts. This excludes Taungoo, Htantabin, Kyaukkyi, Shwegyin and Nyaunglebin townships of Bago Region; and Lay Shi, Lahe, Nanyun and Hkamti townships of Sagaing Region.

29. For Sub-component 1.1 and Component 2.1, the following criteria will be used to select communities/ villages within the selected townships:

30. High CF potential;

31. Strong interest in participation in the project; and

32. Not requiring land acquisition or having significant environmental and social impact potential (as determined through project level and site-specific assessment and screening).

33. For Subcomponent 3.1., selection of target PAs has been made based on the following criteria:

34. PAs with a management unit in place;

35. PAs with an existing management plan; and

36. PAs that have ecotourism potential.

37. For Sub-component 3.1, the following criteria will be applied to select communities/villages within and around the selected PAs for community-based ecotourism development:

38. High ecotourism potential;

39. Strong interest in participation in the project; and

40. Not requiring land acquisition or having significant environmental and social impact potential (as determined through project level and site-specific assessment and screening).

### **2.5 Project Implementation Arrangements**

41. The forest sector is under the overall direction of the MONREC. Within the Ministry, the FD, under

the leadership of a Director General and two Deputy Director Generals, is responsible for protection and conservation of biodiversity and sustainable management of the forest resources of the country. The FD will be the lead Implementing Agency for the Project.

42. The Union Level FD facilitates and manages the tasks of the FD to be in line with the directives of FD and to achieve the target plans. The Union Level FD has 11 Divisions: the Administration Division, Planning and Statistics Division, Natural Forests and Plantation Division, Training and Research Development Division, Inspection Division, Finance Division, Nature and Wildlife Conservation Division, Zoological Gardens Division, Extension Division, Watershed Management Division and Forest Research Institute. It has 15 regional offices, 68 district offices and 321 township offices for implementation of reforestation, rehabilitation and conservation activities.<sup>11</sup>

43. The FREDIP will be implemented under five Divisions as summarised in Table 2-6. The Finance (Budget) Division and Administration Divisions will be responsible for financial management and procurement.

**Table 2-6 Sub-components and FD Implementing Divisions**

FREDIP Sub-Components	Implementing Division
Component 1.1: CF, including CFEs Component 2: CF for livelihoods	Extension Division (CF Unit)
Component 1.2: Sustainable private sector plantation development	Natural Forests and Plantation Division
Component 3.1: PA management and ecotourism development	Nature and Wildlife Conservation Division
Component 3.2: Detection and prevention of illegal forest activities	Inspection Division
Component 4: Institutional strengthening and management	Planning and Statistics Division

44. A PMU will be created at the FD Union level comprising officials from the concerned divisions from the FD headquarters and those from the sub-national FD offices. The implementation of Project activities will be carried out by the Union, District, and township level FD staff, depending on the type and nature of activities. The regional level FD structures will play a coordinating role. Chapter 10 provides details on the proposed implementation arrangements.

45. For the implementation of CF activities, the FD will partner with technical service providers, and will enter into contracts with suitable qualified CBOs / NGOs to provide capacity building and facilitation to support FD staff in the planned significant scale up of CF to meet the MRRP targets. These contracted organizations will provide institutional support and build the capacity of government counterparts, which will be particularly important for accelerating Project start-up by augmenting the technical capacities of implementing units.

46. The Project will be implemented over six years from June 2021 to June 2027 in the five Regions of Ayeyarwady, Bago, Magway, Mandalay and Sagaing, plus the Nay Pyi Taw Union Territory.

<sup>11</sup> Forestry in Myanmar, 2020, MONREC



### 3 Policy and Legal Framework

47. This section describes the applicable national laws and regulations, as well as the Environmental and Social Standards (ESS) of the World Bank, as they relate to the implementation of Project activities and the management of associated environmental and social risks. Gaps are highlighted between the Bank's ESS requirements<sup>12</sup> and the policy, legislation, institutions and implementation capacity of the borrower (the GoM) for addressing E&S risks and impacts. These gaps are explored to identify any additional studies and/or mitigation measures required for meeting ESS requirements. Gap filling measures are linked to mitigation plans that emanate from the ESMF or will be connected to specific plans that will be derived from the ESMF.

#### 3.1 The World Bank Environmental and Social Framework Requirements

48. **Environmental and Social Standards** - Every project supported by the World Bank is required to meet the Bank's ESSs, which are set out in its Environmental and Environmental Framework (ESF). A screening process has confirmed that nine of the Bank's ten ESSs are applicable to FREDIP activities. The detailed results of the activity screening are in Chapter 6.

#### 3.2 Summary of Gap Analysis between National Legislation and World Bank's ESF

49. Table 3-1 presents the results of the gap analysis and identifies the gaps between national legislation and the WB's ESSs of relevance to FREDIP activities, along with the gap filling measures to be applied.

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<sup>12</sup> Strengthening Environmental and Social Risk Management, Interim Guidance on conducting an Overview Assessment, WB, 2019.

**Table 3-1 Summary of gaps between national legislation and World Bank’s ESSs, and gap filling measures**

WB ESS	National laws and regulations	Gaps	Gap filling measures
ESS 1 – Assessment and Management of Environmental and Social Risks and Impacts	Environmental Conservation Law (2012) Environmental Conservation Rules (2014) EIA Procedures (2015)	<p><b>Required Environmental and Social Assessments:</b> Under ESS 1, the borrower is required to conduct the following assessments:</p> <ul style="list-style-type: none"> <li>a) Environmental and Social Impact Assessment (ESIA)</li> <li>b) Environmental and Social Audit</li> <li>c) Hazard or Risk Assessment</li> <li>d) Cumulative Impact Assessment</li> <li>e) Social and Conflict Analysis</li> <li>f) Environmental and Social Management Plan (ESMP)</li> <li>g) Environmental and Social Management Framework (ESMF)</li> <li>h) Regional ESIA</li> <li>i) Sectoral ESIA</li> <li>j) Strategic Environmental and Social Assessment</li> </ul> <p>In Myanmar’s <b>EIA Procedures (2015)</b>, only an <b>Environmental Impact Assessment (EIA) or Initial Environmental Examination (IEE)</b> is required, depending on the size and nature of the project.</p>	<p>The borrower will follow the requirements of ESS-1 as well as the national requirements under the EIA Procedures.</p> <p>The ESMF itself is one of the requirements of ESS-1, and provides the screening checklist (Annex 1) in which the instructions from the EIA Procedures and ESS–1 are fully considered.</p> <p>Project activities will undergo site-specific screening using Annex 1, and the required environmental and social instrument relevant to ESS will be determined based on the potential risks and impacts of the proposed activity.</p>
		<p><b>Environmental and Social Assessment (Adequacy and Sufficiency):</b> The EIA</p>	<p>ESCP to include a timeline for the preparation of TORs for ESIA and ESMP and</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
		Procedures give lower consideration to environmental and social risks than required under ESS-1, especially from a social point of view.	for site-specific ESIA and ESMP to be carried out in accordance with the results of screening (Annex 1). Those TORs will cover the requirements of both the WB ESS and the relevant national laws and regulations.
		<b>Risks, Impacts and Alternatives:</b> There is no instruction to consider a 'no project alternative' in Myanmar's EIA Procedures.	Alternative analysis, including for the 'no project alternative', should be included in TORs for ESIA at specific sites.
		<b>Mitigation Hierarchy:</b> There is no clear instruction to develop a mitigation hierarchy in EIA Procedures.	A mitigation hierarchy for avoidance, minimization, mitigation and offsetting/compensation of the adverse impacts is included in the model TORs for ESIA and ESMP.
		<b>Primary Suppliers:</b> There are no specific regulations in Myanmar for assessing the risks and impacts associated with primary suppliers.	The Project's Labour Management Procedures (LMP) include requirements for the primary suppliers to follow operational health and safety measures, ensure safe working conditions and provide of personal protected equipment. They will also be required to provide information to the FD regarding measures in place to prevent and control the use of child and forced labour.
		<b>Institutional Capacity:</b> There are no specific sections under the EIA Procedures and environmental rules relating to the institutional capacity of the project proponent, including their capacity to implement environmental management measures.	Chapter 11 of this ESMF contains indicative training plans to provide E&S trainings to FD staff at different levels for implementation of environmental and social mitigation measures and plans.
		<b>Disadvantaged or Vulnerable Individuals or Groups:</b> There is no specific regulation in	Meaningful stakeholder engagement is addressed in the Stakeholder Engagement

WB ESS	National laws and regulations	Gaps	Gap filling measures
		<p>Myanmar to consider disadvantaged or vulnerable individuals or groups, particularly in the sharing of project benefits and opportunities.</p>	<p>Plan (SEP) and ESMF. covering appropriate mitigation measures for any social impacts on disadvantaged or vulnerable individuals or groups.</p>
		<p><b>Significant Changes in Project Design:</b> There is no requirement in the EIA Procedures to inform stakeholders about any significant changes to the project activities and schedule, and associated impacts and risks.</p>	<p>The SEP includes measures to inform stakeholders about project related information and associated risks and mitigation measures.</p>
		<p><b>Contractors:</b> National regulations provide no clear guidance on performance monitoring of contractors.</p>	<p>The LMP stipulates that the performance of contractors regarding labour and working conditions, including Occupational Health and Safety practices, will be monitored.</p> <p>Construction contractors are required to implement the ECOPs for construction activities (Annex 2) and Code of Conduct for workers (refer to the LMP appendixes).</p> <p>Contractors are required to formulate and implement a contract-specific Environmental and Social Management Plan (C-ESMP) with a description of specific E&amp;S management measures to be carried out and including contract-specific language relating to incentives for good performance or penalties/disincentives for poor performance. Each C-ESMP will describe the specific responsibilities for oversight and supervision of day to day work. Each C-ESMP will comply with relevant aspects of</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
			<p>national law as well as the requirements of the relevant World Bank ESSs.</p> <p>C-ESMP requirements will be included in all bidding documents provided to contractors prior to bid evaluation.</p>
ESS 2 – Labour and Working Conditions	<p>2008 Constitution</p> <p>The Labour Organization Law (2011)</p> <p>The Settlement of Labour Disputes Law (2012)</p>	<p><b>Project workers:</b> The definition of ‘worker’ is inconsistent across the national laws, according to the scope and purpose each piece of legislation. While full time and temporary workers are categorized with reasonable consistency, definitions for seasonal and migrant workers are lacking.</p>	<p>The borrower will follow the requirement of ESS-2, as well as the national regulations.</p> <p>The LMP (Annex 8) include provisions for all types of project workers identified in the WB ESS-2 as relevant to the project.</p>
	<p>The Social Security Law (2012)</p> <p>The Employment and Skill Development Law (2013)</p> <p>The Law Amending the Leave and Holidays Act 1951 (2014)</p>	<p><b>Labour Management Procedures:</b> In the national laws related to labour and employment, there is no direct instruction to develop and implement written labour management procedures. The Employment and Skills Development Law (2013) only specifies that “regulations to be followed by the employees” must be included in employment agreements.</p>	<p>The LMP have been prepared for the project (see Annex 8). The LMP includes provision for regulations to be followed by the FD, to fill the identified gap and give protection to workers</p>
	<p>The Rights of Persons with Disabilities Law (2015)</p> <p>The Payment of Wages Law (2016)</p> <p>Occupational Safety and Health Law (2019)</p>	<p><b>Non-discrimination and equal opportunity:</b> Although it is stated in national Constitution (2008) that the Union does not discriminate against any citizen based on race, birth, religion, official position, status, culture, sex or wealth, there is no specific reference to workplace discrimination or harassment under Myanmar Law.</p>	<p>The LMP (Annex 8) includes measures to prevent and address harassment and/or exploitation of workers.</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
		<p><b>Child Labour:</b> There is no requirement under national law to conduct Risk Assessments for engaging child labour under the age of 18.</p>	<p>The LMP (Annex 8) prescribes that the project will not have workers under the age of 18 and includes specific screening procedures for identification of workers' age.</p>
		<p><b>Grievance mechanism for workers:</b> Although some sections of national laws mention that the workers can submit grievances, there is no requirement for employers to have a grievance mechanism for employees or contracted workers.</p>	<p>The LMP (Annex 8) describes a grievance mechanism for both employees and contracted workers to raise workplace concerns, and a process for community workers.</p>
		<p><b>Third Parties, including contractors and Community Work:</b> Only the EIA Procedures (2015) highlight any legal responsibilities for project proponents to monitor the compliance of third parties (such as contractors and subcontractors) with applicable laws and rules, and the EMP. There is no detailed instruction in any national law to establish labour management procedures, including for community work.</p>	<p>The LMP (Annex-8) identifies terms and conditions of work, including amount and method of payment, and a grievance process. The LMP includes measures to ascertain that labour is provided on a voluntary basis as an outcome of individual or community agreement.</p>
		<p><b>Primary Supplier:</b> The EIA Procedures (2015) do not consider the potential risks to workers associated with primary suppliers or require them to identify such risks and introduce mitigation measures where significant.</p>	<p>The LMP sets out requirements for primary supply workers for the Project.</p>
ESS 3 – Resource Efficiency and Pollution	Environmental Conservation Law (2012)	<p><b>Resource Efficiency:</b> There is no precise instructions or regulations in Myanmar to apply feasible measures for improving resource efficiency.</p>	<p>The borrower will follow the requirement of ESS-3 as well as the national regulations.</p> <p>This ESMF will ensure that the project activities are designed and implemented in</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
Prevention and Management	Environmental Conservation Rules (2014) EIA Procedures (2015)	<b>Significant use of raw materials:</b> There is no particular instruction in the regulations to support efficient use of raw materials.	a manner that promotes efficient consumption of resources such as energy, water and raw materials through the application of the sub-project Screening Form (Annex 1) and ECoPs (Annex 2).
	Prevention of Hazard from Chemicals and Related Substances Law (2013)	<b>Management of Pesticides:</b> There is no regulation for pest management in the development of any project in Myanmar.	A generic Integrated Pest Management Plan (IPMP) has been prepared (Annex 6) to ensure effective pest control and management of agro-chemicals under relevant project activities.
ESS 4 – Community Health and Safety	Environmental Conservation Law (2012) Environmental Conservation Rules (2014) EIA Procedures (2015)	<b>Infrastructure and Equipment Design and Safety:</b> Although the EIA Procedures (2015) encourage the adoption of best available techniques and good practices to mitigate the adverse impacts of the Project, they are not clearly defined for community health and safety purposes.	The borrower will follow the requirement of World Bank ESS-4 as well as the national regulations.  This ESMF will ensure that infrastructure developed under the Project is designed, constructed and operated taking into account health and safety impacts on the community. Several of the ESMF Annexes refer to measures specifically addressing community health and safety, including requirements for contractors to adopt C-ESMP addressing waste management, traffic management and safety, and management of worker-community interactions, among others
		<b>Universal Access:</b> There is no regulation requiring universal access to the public infrastructure or services.	The ESMF will ensure that universal access is provided for all publicly accessible infrastructure and services under the project. A series of meaningful stakeholder engagements will be conducted to involve

WB ESS	National laws and regulations	Gaps	Gap filling measures
			different groups of community and project beneficiaries, as per the SEP.
		<p><b>Traffic and Road Safety:</b> Although accident-related measures are prescribed in the EIA Procedures (2015), there is no detailed instruction related to traffic and road safety of the community and road users.</p>	<p>This ESMF includes considerations for project-related traffic and road safety risks through the implementation of ECoPs (Annex 2) and LMP (Annex 8).</p>
		<p><b>Ecosystem services:</b> There is no regulation or detailed instruction to consider impacts on ecosystem services.</p>	<p>The project will contribute to the improvement of ecosystem services for the community. Potential adverse impact on ecosystem services such as fire safety, restriction of access to land and natural resources, etc. are fully addressed via provision of guidance on community forest management planning and ECoPs.</p>
		<p><b>Health Issues associated with Influx of Labour:</b> There is no legal instruction for considering health impacts or diseases associated with worker influx.</p>	<p>Labour influx due to project activities is not expected under this project.</p>
<p>ESS 5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement</p>	<p>The Land Acquisition Act (1894) The Farmland Law (2012) EIA Procedures (2015) The Forest Law (2018)</p>	<p><b>Scope:</b> Although the EIA Procedures specify that social impacts (including involuntary resettlement and impacts relating to indigenous people) should be considered, they omit specific issues such as economic displacement, restrictions on land use and reduced access to natural resources. Section 7 of the EIA Procedures states that international good practice accepted by international financial institutions can be adopted with</p>	<p>The borrower will follow the requirement of World Bank ESS-5 as well as the national regulations.  The FREDIP is expected to result only in economic displacement, as a result of different kinds of land acquisition and restriction. The Resettlement Policy Framework (RPF) (Annex 11) includes measures for specific cases such as economic displacement, restrictions on land use, or reduced access to natural resources.</p>



WB ESS	National laws and regulations	Gaps	Gap filling measures
		regard to involuntary resettlement and indigenous people.	In a case where an ethnic group will lose their ancestral lands or if they are unable to derive a traditional livelihood from those lands due to Project activities, the Community Participation Planning Framework (CPPF) (Annex 13) will be triggered.
		<b>Eligibility:</b> The EIA Procedures define a Project Affected Person (PAP), but the definition does not cover a case where land acquisition, restrictions on land use and involuntary resettlement are unavoidable.	The Resettlement Policy Framework (RPF) (Annex 11) covers affected persons who have: formal legal rights to land or assets; a claim to land or assets that is recognizable under national law; no recognizable claim to the land or assets they occupy or use.
		<b>Informal Users or Occupiers:</b> Compensation for informal users or occupiers of land is not covered in the national laws.	RPF (Annex 11) covers eligibility of informal land users and occupiers to compensation for economic and/or physical displacement caused by the Project.
		<b>Voluntary Transactions:</b> Voluntary transactions are not covered in national law.	The RPF (Annex 11) provides for land donation under a defined process of socio-economic survey, inventory of assets, the recording, signing and witnessing of a donation agreement, and a strict monitoring requirement.  No Project Components will be implemented if there is any land acquisition or relocation involved, although there may be some economic displacement, which is covered in the RPF (Annex 11).
		<b>Land donation:</b> There is no regulation concerning voluntary land donation.	
		<b>Alternatives to reduce Impacts:</b> In accordance with the EIA Procedures (2015), although for land use, ownership and land rights should be considered in an EIA, there is no specific requirement to consider alternative designs to avoid or minimize land acquisition, displacement, gender impacts and impacts on vulnerable people.	

WB ESS	National laws and regulations	Gaps	Gap filling measures
		<p><b>Compensation at replacement cost:</b> Although the determination of amount of compensation is specified in the Land Acquisition Act (1894), detailed consideration for necessary transaction cost associated with asset replacement is not fully covered yet.</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) covers to offer affected person compensation at replacement cost, defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.</p>
		<p><b>Transparency:</b> There is no legal requirement for transparency in the process of the compensation for lands and assets.</p>	<p>The RPF (Annex 11) emphasises transparency in the process of compensation for lands and assets.</p>
		<p><b>Alternatives to cash compensation:</b> There is no requirement for any alternative to cash compensation under the EIA Procedures (2015)</p>	<p>The RPF (Annex 11) includes provision to offer alternative income-generating opportunities where livelihoods are land-based or land is collectively owned with no option for replacement land.</p>
		<p><b>Taking possession of land or assets:</b> There is no specific provision concerning taking possession of land or assets under the EIA Procedures or other laws.</p>	<p>Not applicable to FREDIP</p>
		<p><b>Forced eviction:</b> There are no clear provisions related to forced eviction in any national laws and regulations.</p>	<p>This project will not use forced eviction.</p>
		<p><b>Transition Support: &amp; Livelihoods:</b> The EIA Procedures (2015) require livelihood restoration but do not specifically mention a need for timely action and the consideration of vulnerable groups in the livelihood restoration process.</p>	<p>The RPF (Annex 11) includes guidance for provision of timely assistance to restore livelihoods, particularly for vulnerable groups and assistance in lieu of land compensation sufficient to re-establish livelihoods elsewhere.</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
		<p><b>Gender:</b> There is no particular guideline for protecting and supporting women in resettlement and compensation processes.</p>	<p>The RPF (Annex 11) includes provisions to protect and support women, including documentation, training, access to credit and jobs, ensuring women’s perspectives are factored into all aspects of resettlement planning and implementation, and enabling women to share equitably in compensation from resettlement of male-headed households when land is in one person’s name.</p>
		<p><b>Grievance redress:</b> There is no specific instruction under any laws and regulations to establish a grievance mechanism in a timely manner during a project development process.</p>	<p>The RPF (Annex- 11) ensures that a project grievance mechanism is in place as early as possible to address concerns about compensation, relocation or livelihood restoration.</p>
		<p><b>Planning:</b> There are no detailed instructions or regulations related to planning of land acquisition and resettlement, including cut-off dates and preparation of a land acquisition plan or framework.</p>	<p>The RPF (Annex 11) sets out a process of land acquisition and/or resettlement and economic displacement, including socioeconomic studies of the affected persons, valuation and compensation process, if required. However, it has been agreed that the project will only use Government land and areas where acquisition of land and/or relocation is not expected.</p>
		<p><b>Monitoring and Evaluation:</b> There are no instructions or regulations relating to the development of monitoring and evaluation procedures for land acquisition and resettlement processes.</p>	<p>The RPF (Annex 11) establishes procedures to monitor and evaluate implementation of the RPF and take corrective action.</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
		<p><b>Physical displacement:</b> The National Land Use Policy (2016) lists general requirements related to land acquisition, relocation, compensation, rehabilitation and restitution, but specific and detailed procedures for physical displacement have not been produced.</p>	<p>The FREDIP will not permit activities that would result in physical displacement. A site-specific social assessment will be conducted at each activity location. The RPF (Annex 11) outlines a screening process to identify economic and physical displacement impacts, prior to implementation</p>
		<p><b>Economic displacement:</b> There are no clear and detailed procedures in Myanmar for considering economic displacement.</p>	<p>The RPF (Annex 11) outlines procedure for identifying measure to improve (or at least restore) incomes or livelihoods, paying attention to gender aspects and the needs of the poor and vulnerable, to monitor livelihood measures until a completion audit concludes persons have received all eligible assistance and been provided with adequate opportunity to re-establish their livelihoods, and to provide transitional support based on reasonable estimate of time required to restore income-earning capacity, production levels and standards of living.</p>
		<p><b>Restrictions of access to natural resources: Transactions</b> Conservation of Biodiversity and Protected Areas Law (2018) allows local communities to access to resources inside PAs through demarcation of buffer zones. However, there is no specific guidance for dealing with any restrictions on access to natural resources.</p>	<p>The Process Framework (Annex 12) sets out the approach for conducting due diligence to assess potential restrictions on access that the Project may create.</p>

WB ESS	National laws and regulations	Gaps	Gap filling measures
ESS 6 – Biodiversity Conservation and Sustainable Management of Living Natural Resources	Environmental Conservation Law (2012) Environmental Conservation Rules (2014) EIA Procedures (2015) Conservation of Biodiversity and Protected Areas Law (2018)	<b>Differentiated Measures for Different types of Habitat:</b> In accordance with national laws and regulations, there is no differentiation of habitats such as ‘modified habitat’, ‘natural habitat’ or ‘critical habitat’ in Myanmar.	The borrower will follow the requirement of World Bank ESS-6 as well as the national regulations.  Habitats will be differentiated using the subproject screening form in Annex 1. Based on the screening results, environmental management tools and approaches will be recommended, in line with the instructions for each type of habitat as per ESS 6.
	Community Forest Instructions (2019)	<b>Legally protected and internationally recognized areas of high biodiversity value:</b> Although the involvement of local communities in PA management is permitted in law, the specific involvement of indigenous people is not clearly described.	This ESMF will ensure the participation of local communities, including indigenous people, in consultation processes as per the SEP and CPPF (Annex 13). E&S considerations will be included when defining project activities and developing management plans, particularly for activities related to community-based activities such as CF and PA. Specific guidance notes are provided in Annex 3.
		<b>Alien species:</b> There is no legal requirement for assessing, screening and taking specific action in relation to the introduction of alien species.	Activities that may increase the risk of introducing to alien species will be screened out by using the form provided in Annex1.
ESS 7 – Indigenous People	The Ethnic Rights Protection Law (2015) EIA Procedure (2015)	<b>Identification:</b> Although the meaning of ‘indigenous people’ is defined in the EIA Procedures, certain characteristics (such as distinct language or dialect) are not included  <b>Application:</b> According to Section 7 of the EIA Procedures, adverse impacts on indigenous people are considered to fall under	Under FREDIP, the Borrower will follow the requirements of World Bank ESS-7 as well as the national regulations.  National legislation and current operational practices use the term ‘ethnic groups’ rather than ‘indigenous peoples’, which largely meets the four criteria spelled out in

WB ESS	National laws and regulations	Gaps	Gap filling measures
		<p>procedures separately issued by the responsible ministries. However, the application of ESS7 for indigenous people provides wider range from the presence of indigenous people in the proposed project area to the forest dwellers, hunter-gatherers, pastoralists or other nomadic groups.</p> <p><b>Vulnerability:</b> In Myanmar, there is no specific instruction or procedure to consider economic, political or social vulnerabilities.</p>	<p>World Bank ESS 7. The CPPF (Annex 13) is considered to meet the requirements of an Indigenous Peoples Planning Framework (IPPF), as defined by ESS7.</p> <p>The CPPF follows the requirements of ESS7 by specifying that standards for design, mitigation or access to benefits apply to all, irrespective of economic, political or social vulnerabilities and the nature/extent of vulnerability.</p>
		<p><b>Meaningful consultation: &amp; Planning: &amp; Mitigation, compensation and benefits:</b> The Ethnic Rights Protection Law (2015) states that ethnic groups shall be informed about project matters and consulted, accordingly. However, they are not considerations for involvement of indigenous people in design and implementation of the project, preparation of consultation strategy, and mitigation measures.</p>	<p>The CPPF (Annex 13) prescribes the involvement of ethnic group in the design and implementation of the Project, preparation of a consultation strategy, and in mitigation measures.</p>
		<p><b>Free, Prior and Informed Consent:</b> National laws include some stipulations relating to Indigenous People (IP) or ethnic group. such as disclosing project information, coordinating and assessing adverse impacts. However, there is no specific statement and/or procedure for FPIC of affected IPs.</p>	<p>The CPPF (Annex 13) recommends obtaining FPIC of affected ethnic group where the Project:</p> <ul style="list-style-type: none"> <li>• has adverse impacts on land and natural resources under traditional ownership or customary use or occupation;</li> <li>• causes relocation from such land or natural resources; or</li> <li>• has significant impact on cultural</li> </ul>

WB ESS	National laws and regulations	Gaps	Gap filling measures
			heritage (including commercial use of land, natural resources, or cultural heritage).
		<p><b>Documentation of land rights:</b> Land rights vary according to the land tenure category. Management of forest land falls under MONREC. There are no specific procedures for legal recognition of land owned traditionally or customarily.</p>	To address any gaps between Bank policy and national legislation, ESS 7 principles and instruments will be fully adhered to.
		<p><b>Commercial development of land or natural resources:</b> According to the EIA Procedures (2015), any development project needs an EIA, depending on the type and size of the project. But there is are no requirements that related specifically to commercial developments.</p>	
		<p><b>Cultural heritage:</b> There are no specific legal provisions for impacts on cultural heritage which is material to the identity, cultural, ceremonial or spiritual aspects of indigenous peoples.</p>	The CPPF (Annex 13) provides a framework for generating a community participation plan. which will be incorporated in all CF management plans. Where relevant, the site-specific participation plan will provide appropriate documentation to demonstrate that FPIC has been achieved for a specific site where there are ethnic groups (as defined under ESS-7).
		<p><b>Grievance mechanism:</b> There is no specific regulation or procedures for establishing or developing grievance mechanism which is culturally appropriate and accessible for indigenous peoples.</p>	The CPPF (Annex 13) outlines how to establish a culturally appropriate and accessible grievance mechanism, taking account of judicial systems and customary dispute mechanisms. This will also be

WB ESS	National laws and regulations	Gaps	Gap filling measures
			expressed in the context of the CPP (in compliance with ESS-7).
ESS 8 – Cultural Heritage	<p>The Protection and Preservation of Antique Objects Law (2015)</p> <p>The Protection and Preservation of Ancient Monuments Law (2015)</p> <p>The Protection and Preservation of Cultural Heritage Regions Law (2019)</p>	<p><b>Scope:</b> Although cultural heritage is defined in national laws, the specific meanings of ‘tangible’ and ‘intangible’ cultural heritage are not included.</p>	<p>The borrower will follow the requirement of World Bank ESS-8 as well as the national regulations.</p> <p>The Project’s Cultural Heritage Management Procedures (Annex 14) add a requirement for assessment of cultural heritage that considers direct, indirect and cumulative project-specific risks and impacts on tangible and intangible cultural heritage.</p>
		<p><b>Globally recognized practices:</b> National laws prescribe the implementation of globally recognized practices for field-based study, documentation and protection of cultural heritage, including by contractors and other third parties.</p>	<p>Same will be applied to the project</p>
		<p><b>Chance finds:</b> Although there are procedures if an antique object or monument is found, there is no clear instruction for including ‘chance find’ procedures in contracts.</p>	<p>The Cultural Heritage Management Procedures (Annex-14) include a ‘Chance Finds’ procedure for project activities such as construction works. A ‘chance finds’ procedure will be in all contracts that include construction (including excavations, demolition, movement of earth, flooding or other changes in the physical environment).</p>
		<p><b>Cultural heritage experts:</b> The Protection and Preservation of Antique Objects Law (2015) recommends the formation of an Expert Group for the identification and inspection of ancient buildings. However, there is no clear</p>	<p>The Cultural Heritage Management Procedures (Annex-14) advise bringing in cultural heritage experts where necessary due to potential risks and impacts of a</p>



WB ESS	National laws and regulations	Gaps	Gap filling measures
		instruction in the EIA Procedures to use cultural heritage experts in assessing potential risks and impacts of a project.	project, in assessment, identification, valuation and protection.
		<b>Consultation:</b> The EIA Procedures (2015) require public consultation through all phases of IEE and EIA, but there is no clear instruction to carry out meaningful consultation with stakeholders to identify cultural heritage, to establish its significance and to identify mitigation measures.	The Cultural Heritage Management Procedures (Annex-14) advise following the FREDIP SEP when meaningful consultations are necessary. If the project is in an area of ethnic groups that qualify under ESS7, any particular guidance deriving from the CPPF as well as FPIC application (if appropriate) will be applied.
		<b>Confidentiality:</b> and <b>Access:</b> Although there are some procedures in The Protection and Preservation of Antique Objects Law (2015) to protect chance finding of monuments, there is no clear instruction for confidentiality of information of cultural heritage, or access being subject to any overriding health, safety and security considerations.	The Cultural Heritage Management Procedures (Annex-14) cover the consideration of confidentiality of information of cultural heritage and access subject to overriding health, safety and security considerations.
		<b>Commercial use:</b> In accordance with the above statement in The Protection and Preservation of Antique Objects Law (2015), antique objects may not be sold for commercial purposes, but it is unclear whether they can be used for other commercial purposes.	Any commercial use of cultural heritage under FREDIP will be addressed under the Cultural Heritage Management Procedures (Annex 14)
ESS 10 – Stakeholder Engagement and	EIA Procedures (2015)	<b>Requirement of Stakeholder Engagement and Consultation:</b> The EIA Procedures require the project proponent to arrange public consultation meetings during IEE and EIA	The Borrower will follow the requirement of World Bank ESS-10 as well as the national regulations.

WB ESS	National laws and regulations	Gaps	Gap filling measures
Stakeholder Disclosure		preparation, but there is no requirement for meaningful stakeholder engagement during implementation.	The Stakeholder Engagement Plan (SEP) FREDIP requires meaningful stakeholder engagement throughout the project life-cycle.
		<p><b>Process of Stakeholder Engagement:</b> There is no clear instruction in the EIA Procedures on how to respond to grievances and report back to stakeholders.</p> <p><b>Grievance mechanism:</b> Although it is stated in the EIA Procedures (2015) that stakeholder concerns should be considered, there is no clear instruction for establishing a grievance mechanism.</p>	A Grievance Mechanism - including grievance receiving, handling and response to relevant stakeholders - is fully considered in environmental and social instruments such as the SEP (a separate document), LMP, the Process Framework (PF), the RPF and the CPPF (ESMF Annexes 8, 12, Annex 11 and 13, respectively).
		<p><b>Stakeholder Engagement Plan:</b> There is no instruction in the EIA Procedures or other laws and regulations about preparing stakeholder engagement plans.</p>	A Stakeholder Engagement Plan (SEP) has been prepared for the FREDIP.
		<p><b>Information:</b> The EIA Procedures do not give detailed instructions for disclosing information such as risks and impacts that might disproportionately affect vulnerable and disadvantaged groups, with differentiated mitigation measures; or the proposed stakeholder engagement process highlighting how stakeholders can participate; the time and venue of any public consultation meetings; or the process for notifying and reporting such meetings.</p> <p><b>Disclosure:</b> Although there is a stated requirement for information disclosure in the</p>	Detailed considerations for information disclosure are designed in Chapter 13 of this ESMF.

WB ESS	National laws and regulations	Gaps	Gap filling measures
		EIA Procedures, specific considerations for doing so in local languages, in a culturally appropriate and accessible manner, and to meet the needs of specific groups are not fully covered.	
		<b>Representation:</b> In the EIA Procedures, there is no detailed consideration about the verification of stakeholder / community representatives to be involved in stakeholder engagement process.	This ESMF ensures the participation of true community representatives through the verification processes described in the SEP.
		<b>Ongoing engagement:</b> Although the EIA Procedures (2015) require public consultation meetings during IEE or EIA preparation, there is no requirement to engage with project-affected parties and other interested parties throughout the life cycle of the project.	Continuous engagement processes with project-affected parties and other interested parties throughout the project life cycle will be implemented as per the guidance of SEP.
		<b>Significant changes:</b> If there are significant changes that result in changed risks and impacts, the EIA Procedures (2015) state that the project proponent shall notify the Ministry, but there is no specific requirement to inform, consult or advise affected persons or groups.	The SEP requires consultation with project-affected parties when significant changes take place in FREDIP that result in additional risks and impacts.
		<b>Organizational Capacity:</b> There is no specific requirement in the EIA Procedures (2015) to define clear roles, responsibilities and authorities for the implementation and monitoring of stakeholder engagement activities.	The SEP requires specific personnel or teams under FREDIP to be designated as responsible for the implementation and monitoring of stakeholder engagement activities.

## 4 Environmental Baseline Conditions

### 4.1 Introduction

50. The Republic of the Union of Myanmar is situated in the southeast of the Asian continent. It is one of the members of the Association of Southeast Asian Nations (ASEAN) bordered by India and Bangladesh to the west, Thailand and Laos to the east and China to the north and northeast. To the south, it is bounded by the Andaman Sea. Its capital city is Naypyitaw, located in the middle part of the country while the commercial centre Yangon, the former capital, is in the south of the country.

51. Myanmar has a 5,876 km (3,651 mi) perimeter which includes an uninterrupted coastline of 1,930 km (1,200 mi) along the Bay of Bengal and the Andaman Sea. Myanmar has a land area of 653,508 square kilometres (km<sup>2</sup>) plus 23,070 km<sup>2</sup> of water, for a total area of 676,578 km<sup>2</sup>.

52. Similar to other countries across the world, Myanmar is suffering from the effects of climate change. This is exemplified through changes in climate-related hazards and their consequences, including: (i) an increase in the prevalence of drought events; (ii) an increase in intensity and frequency of cyclones/strong winds; (iii) rainfall variability, including erratic and record-breaking intense rainfall events; (iv) an increase in the occurrence of flooding and storm surge; and (v) an increase in extreme high temperatures. Climate-related impacts have direct economic effects. For example, the estimated cost of damage from floods and landslides in July and August 2015 was US\$1.51 billion.<sup>13</sup> Cyclone Nargis in 2008 was responsible for the loss of around 140,000 lives as well as the property of approximately 2.4 million people.<sup>14</sup>

53. Forestry and biodiversity are particularly exposed to climate-related factors, as they have an impact on health and regeneration potential of forests. Climate change enhances the frequency of forest fires, exacerbating air pollution. Ecosystems lose the ability to adapt as they would under a stable climate regime. Ecosystem services are affected as a carbon-rich forest ecosystems are transformed to savannah. Economic sectors related to the environment – such as tourism – are also at risk as the natural resources are depleted or affected by changes. An increased occurrence of drought and reduced or more variable rainfall across much of the country also affect agriculture, livestock and human health. Climate change affects the poorest and vulnerable groups most severely, particularly women. Women in poverty are most reliant on natural resources for their livelihoods and have fewer resources to cope with and adapt to climate shocks and natural hazards. Furthermore, increased scarcity of wood fuels requires women to travel further to collect these supplies, which takes their time away from other economic and household activities.

54. Forests reduce flood and landslide risk, and recent modelling has estimated that mangroves reduce the impact of natural disasters on the coast by an average of US\$165 million per year (Losada et al. 2018).<sup>15</sup>

55. This chapter provides information related to environmental baseline conditions such as the importance of Myanmar's forest for human and ecological benefits; deforestation and forest degradation trends; threats to forest from forest practices and actions external to forests such as land conversion; and

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<sup>13</sup> World Bank 2015. Post-Disaster Needs Assessment of Floods and Landslides July–September 2015. Nay Pyi Taw: Government of the Union of Myanmar.

<sup>14</sup> OCHA. 2012. Myanmar: Natural Disasters 2002-2012.

<sup>15</sup> Losada, I. J., P. Menéndez, A. Espejo, S. Torres, P. Díaz-Simal, S. Abad, M. W. Beck, S. Narayan, D. Trespalacios, K. Pflieger, P. Mucke, L. Kirch. 2018. The global value of mangroves for risk reduction. Technical Report. The Nature Conservancy, Berlin.

the magnitude and challenges of establishing effective CF regimes.

## 4.2 Topography

56. Topographically, Myanmar slopes down from north to south, from mountains and plateaus in the north to plains in the south. The country can be roughly divided into four parts: namely the Western Hills Region, the Central Valley Region, the Eastern Hills Region and the Tanintharyi Coastal Strip.

57. The topography in the FREDIP target Regions is described in Table 4-1.

**Table 4-1 Topography of FREDIP target Regions**

Target Region	Description of Topography
Ayeyarwady Region	Ayeyarwady Region occupies the delta of the Ayeyarwady River, which comprises the main arms of Patheingyi, Pyawbwe, Bogale and Toe Rivers. A major portion is covered with low-lying lands just 3m above sea level. This alluvial plain is bounded to the west by the Rakhine Yoma and to the east by the Bago Yoma. <sup>16</sup>
Bago Region	Bago Region is geographically divided by the sparsely inhabited Pegu mountain range (Pegu Yoma) that runs from north to south. Therefore, Bago Region has a clearly identifiable western part sloping towards the Ayeyarwady River and an eastern part that consists mainly of the flood plains of the Sittaung River. <sup>17</sup>
Magway Region	Magway Region lies geographically at the centre of Myanmar, alongside the mid-stream sections of the Ayeyarwady River, which dominates the Region. Only the southwestern boundary with Rakhine State has some mountains, rising up to the Rakhine Yoma Range. The rest is alluvial flat land which belongs to the major eco-region known as the Dry Zone. <sup>18</sup>
Mandalay Region	Mandalay Region is also located in the centre of the country. It has fertile plains because of its watershed favoured by several big rivers and their tributaries. The Ayeyawaddy Plain is in the west, the Mandalay-Kyaukse plain is in the east and the Sitaung Plain in the south. Its lowlands have an average altitude of 500 feet. The plains cover three-quarters of the Region. The main rivers are the Ayeyarwady, Myit Nge, Zawgyi, Paunglaung and Samon.
Naypyitaw Union Territory	Naypyitaw is an administrative division in the central basin of Myanmar, at the southern edge of the Dry Zone. It is situated in the upper Sittaung Valley and is surrounded by the Pegu Yoma range to the west and the Shan plateau to the east. The terrain comprises river basins, sloping highlands and mountainous areas.
Sagaing Region	Sagaing region is located on the West bank of the Ayeyarwady River in the Central Dry Zone. The eastern part of Sagaing Township is composed of the Sagaing Range. The Mu River Valley in the western part and the Ayeyarwady River Valley in the southern part are low flat plains. <sup>19</sup>

<sup>16</sup> [web.archive.org/web/20080515195853/http://www.arcabc.org.ph/wetlands/myanmar/mmr\\_irrdel.htm](http://www.arcabc.org.ph/wetlands/myanmar/mmr_irrdel.htm)

<sup>17</sup> UNDP Local Governance Mapping: Bago, 2015

<sup>18</sup> UNDP Local Governance Mapping- The State of Local Governance: Trends in Magway, 2015

<sup>19</sup> Geographical Study on General Land Use of Sagaing Township, Sagaing Region, Myanmar, 2012

### **4.3 Geology**

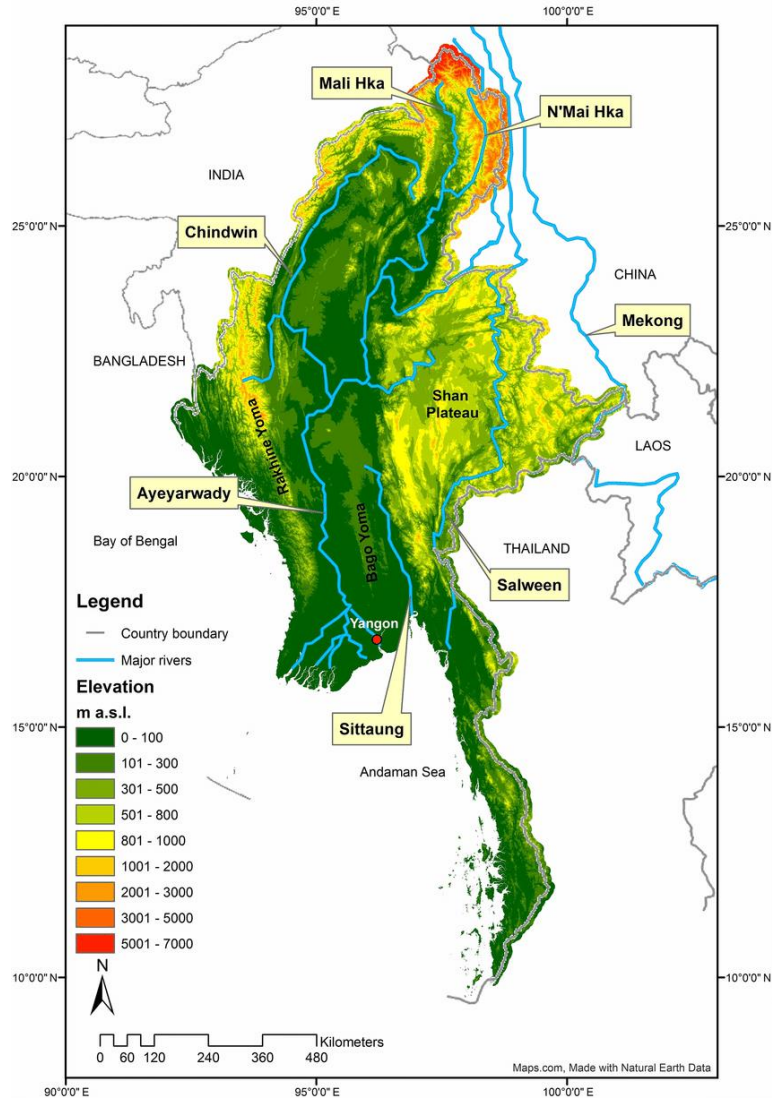
58. Myanmar occupies the northwestern part of the Southeast Asian Peninsula. Myanmar lies at the junction of the Alpine–Himalayan Orogenic Belt and the Indonesian Island Arc System.

59. The following Figure presents a geological map of Myanmar, showing the country's division into four major geological provinces: the Indo-Burman Ranges, the Wuntho-Popa Arc, the Mogok-Mandalay-Mergui Belt and the Shan Plateau.

### **4.4 Hydrology and Water Resources**

60. Myanmar is endowed with tremendous inland water resources in the form of rivers, streams, and springs. The four main rivers draining the mountains, the Chindwin, Ayeyarwaddy, Thanlwin and Sittaung, flow southwards through the central lowlands to form an extensive delta in the northern part of the Andaman Sea and the Gulf of Mottama (Martaban). As shown in Figure 4-1.

61. The Ayeyarwaddy, the main river in Myanmar, originates in the north of the country at the meeting point of two small rivers; which are known as Maykha and Maleikha. As it flows through the country, farmers, fishermen and local people depend on it for their living as it is navigable for nearly 1,000 miles. The Chindwin River, with its headwaters in the northwestern hills, is the main tributary of the Ayeyarwaddy. The Sittaung River starts in the hills southeast of Mandalay, and the Thanlwin River, the last undammed river, races through deep gorges in the Shan Plateau.



**Figure 4-1 Major Rivers in Myanmar<sup>20</sup>**

62. Myanmar is rich in water resources and the catchment area of Myanmar’s rivers comprises about 737,800 km<sup>2</sup>. The volume of the country’s potential water resources comprise about 1,082 km<sup>3</sup> of surface water and 495 cubic km<sup>3</sup> of groundwater.

#### 4.5 Forests

63. Forests are the dominant ecosystem in Myanmar, with 42.2 percent (%) of the country, ecologically classified as forest.<sup>21</sup> Myanmar’s forests vary in species composition and stand structure, and constitute a valuable ecosystem due to their wide extent, varied topography and different climatic conditions. They stabilize ecosystems, sustain a rich variety of biodiversity, maintain the environment, preserve soil and water resources and improve climate, which are the key attributes to ensure viable agriculture on which the economy of the country is based. Over 70% of the country’s population are rural, and many of them depend on forest resources for basic needs such as food, fodder, fuel and shelter.

<sup>20</sup> A Review of Current and Possible Future Human-water Dynamics in Myanmar’s River Basins, 2016

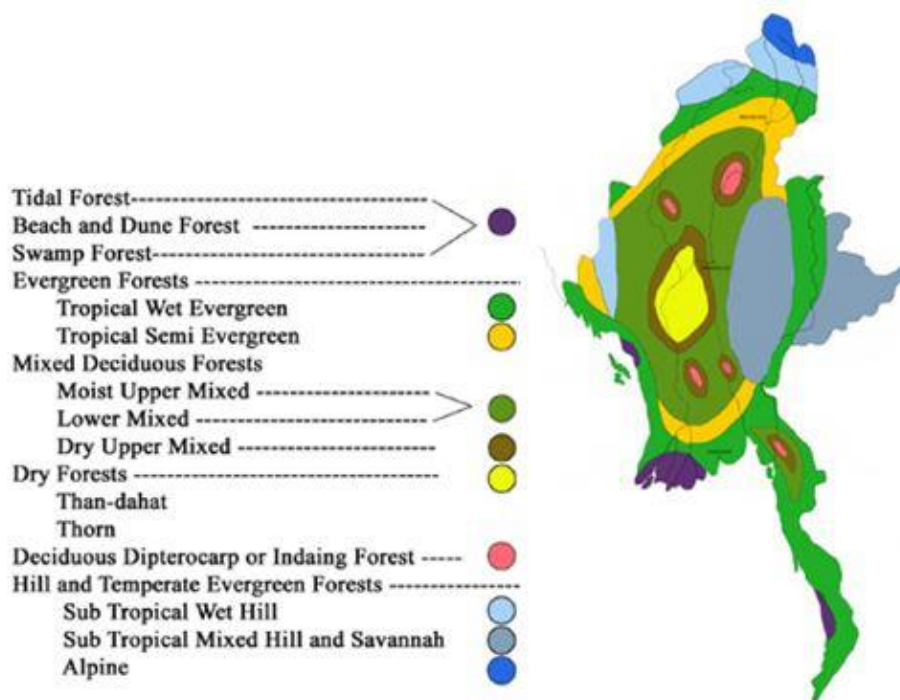
<sup>21</sup> FRA 2020 report, Myanmar [www.fao.org/3/cb0030en/cb0030en.pdf](http://www.fao.org/3/cb0030en/cb0030en.pdf)

64. Rainfall and elevation strongly influence the distribution of vegetation types.

65.

66.

67. Figure 4-2, forest cover ranges from moist tropical rainforest in the south, through dry deciduous forest in the central areas to temperate broadleaf and alpine forests in the north. Dry forests and mixed deciduous forests dominate the central parts of Myanmar, including all of part of the FREDIP target Regions: Sagaing, Mandalay, Magway, Bago and Naypyitaw. Along the Rakhine, Ayeyarwady and Tanintharyi coasts, tidal forests occur in river estuaries, lagoons, tidal creeks and along low islands. Such woodlands are characterized by mangrove and other coastal trees. In Ayeyarwady Region, mangrove forests are common in coastal areas. Dry forests are mostly found in the Central Dry Zone in Sagaing, Mandalay and Magway Regions. Mixed deciduous forests are also situated in these Regions. Bago Region is dominated by tropical evergreen forest. Some deciduous Dipterocarp can also be seen in the Bago Region. Naypyitaw Union Territory is covered with mixed deciduous forest.



**Figure 4-2 Major Vegetation Types of Myanmar<sup>22</sup>**

68. The majority of the forest area is covered by mixed deciduous forest, and hill and temperate evergreen forests, accounting for 38.2% and 26.9%, respectively.

**Table 4-2 Forest Types of Myanmar<sup>11</sup>**

No.	Major forest types	Area (ha)	% of forest area
1.	Mangrove forest	325,259.20	1.12
2.	Tropical evergreen forest	5024,093.00	17.30
3.	Mixed deciduous forest	11,093,662.00	38.2
4.	Dry forest	2,904,100.00	10.00

<sup>22</sup> Adapted from Kress et al 2003, National Biodiversity Strategy and Action Plan (2015-2020).



5.	Deciduous dipterocarp	1,237,146.60	4.26
6.	Hill and temperate evergreen	7817,837.20	26.92
7.	Scrub and grass land	638,902.00	2.20
<b>Total Forest Area</b>		<b>29,041,000.00</b>	<b>100.00</b>

#### 4.6 Threats to Forests

69. While attempting to achieve sustainable forest management, the most significant challenges that faced by the forestry sector include:

- High rate of deforestation and forest degradation (deforestation rate of 0.96% p.a. from 2010-2020)
- Conflict of interest where politically and economically powerful interests favour deforestation and forest degradation over community dependence on forest
- Conflict of sectoral policies, plans and legislation, which may accelerate deforestation and forest degradation. For example, in relation to so-called vacant fellow and virgin (VFV) land, for which there are competing policy targets between the DALMS (which encourages agricultural land use) and the FD (which seeks expansion of the permanent forest estate (PFE)).
- Drivers of deforestation and forest degradation linked to agriculture, mining and infrastructure development sectors. This includes land-use conversion due to agricultural expansion, mainly through commercial concessions, and also small-scale encroachment, conversion for infrastructure, timber theft and logging. Around 1 million ha of forest, both within and outside the PFE, is estimated to have been converted to commercial plantations and mining between 2002 and 2014.<sup>23</sup>
- Weak law enforcement and poor coordination among line ministries in combating illegal logging.
- Wood fuel use by 60-80% of the rural population, for whom it represents the main source of energy.

70. According to the results of observations from field consultations, the major factors threats to forests in the FREDIP target regions are be agricultural expansion, illegal logging, mining and fuel wood extraction. Illegal logging is one of the major threats in Sagaing, Magway, Bago and Mandalay Regions. Forest fire occurs in Sagaing, Magway and Mandalay regions. Agricultural expansion is increasing in Magway and Ayeyarwady Regions. There are region-specific threats from mining and oil drilling in Sagaing, fuel wood extraction from mangrove and expansion of fish and shrimp ponds in Ayeyarwady, and shifting cultivation in some areas of Magway. CSOs from the target Regions also note indirect impacts caused by human beings, including overreliance of communities on forests resources as energy sources and for other livelihood requirements.

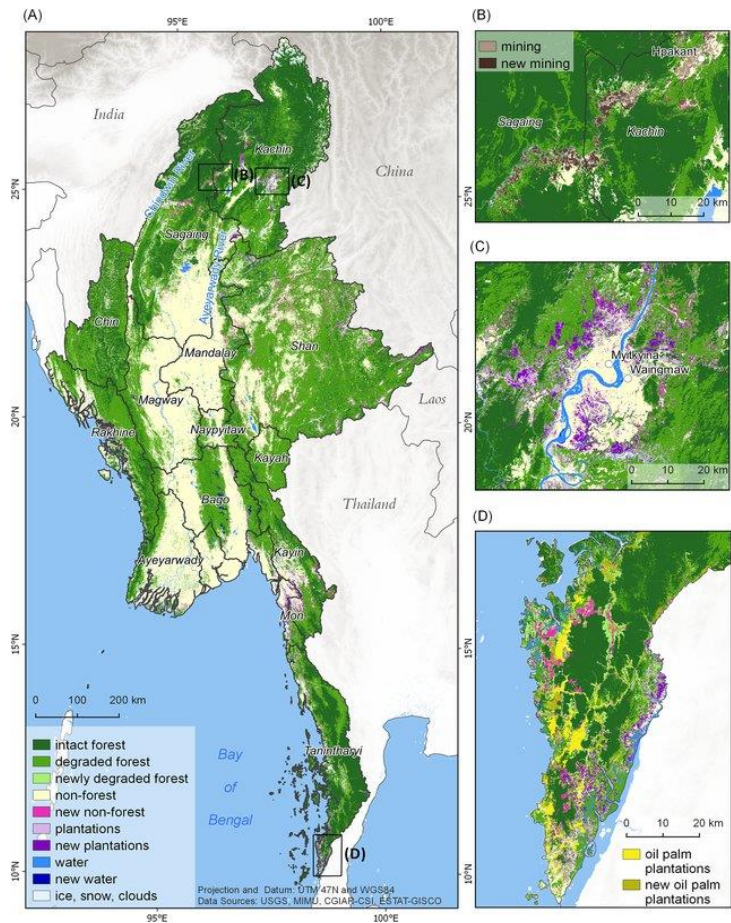
##### 4.6.1 Forest Cover Changes

71. Myanmar's forests are threatened by a wide range of pressures, including deforestation, land-use change, agricultural expansion, invasive alien species, severe droughts and wildfires. Watersheds, and the

<sup>23</sup> Lim, C. L., G. W. Prescott, J. D. T. De Alban, A. D. Ziegler, and E. L. Webb. 2017. Untangling the Proximate Causes and Underlying Drivers of Deforestation and Forest Degradation in Myanmar: Forest Degradation in Myanmar. *Conservation Biology*, vol 31, no.6: 1362–1372. [www.doi.org/10.1111/cobi.12984](http://www.doi.org/10.1111/cobi.12984)

ecosystem services they provide, are also increasingly threatened by a wide range of pressures. Causes for the deterioration of watershed areas are; i) Agricultural practices on slopes/hill sides, including shifting cultivation, ii) Deforestation in watershed areas, iii) Settlement on slopes/hill sides, iv) Improper road construction and poor maintenance, v) Forest fires, and vi) Mining. Figure 4-2 shows the extent of forests in Myanmar in 2014 and shows areas of recent forest degradation and changes from natural forest to other land covers.

72. In view of the deteriorating situation, the GoM has instituted bans on logging for certain periods and certain areas, and has revised relevant laws in the past few years, for example the Forest Law 2018, the Biodiversity and Conservation of Protected Areas Law 2018, and the Community Forestry Instructions 2019.



**Figure 4-3 Distribution of forest cover and forest cover changes across Myanmar<sup>24</sup>**

73. According to the Forest Resource Assessment 2015, Myanmar’s forest cover has gradually decreased as other land cover areas have gradually increased between 1990 and 2020. This situation is due to various factors. There was extensive historic land-use change in the lower Ayeyarwady and delta areas from the late 19<sup>th</sup> century for expansion of commercial rice production. From the 1970s, heavy logging started causing forest degradation elsewhere. The status of forest cover changes in Myanmar is shown in Table 4-3.

<sup>24</sup> Bhagwat T, Hess A, Horning N, Khaing T, Thein ZM, Aung KM, et al. (2017) Losing a jewel—Rapid declines in Myanmar’s intact forests from 2002-2014. PLoS ONE 12(5): e0176364.

**Table 4-3 Land Cover Changes in Myanmar (1990 – 2015)<sup>11</sup>**

Category	Area ('000 ha)					
	1990	2000	2005	2010	2015	2020
Forest	39,218	34,868	33,321	31,773	29,041	28544
Other wooded land <sup>25</sup>	19,498	19,703	19,908	20,113	15,080	18756
Other land <sup>26</sup>	7,039	11,184	12,526	13,869	21,634	18008
Inland water bodies	1,903	1,903	1,903	1,903	1,903	n/a
<b>Total</b>	<b>67,658</b>	<b>67,658</b>	<b>67,658</b>	<b>67,658</b>	<b>67,658</b>	

74. Myanmar's significant forest resources are under pressure, resulting in high levels of deforestation and degradation. In 2020, approximately 43%, or 28.54 million ha, of Myanmar's land area, was forested.<sup>27</sup> However, forest cover declined by approximately 26% between 1990 and 2020, or by over 10 million ha (about 0.33 million ha per year).<sup>28</sup> Although the rate of forest loss slowed slightly from 2010-2020, to an average of around 290,000 ha annually, Myanmar still ranked seventh in the world for rate of average annual net forest loss during that period. Furthermore, the remaining forests have suffered substantial degradation, with extensive conversion of closed forest to open forest. Closed forests fell from around 79% of total forest area in 1990 to only 50% in 2015.

**Table 4-4 Rates of change of forest cover<sup>11</sup>**

Net Annual Forest Area Change			Net Annual Change		
1990-2000	2000-2010	2010-2020	1990-2000	2000-2010	2010-2020
-435.0	-342.7	-289.7	-1.17	-1.03	-0.96

#### 4.6.2 Forest Fires

75. Wildfires can have significant impact on the forest in Myanmar, with local and wide-reaching regional level. Myanmar has the highest burn rate in Southeast Asia and ranks 11<sup>th</sup> globally in terms of forest fires. Between 2003 and 2012, more than 17.732 million ha of forest burned in Myanmar.<sup>29</sup> The dominant type of forest in Myanmar is deciduous forest that sheds leaves during dry season. As a result, the associated forest fires, which are normally surface fires, are most frequent during the dry season, from around December to May. Due to the excessive forest coverage of the country, fire occur in almost all states and divisions, but are more common in the upland regions of Bago, Chin, Kayah, Kachin, Mandalay, Rakhine and Shan.<sup>30</sup>

76. Forest fires in Myanmar are both natural and manmade. Natural causes include lightning and friction of tightly packed trees. Manmade causes are shifting (slash and burn) cultivation, deliberate

<sup>25</sup> Land not classified as 'Forest' spanning more than 0.5 ha with trees higher than 5 m and a canopy cover of 5-10% or trees able to reach these thresholds; or with a combined cover of shrubs bushes and trees above 10%. It does not include land that is predominantly under agricultural or urban land use.

<sup>26</sup> All land that is not classified as 'Forest' or 'Other wooded land'; consisting of permanent agriculture areas mostly from plains and valleys; in some cases, mixed with shifting cultivation, settlement areas, snow, rock, bare-land, sandbanks etc.

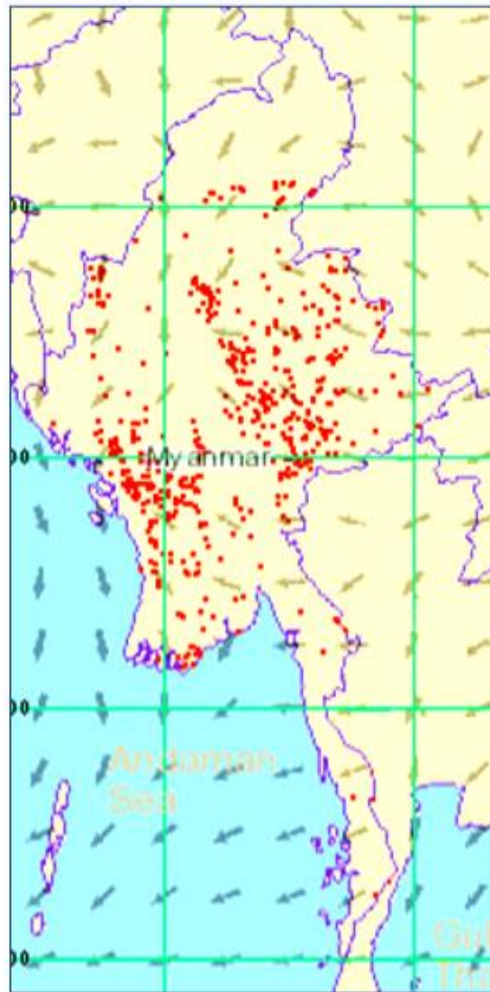
<sup>27</sup> FAO. 2020. Global Forest Resources Assessment 2020. Rome: Food and Agriculture Organization of the United Nations.

<sup>28</sup> Ibid.

<sup>29</sup> Enhancing the fire management capabilities of Myanmar, FAO [www.fao.org/myanmar/news/detail-events/ru/c/1234252/](http://www.fao.org/myanmar/news/detail-events/ru/c/1234252/)

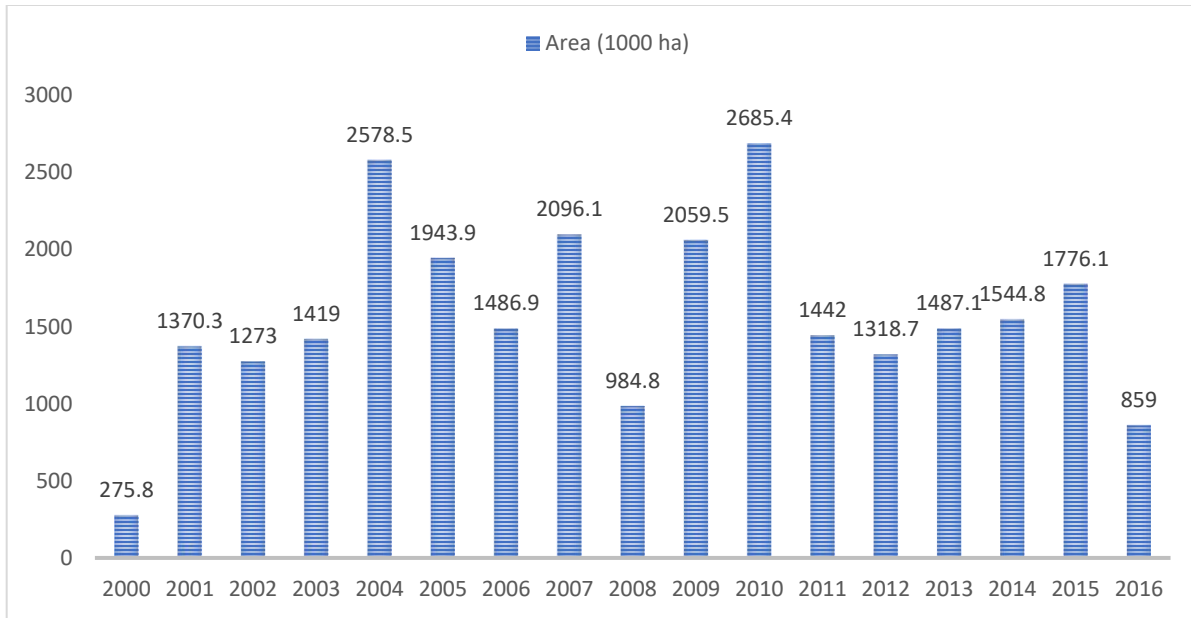
<sup>30</sup> Hazard Profile of Myanmar, 2009

burning for hunting purposes, careless use of fire (for smoking or cooking), burning tree trunks intentionally for collection of lacquer and purposeful burning of pasture to make room for the growth of new grass.



**Figure 4-4 Forest Fire Atlas of Myanmar<sup>30</sup>**

77. The total land area affected by fire between 2000 and 2016 is shown in Figure 4-6.



**Figure 4-5 Total Land Area Affected by Fire (2000-2016)<sup>21</sup>**

#### 4.7 Forest Administration

78. Administratively, forest areas under the management of the FD can be classified into two categories, namely Reserved Forest (RF) and Protected Public Forest (PPF). These collectively constitute the Permanent Forest Estate (PFE) and has been gazetted through an established legal process. RF is the best quality and higher commercial value forest, where the public have no harvesting rights. PPF is of lower commercial value and are generally more accessible, where the public have some harvesting rights. In addition, the FD designates PAs to preserve diverse ecosystems and species richness. The extent of PFE and PAs (as of October 2020) is shown in Table 4-5. Myanmar has an ambitious goal for expansion of its protected forest area, as set out in the Forest Policy (1995) and the National Forest Master Plan (NFMP). The NFMP includes a target to increase the PAs cover to 10% of land area by 2030.

**Table 4-5 Current Status of Forests and Protect Areas in Myanmar (October 2020)<sup>11</sup>**

Legal Classification	Area (acre)	% of land area
Reserved Forest	29,701,617.9	17.77%
Protected Public Forest	13,014,703.6	7.78%
<b>Total RF &amp; PPF</b>	<b>42,716,321.5</b>	<b>25.55%</b>
Protected Area	10,169,439.04	6.08%

79. Under the FD, Forest Management Units (FMUs) are formed at each district level (totalling 68 districts across the country). Each FMU operates under a 10-year forest management plan which is referred to as the District Forest Management Plan. Forest areas are managed by forming working circles under the district forest management plans. The FD working circles are categorises as follows: Production Working Circle (PWC); Planted Forests Working Circle; Local Supply / Community Forestry Working Circle (LS/CFWC); Watershed Forests Working Circle (WFWC), Non-wood Forest Products Working Circle (NFPWC); Protected Areas Working Circle; and Special Working Circle (including mangrove working circle, pine working circle, resin production working circle, bamboo working circle etc.).

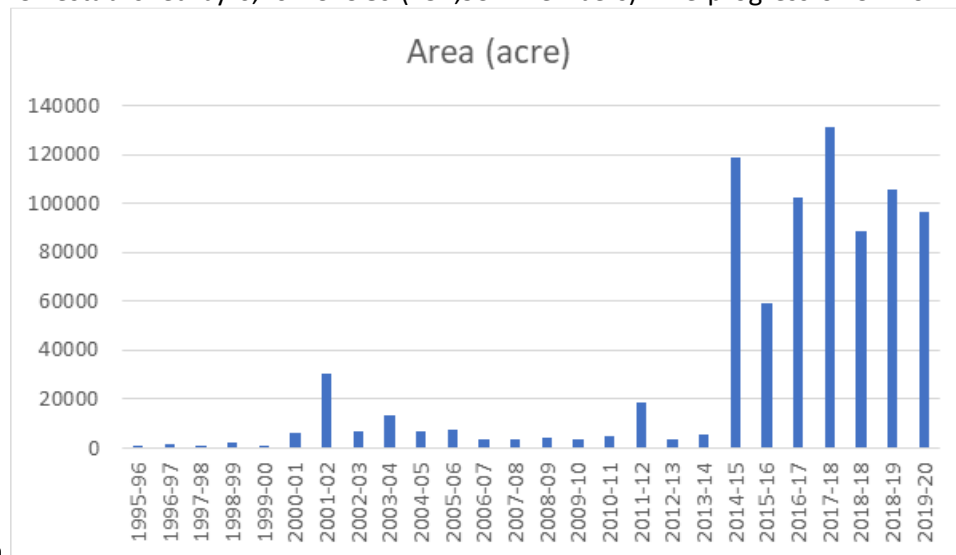
80. Among these WCs, PWC covers an area of 30 million acres, in which sustainable timber production

is conducted in accordance with the Annual Allowable Cut (AAC) of the District Forest Management Plan. District Forest Management Plans are revised every 10 years to adapt to the changing situation of the forest resources of the Districts.

#### 4.7.1 Community Forestry

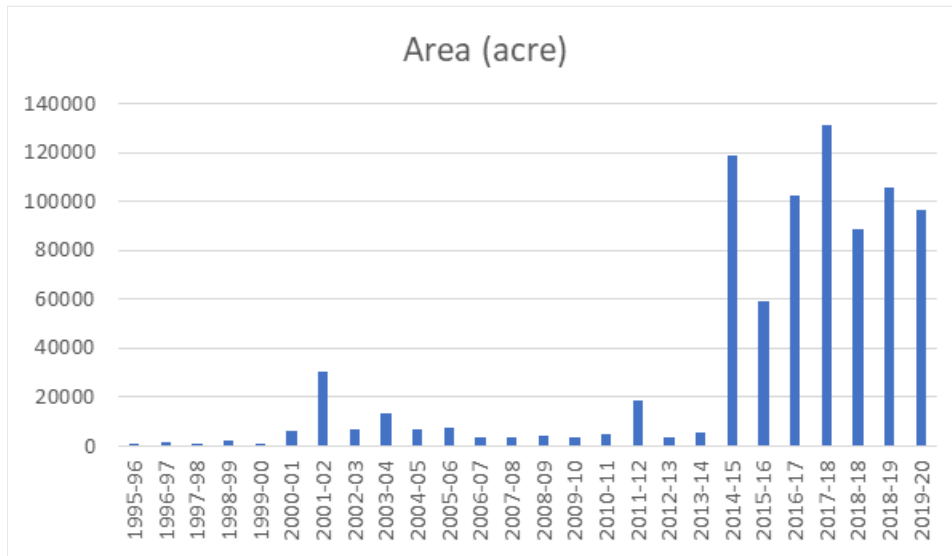
81. In Myanmar, 1.5 to 2 million rural dwellers have been involved either directly or indirectly in shifting cultivation systems which may have been self-sustaining in the past. However, this system is now considered an unsustainable land use practice leading to increased marginalization and widespread deforestation in the tropics. To address this challenge, CF has been promoted and implemented via different approaches such as agro-forestry and enhancing alternative income-generating opportunities other than farming, etc. while recognizing traditional land use systems, customary rights and cultural values.

82. Community Forestry can be established in RF, PPF, buffer zones of PAs and lands at the disposal of the government, forest-covered lands managed by the governmental organizations, natural forests and mangrove forests conserved by the local communities in accord with their tradition according to the Community Forestry Instructions 2019. The 30-year Forestry Master plan (2001-02 to 2030-31) established a target of 2.27 million acres (919,000 ha) of CF by 2030. As at October 2020, there are about 825,306 acres of CF established by 6,207 CFUGs (157,937 members). The progress of CF from 1996 to



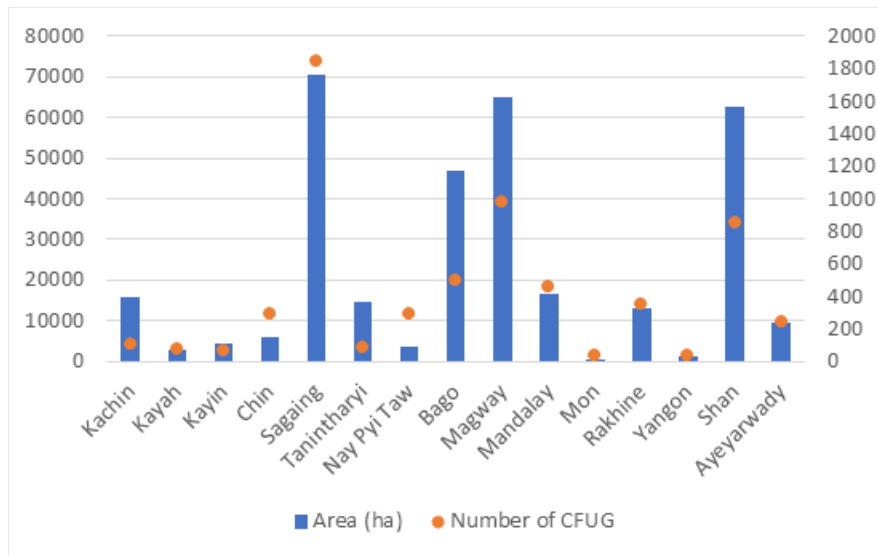
2020 is shown in

83. Figure 4-6 .



**Figure 4-6 Area of Community Forest by Year of Establishment<sup>31</sup>**

84. According to the FD’s CF unit, the area of CF established in each state and region as of October 2020 is shown in Figure 4-7, showing that Sagaing Region possesses the largest area of CF with 70,611 ha under 1,848 user groups, followed by Magway Region, Shan State and Bago Region.



**Figure 4-7 Area Under Community Forestry by State/Region 2018<sup>32</sup>**

85. The process for establishing a CF (that is, getting its tenure certificate) relies on the township FD office, and usually a local NGO, as well as the local community itself. An assessment of the costs for establishment of 104 CFs during 2015–2018 found that it took an average of 255 days to complete the process, involving 65 working days from FD and NGO staff, with a rough cost of just over 5.75 million Kyats

<sup>31</sup> Forest Department, 2020.

<sup>32</sup> Myanmar Country Environmental Analysis, Forest Resources Sector Report.

(roughly US\$3,740).<sup>33</sup>

86. The six main steps involved to get the certificate are as follows: 1) Conducting village consultation meetings and awareness raising, 2) Forming CFUGs and CF Management Committees, 3) Identifying proposed CF area, 4) Submitting application letter to township FD, 5) Developing CFMP and 6) Submitting CFMP to FD for issuance CF certificate. The CFI provides for a 30-year land allocation with associated rights of ownership and disposal of products from CF, under the guidance of the FD.

87. The CFI (2019) allows local communities to be involved in protection, conservation and restoration of forests, particularly in the vicinities of their settlements. However, challenges encountered in the establishment process include the low level of trust between communities and FD field staff, and civil society facilitators. Social inclusion, community engagement in planning and livelihood development, the participation of women and other marginalized groups in decision making, and the sharing of resources, are important factors in the CF establishment process.

88. Since 2016, communities have been able to derive benefits from the commercialization of CF by being awarded commercial rights over timber and non-timber forest products.<sup>32</sup> The nature of CF Enterprise development depends on the local agro-ecological conditions, tenure rights, security, capacities, livelihood needs and markets. Forest products (and services) with high potential for enterprise development include bamboo, timber (including poles and posts), rattan, charcoal and firewood. Other potential products for commercialization include a range of agroforestry-based products (such as coffee, Sterculia gum, elephant foot yam starch) and services (for example, nature-based tourism). CFEs are different from private enterprises because their business activity is undertaken as a means of achieving community benefit, not individual gain.

**Table 4-6 Potential commercial CF/CFE products from agro-ecological regions in the FREDIP**

<b>Classification</b>	<b>Commercial CF/CFE product development options</b>	<b>Example cases for potential CFE development</b>
Zone 2: Rakhine, Ayeyarwaddy	Ecosystem services (mangrove, tourism), iron wood (Pyinkado), rattan, bamboo, fuelwood/charcoal	Rattan (Gwa, Shwe Yoma CFE)
Zone 3: Nay Pyi Taw, Bago, Yangon	Teak, bamboo, fuelwood/charcoal	Bamboo (Pauk Khaung, Shwe Lattyar CFE)
Zone 4: Kachin, Chin, Sagaing	Elephant foot yam ( <i>Amorphophallus</i> sp), teak, rattan, bamboo	Teak (Kachin) Elephant foot yam (Chin)
Zone 5: Magway, Mandalay	Catechu ( <i>Acacia catechu</i> ), agroforestry, firewood, Thanaka ( <i>Limonium</i> sp.), timber, Shaw Phyu resin ( <i>Sterculia versicolor</i> )	Sterculia (Mandalay)

#### 4.7.2 Protected Areas

89. PAs are one of the most important tools for biodiversity conservation, safeguarding ecosystem services and preserving cultural landscapes. At present, 46 PAs covering 6.08% of the country's land area (10,169,439 acres) have been gazetted under the authority of the FD.<sup>11</sup> Eight of these have been recognized as ASEAN Heritage Parks for their high biodiversity value or uniqueness within ASEAN countries: Alaungdaw Kathapa National Park, Hkakabo Razi National Park, Indawgyi Wildlife Sanctuary,

<sup>33</sup> Myanmar Country Environmental Analysis, Assessing the Opportunities for Scaling Up Community Forestry and Community Forestry Enterprises in Myanmar.



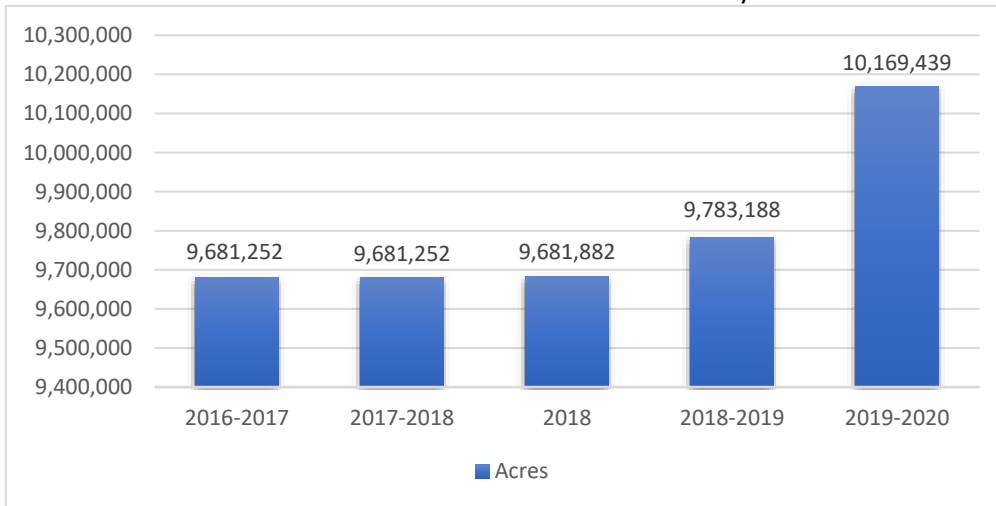
Inlay Lake Wildlife Sanctuary, Meinmahla Kyun Wildlife Sanctuary, Lampi Marine National Park, Natmataung National Park and Htamanthi Wildlife Sancturaries.

90. There are six Ramsar Sites in Myanmar:
- Moeyungyi Ramsar Site (10,359 ha)
  - Indawgyi Ramsar Site (47,884 ha)
  - Meinmahla Ramsar Site (50,000 ha)
  - Gulf of Mottama Ramsar Site (42,500 ha)
  - Inlay Ramsar Site (5,798 ha) and
  - Nanthar Island and Mayyu Estuary Ramsar Site (3,608 ha).

91. Inlay Lake region and Indawgyi Lake region were designated as Men and Biosphere Reserves in 2015 and 2017, respectively.

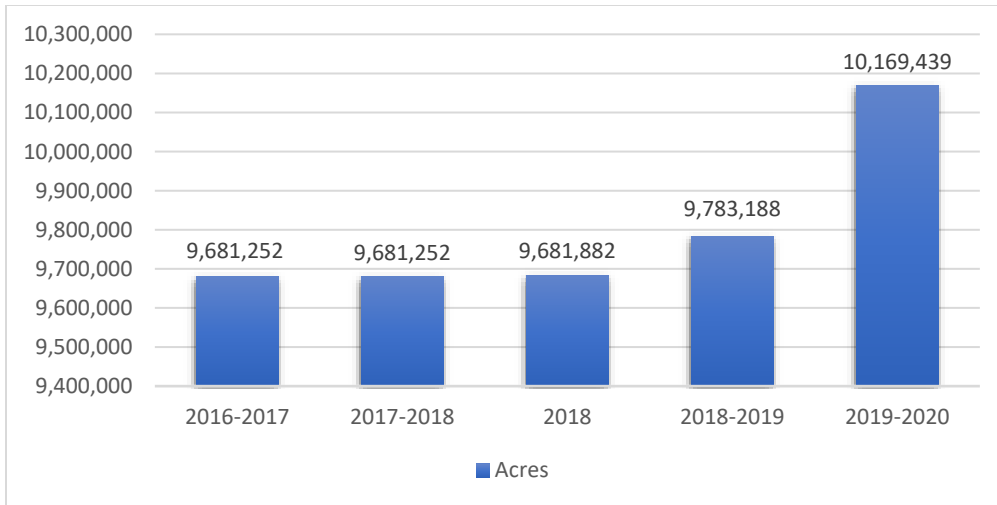
92. PAs in the Greater Mekong Subregion are highly attractive for ecotourism and cultural tourism. Therefore, an appropriate PA management framework needs to be in place to take advantage of this potential income stream: (a) provide basic infrastructure, including water, access, and others; (b) build a revenue management stream, including benefit sharing; (c) support overall PA Governance; and (d) build capacity of rangers and local population. The FD staff currently have limited capacity for managing the expanding network of PAs and enforcing controls on the illegal wildlife trade. Moreover, there are a handful of good initiatives demonstrating the possibilities for community-based tourism and more needs to be done to support community benefits through benefit-sharing mechanisms and active participation of communities in tourism activities.

93. The status of establishment of PA from 2016-2017 fiscal year to 2019-2020 fiscal year can be seen



in

94. Figure 4-8.



**Figure 4-8 Establishment of Protected Areas from 2016 to 2020 (acres)<sup>34</sup>**

<sup>34</sup> <http://www.monrec.gov.mm/news/1219>

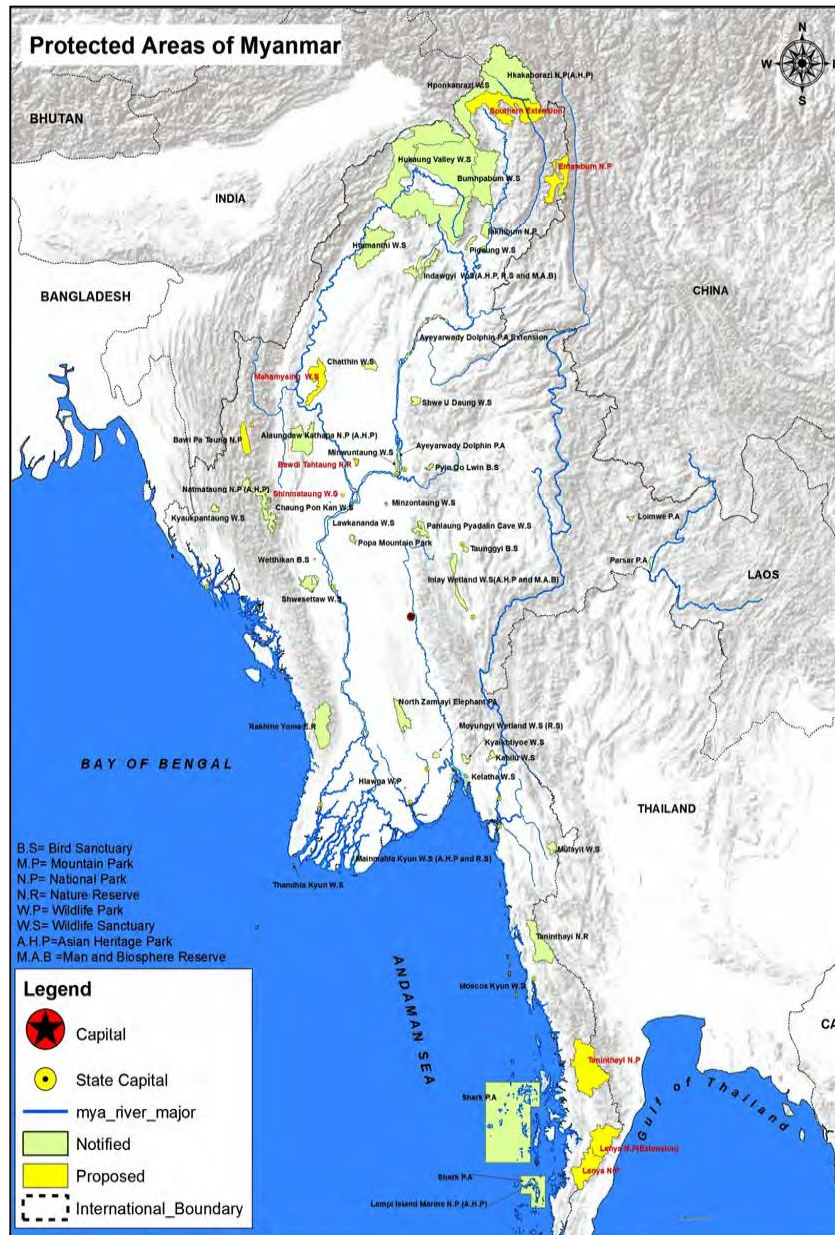


Figure 4-9 Protected Areas in Myanmar<sup>35</sup>

#### 4.7.3 Status of Protection of Remaining Natural Forests in Central Dry Zone

95. The conservation of natural forests has been implemented by the FD’s Dry Zone Greening Department in order to provide ecosystem services and mitigate the impacts of climate change. Up to the end of 2018 fiscal year, a total of 2,157,931 acres of remaining natural forests have been protected in the Central Dry Zone as summarised in Table 4-7.

Table 4-7 Areas of natural forests Protected by the Dry Zone Greening Department<sup>11</sup>

No.	Region	Protection of remaining
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<sup>35</sup> WCS, Protected Areas, 2017

		natural forests (acres)
1	Sagaing	515,000
2	Magway	1,222,431
3	Mandalay	420,500
<b>Total</b>		<b>2,157,931</b>

## 4.8 Ecosystems and Biodiversity

### 4.8.1 Ecosystems

96. Myanmar is situated at the transition zone between three biogeographic regions: in the north, Indochina, the Indian sub-continent; and Eurasia; in the south, Taninthayi forests cover the northern section of the transition between the Indochina and Sundaic ecological zones.<sup>36</sup> Myanmar supports an extraordinary array of ecosystems, with mountains, permanent snow and glaciers, extensive forests, major rivers, a large river delta, a dry plateau, a long coastline with offshore islands and valuable coastal and marine habitats.<sup>37</sup> The diverse topography and climatic conditions of the country creates numerous different ecosystems and support an incredibly wide range of associated species.

97. Myanmar has 14 major ecoregions, or relatively large areas of land or water which each contain characteristic, geographically distinct assemblages of plants and animals (see Figure 4-10). More than half of the country is covered by three of the 14 ecoregions – Irrawaddy moist deciduous forest (20.6%), Northern Indochina subtropical forest (20.5%) and Mizoram-Manipur-Kachin rain forest (10.5%).

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<sup>36</sup> National Biodiversity and Strategy and Action Plan (2015-2020)

<sup>37</sup> Biodiversity in Myanmar, including Protected Areas and Key Biodiversity Areas, 2018

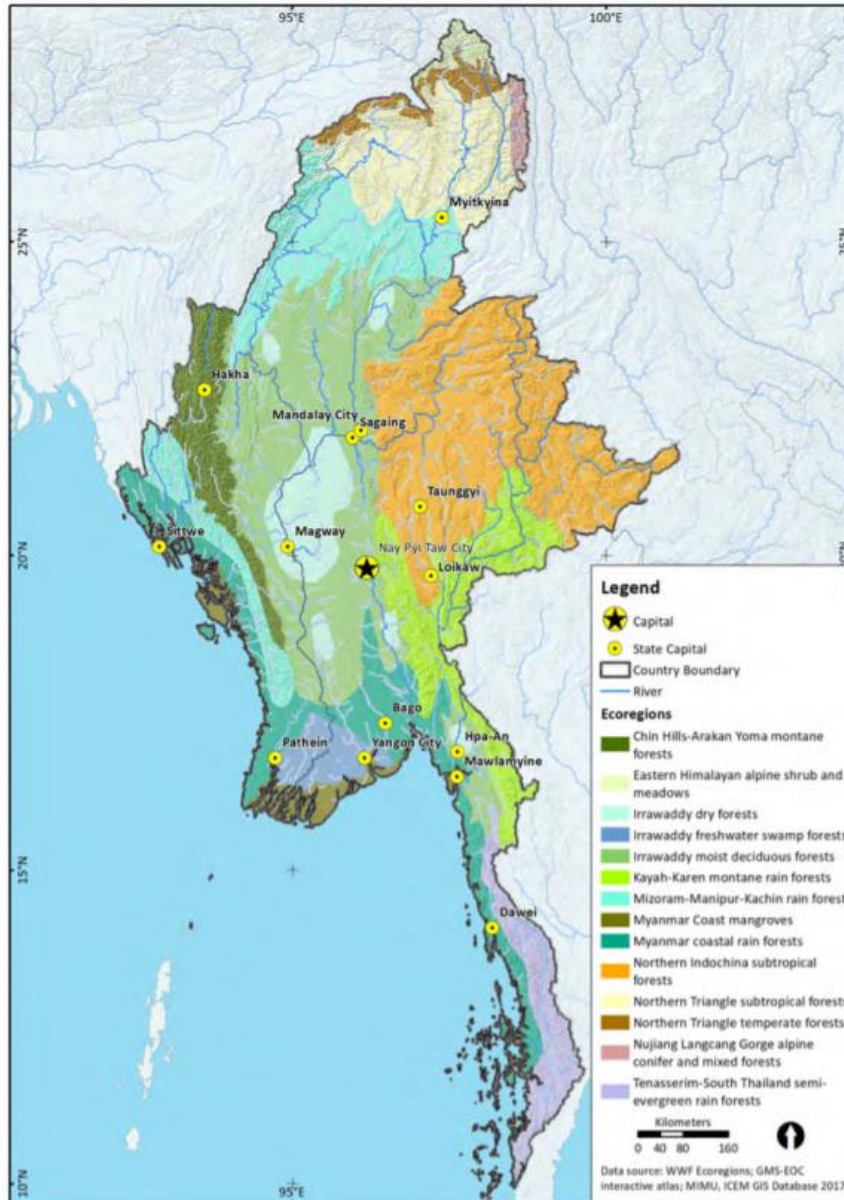


Figure 4-10 Ecoregions of Myanmar<sup>38</sup>

#### 4.8.1.1 Mangrove Ecosystems

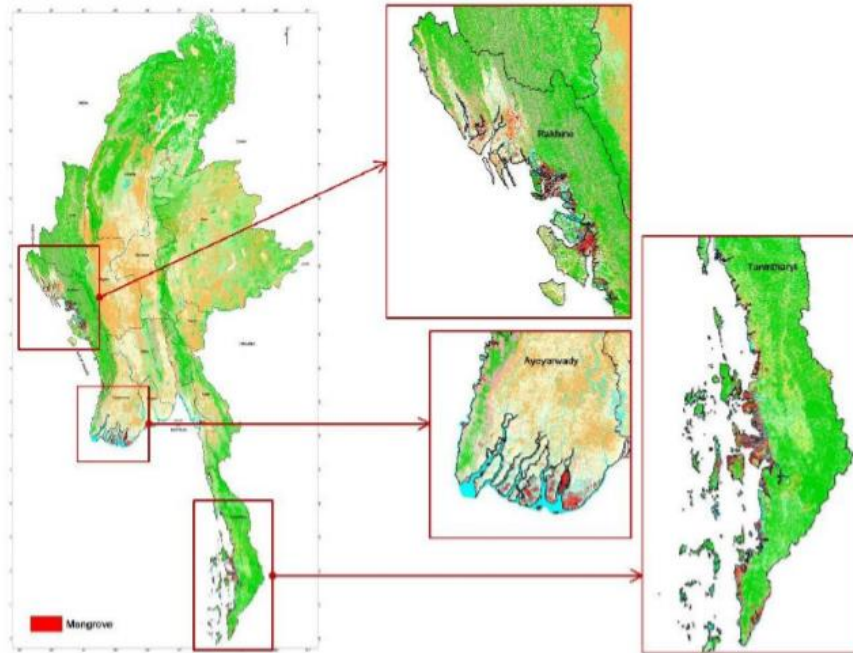
98. Mangroves are important both economically and ecologically. They can be found in three main coastal regions in Myanmar: Rakhine State, Ayeyarwady Region and Tanintharyi Region. Mangrove ecosystems provide goods and ecological services not only to coastal communities, but also to the entire country, in the form of timber, wood fuel, non-timber forest products, and nursery and breeding grounds for fish. Moreover, mangroves help to stabilize shorelines in coastal streams and estuaries, by protecting them against tidal surge and soil erosion.

99. Myanmar Coast mangroves, also known as the Burmese Coast mangroves, are a large ecoregion

<sup>38</sup> Kh IFC (2017a). Baseline Report - Strategic Environmental Assessment of the Hydropower Sector in Myanmar, International Finance Corporation, Washington, D.C, Ministry of Electricity and Energy (MOEE), Ministry of Natural Resources and Environmental Conservation (MONREC)

covering Myanmar, Malaysia and Thailand. The mangrove plants found in this ecoregion are divided into seven types, and include the Rhizosphere and Xylocarpus mangrove trees.

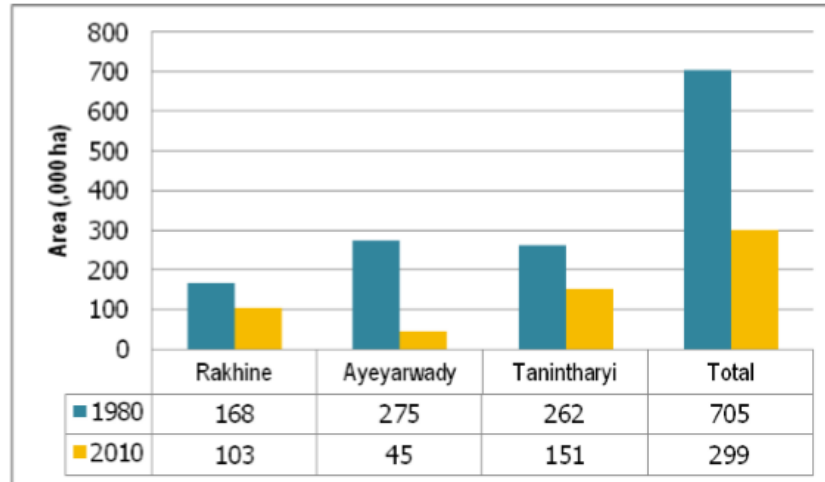
100. The area of mangrove in Myanmar is the seventh or eighth largest worldwide, and third in the ASEAN Region. Mangroves in Myanmar cover 502,911 ha (1,242,190 acres) along 2,832 km of coastline. There are about 34 true mangrove species and 148 true plus associate mangrove species.<sup>11</sup> Of the total primary mangroves found in Myanmar, the majority is located on the Ayeyarwady flood plains, with the remainder in Tanintharyi and a smaller portion in the Rakhine area (see Figure 4-11). Species distribution and composition differs between these three regions. Along coastline of the country, these mangrove forests serve as the link between inland and marine ecosystems.<sup>11</sup>



**Figure 4-11 Main Mangrove Areas in Myanmar (2013)<sup>39</sup>**

101. Mangrove coverage has significantly decreased in the past three decades. Since 2000, Myanmar has been losing mangrove forest cover at an alarming rate of 14,619 ha per year (2.2% per year). The loss is predominantly in Rakhine State and Ayeyarwady Region. The observed mangrove forest cover loss has resulted in decreased evapotranspiration, carbon stock and tree cover.

<sup>39</sup> The Economic Value of Forest Ecosystem Services in Myanmar and Options for Sustainable Financing, 2013.



**Figure 4-12 Changes of mangrove cover in Myanmar (1980-2010)<sup>40</sup>**

102. There are several challenges to the governance of mangroves in Myanmar. 78% of mangrove areas, including 100% of mangroves in Tanintharyi, are outside the PFE. This means they are not under the protection and administration of FD, and at risk from encroachment from agricultural expansion (mainly aquaculture).<sup>32</sup> Under current legislation, mangrove forests are classified either as “primary”<sup>41</sup> or “secondary”<sup>42</sup> forests. Mangrove forests that are classified as “secondary” forests can be converted for aquaculture.

**Table 4-8 Extent of mangrove inside and outside the PFE in 2015<sup>32</sup>**

Location	Total (ha)	Inside PFE (ha)	Outside PFE (ha)
Ayeyarwady	147,466	100,414	47,052
Rakhine	149,377	20,143	129,233
Tanintharyi	257,060	0	257,060
<b>Total</b>	<b>553,903</b>	<b>120,557</b>	<b>433,345</b>

#### 4.8.2 Biodiversity

103. Myanmar lies within the Indo-Burma Biodiversity Hotspot, one of 35 global hotspots that support high levels of biodiversity and endemism. The Indo-Burma hotspot ranks in the top 10 hotspots globally for irreplaceability and in the top five for threats. Myanmar’s flora and fauna include a mix of species from north, south and southeast Asia, which live in a wide range of habitats throughout the country. Myanmar’s huge altitudinal range (from the sea to the Eastern Himalayas) and its position between major biomes make it highly important for biodiversity and wildlife. Myanmar is home to nearly 3,000 known mammal species (including at least five endemic mammal species, 144 globally threatened species), 300 reptiles and 100 bird species and is a haven for 7,000 species of plant life.<sup>43</sup>

104. Specially, Myanmar hosts 15 biodiversity (conservation) corridors, covering a total area of 293,400 km<sup>2</sup> (equivalent to 43% of the country’s land area). They play a key role in maintaining landscape connectivity between key biodiversity areas, thus preserving ecological processes and safeguarding

<sup>40</sup> MOECF 2014, Myanmar National Strategy and Action Plan (NSAP), 2016.

<sup>41</sup> Forest with no visible indication of human activity.

<sup>42</sup> Other naturally regenerated forests where there is clear indication of human disturbance.

<sup>43</sup> Climate, Flora and Fauna in Myanmar [www.myanmarbsb.org/site/climate-flora-and-fauna-in-myanmar/](http://www.myanmarbsb.org/site/climate-flora-and-fauna-in-myanmar/)

against the potential impacts of climate change.<sup>44</sup> Currently, Myanmar has a total of 132 Key Biodiversity Areas, of which 52 exist in the conservation corridors.<sup>45</sup>

#### 4.8.2.1 Key Biodiversity Areas

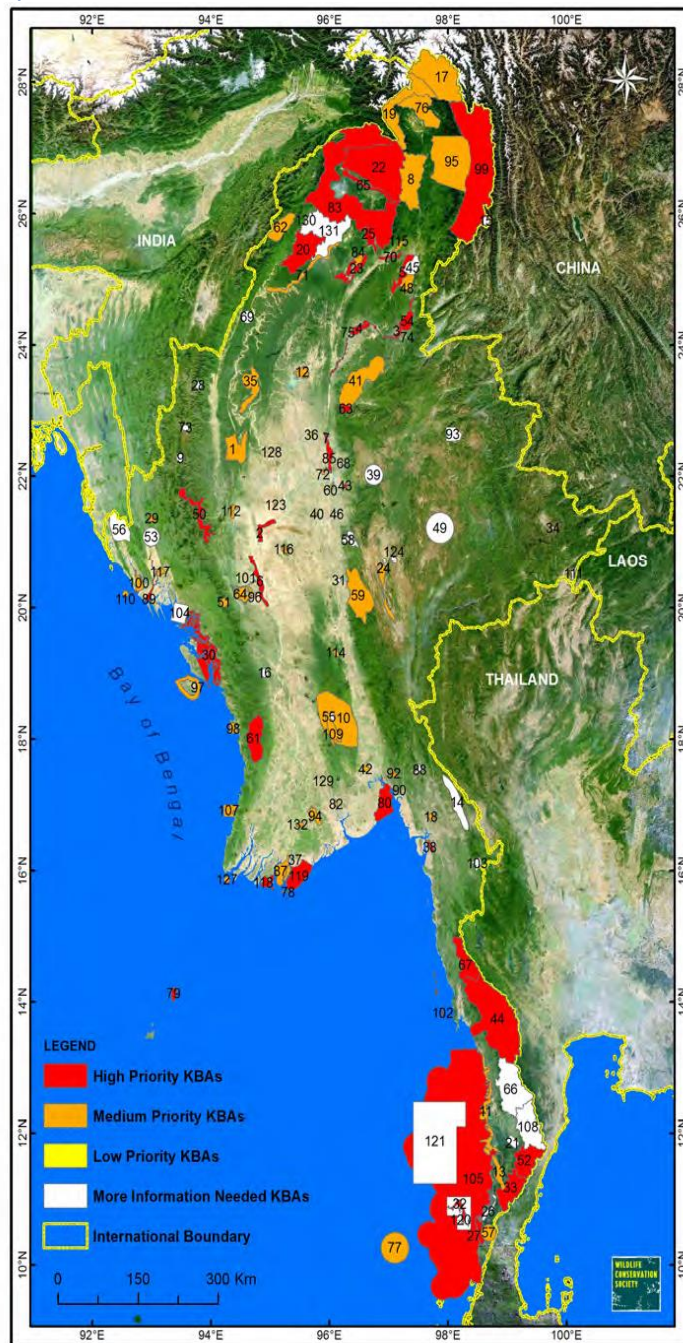


Figure 4-13 Key Biodiversity Areas of Myanmar<sup>46</sup>

105. Key Biodiversity Areas (KBA) are sites that contribute to global significance for biodiversity,

<sup>44</sup> <https://myanmar.wcs.org/Wildlife/Biodiversity.aspx>

<sup>45</sup> National Biodiversity Strategy and Action Plan, 2011

<sup>46</sup> WCS 2013, Biodiversity in Myanmar, including Protected Areas and Key Biodiversity Areas



including vital habitat for threatened plant and animal species in terrestrial, freshwater and marine ecosystems. They are critically important for protecting biodiversity and the ecosystem services they provide. In Myanmar, KBAs fall into different land management categories such as PAs reserved forests, protected public forests, community-conserved forests, CF and other resources and land use areas. Among these 132 KBAs, 35 are existing PAs and a further six are proposed PAs.

106. KBA designation assists in the identification of priority areas for future conservation efforts and protection. It also supports development planning by highlighting the value of areas so that impacts on biodiversity can be avoided. KBAs are also increasingly being targeted as potential biodiversity offset sites. Currently, KBAs cover 17% of the country.<sup>47</sup>

#### 4.8.2.2 Animal and Bird Species

107. According to research by the International Union for Conservation of Nature (IUCN), Myanmar is home to over 300 endangered species, which is a group of living organisms consisting of similar individuals capable of exchanging genes or interbreeding. The IUCN has prepared a 'Red List of Threatened Species' to evaluate the conservation status of plant and species.

108. The Red List includes eight categories: EX – Extinct, EW - Extinct in the Wild, CR - Critically Endangered, EN – Endangered, VU – Vulnerable, NT - Near Threatened, LC - Least Concern and DD - Data Deficient. The critically endangered species including the fish-eating crocodile, Sumatran rhinoceros, white-bellied heron, birds, orangutans, elephants, deer, freshwater turtles, pangolins and tigers.<sup>48</sup> Table 4-9 provides totals for all assessed species in each [IUCN Red List category](#) by major taxonomic group, irrespective of whether the group has been comprehensively assessed.<sup>49</sup>

**Table 4-9 Species occurring in Myanmar with extinction risk assessments (IUCN Red List, July 2020)**

Taxonomic Group	Total assessed species	Total known threatened species (CR, EN & VU)	EX & EW	CR	EN	VU	NT	LR/CD	LC	DD
Pinopsida	26	6	0	0	1	5	5	0	15	0
Actinopterygii	1385	27	0	1	10	16	29	0	1167	162
Aves	1079	62	0	11	17	34	96	0	919	2
Magnoliopsida	759	45	0	6	21	18	11	0	630	30
Anthozoa	326	60	0	0	2	58	101	0	155	10
Reptilia	217	32	0	8	8	16	1	0	150	29
Insecta	258	1	0	0	0	1	5	0	196	54
Liliopsida	289	13	0	0	9	4	4	0	261	11
Polypodiopsida	17	0	0	0	0	0	0	0	17	0
Holothuroidea	41	9	0	0	4	5	0	0	18	14
Chondrichthyes	59	32	0	7	9	16	12	0	5	10
Mammalia	302	50	0	6	20	24	14	0	218	20
Malacostraca	78	4	0	0	2	2	0	0	34	40
Bivalvia	57	2	0	1	0	1	0	0	30	22
Amphibia	84	3	0	0	2	1	4	0	62	15
Cephalopoda	40	0	0	0	0	0	0	0	19	21
Clitellata	1	0	0	0	0	0	0	0	0	1

<sup>47</sup>Biodiversity in Myanmar including Protected Areas and Key Biodiversity Areas, 2018

<sup>48</sup> <https://www.worldatlas.com/articles/endangered-animals-of-myanmar.html>

<sup>49</sup> [https://www.ibat-alliance.org/country\\_profiles/MMR](https://www.ibat-alliance.org/country_profiles/MMR)

Taxonomic Group	Total assessed species	Total known threatened species (CR, EN & VU)	EX & EW	CR	EN	VU	NT	LR/CD	LC	DD
Gastropoda	152	1	0	1	0	0	0	0	129	22
Cycadopsida	4	2	0	0	0	2	2	0	0	0
Gnetopsida	6	0	0	0	0	0	1	0	5	0
Arachnida	4	0	0	0	0	0	0	0	4	0
Hydrozoa	6	0	0	0	0	0	1	0	5	0
Jungermanniopsida	1	0	0	0	0	0	0	0	1	0

Note: The table reflects certain native distributions, i.e. it excludes all uncertain distributions, introduced species and vagrant records in the database for The IUCN Red List, where: introduced species are species that are/were introduced to a country, which are outside of their historical distribution range, through either direct or indirect human activity; vagrant species are species that are or were recorded in a country once or sporadically, but are known to not be native to the area; and uncertain distributions include countries where the presence of a certain species has not been confirmed, even though suitable habitat exists there, and countries where records of the species exist but require verification.

#### 4.9 Ecosystem Services

109. As defined in the 2006 Millennium Ecosystem Assessment, ecosystem services are “the benefits people obtain from ecosystems”. Ecosystem services can be classified in four categories – Provisioning, Regulating, Cultural and Supporting Services. Provisioning services include production of resources such as crops, fish and livestock, and raw materials for construction and other needs, all of which directly depend on natural ecosystems. Regulating services include functions such as climate regulation through the storage of carbon and control of local rainfall, and protection from disasters such as landslides and coastal storms and are not measured in conventional markets.

110. Cultural services are more difficult to measure and include benefits such as cultural identity (which can maintain societal stability, mental health, and other essential benefits) and ecotourism (through preservation of aesthetic values). Supporting services are not of direct benefit to people but are essential to the functioning of ecosystems and therefore indirectly responsible for all other services. Examples of supporting services are the formation of soils and the processes of plant growth.

**Table 4-10 Example of ecosystem services and values**

Service	Associated ecosystem	Value
Water	Forested Watersheds	Potable water, irrigation water
Fisheries	Inland/coastal water bodies, mangroves	Food security, protein, income security
Agriculture	Agro-ecological	Food security, income, preservation of traditional values and culture
Timber/fuelwood	Forest Land	Timber for construction, fuel wood
Non timber forest products and wild products	Terrestrial ecosystems	Plant and animals for food, income, medicine, materials
Medicine	Forests	Provision of traditional medicines
Ecotourism	Intact landscapes (aesthetic)	Income security

Service	Associated ecosystem	Value
Cultural Link	Numerous	Community health, identity, mental and spiritual health, other non-tangible values such as happiness
Soil Fertility	Soil	Food, income
Disaster Risk Reduction	Coastal	Mitigation of flood/ drought from storm events
Pollination	Agro-ecological and supporting ecosystems	Food security

111. One of the most valuable ecosystem services in Myanmar is the provision of freshwater resources. Rivers and freshwater wetlands are important sources of ecological services. In addition to the agricultural and hydropower benefits provided by rivers, ecosystem services associated with rivers and wetlands include freshwater fisheries, harvested wild goods, transport, recreation and carbon storage. The population of Myanmar is highly dependent on natural resources and ecosystem services, with 66% of the population working in agriculture, and much of the remainder of the rural work force involved in other resource-dependent activities such as fishing, mining and forestry.

112. For example, a study of the Moeyungyi wetland in Bago Region quantified a net annual benefit of US\$22 million (US\$2,200/ha/year) in ecosystem services,<sup>50</sup> provided by (1) global climate change mitigation in terms of carbon storage; (2) nature-based recreation; (3) flood protection; (4) provisioning of water; (5) provisioning of wild goods; and (6) rice production during the dry season.

113. Forests also support a wide range of ecosystem values including water provision, supply of timber, meat, and non-timber forest products (NTFP) such as medicinal plants. Moreover, forests and mangroves provide significant ecosystem services for water catchment, habitat for flora and fauna, carbon storage, soil nutrient recovery and - increasingly - disaster risk protection. Forests' role in mitigation and adaption to climate change will be increasingly essential for improving basin-level hydrological functions, especially maintaining moisture recycling and rainfall, and recycling droughts and floods. Watershed forests play an important role in reducing disaster risk by absorbing precipitation and releasing it more slowly, thereby mitigating flooding in the rainy season, mitigating water shortages and ensuring base flows in the dry season. Forests also retain soils and reduce river silt loads, helping prevent siltation of channels and flood plains.<sup>32</sup>

114. A systematic assessment of the values of services provided by forest ecosystems in Myanmar estimated that they generate more than US\$7 billion in goods and services every year. The largest contributions from forest ecosystem services come from insect pollination supporting agriculture (37.4%) and mangrove fishery nurseries (15.5%).

**Table 4-11 Baseline value of forest ecosystem services in Myanmar (2012)<sup>32</sup>**

Ecosystem services	Value (MMK billion)	Value (US\$ million)	Percentage
Timber & wood products	565.2	582.1	8%
Non-timber forest products	492.0	506.6	7%
Forest elephants	20.0	20.6	
Terrestrial forest watershed protection	700.1	721.0	10%

<sup>50</sup> The Economic Value of Forest Ecosystem Services in Myanmar and Options for Sustainable Financing, 2012

<b>Ecosystem services</b>	<b>Value (MMK billion)</b>	<b>Value (US\$ million)</b>	<b>Percentage</b>
Mangrove coastal protection	686.6	707.1	10%
Forest carbon sequestration	863.9	889.7	12%
Mangrove fisheries nursery & breeding habitat	1,097.6	1,130.4	16%
Insect pollination	2,649.2	2,728.3	37%
Nature-based recreation & tourism	8.6	8.8	
<b>Total Forest Sector, of which:</b>	<b>7,083.0</b>	<b>7,294.6</b>	
Direct Forest Income	1,057	1,088.7	
Value-added to production in other sectors	3,755	3,867.5	
Domestic costs and damages avoided	1,407	1,448.6	
Global costs and damages avoided	864	889.7	

## 5 Socioeconomic Baseline Conditions

### 5.1 Introduction

115. A separate Social Assessment (SA) report has been prepared for this Project. The SA provides a comprehensive social baseline, a summary of the forest land administration and tenure framework in Myanmar (also refer to analyses in Chapter 3 and Annex 15 of this document) and details of the stakeholder engagement conducted, with further details in the stand-alone SEP<sup>51</sup>; a comprehensive summary of the potential project social benefits and impacts related to the social baseline and recommended mitigation measures for the Project; and the various social-related plans, frameworks and Site Specific Social Assessment triggers (some located in the Annexes of this ESMF, along with their relationship to the World Bank ESS 1-10. This Chapter provides a summary of the Social Baseline presented in the SA report,

### 5.2 Demography

116. Population and demography is an important baseline for the design of Project activities by providing data with which to determine the appropriate magnitude of project interventions required now and in the future:

- The populations of the six target Regions account for nearly 54% of the national population;
- The number of females is higher than that of males, as is the case for the nation as a whole.
- Myanmar is in the process of a demographic transition as it develops economically.
- The median ages in the target Regions are all below 30, indicating a young population and placing emphasis on the importance of encouraging local employment and income generation opportunities.
- The world average dependency ratio was 54.0 in 2014, which is around the average or lower for the target regions, showing the potential importance that income generation activities of the Project
- 5% of the population reported some disability in 2014, with higher rates for women than men.
- In all the targeted regions, Buddhism is the highest represented religion with over 90% of the population being adherents, followed by Christianity and then Islam. Knowing religious affiliation is important in initial entry into a community and for developing appropriate awareness materials and training activities during implementation.
- The project Regions have more than 75% Bamar population together with a variety of other ethnic groups (refer to Annex 15 – Site Specific Social Assessment).

### 5.3 Education and Literacy

117. Data shows that:

- Literacy and numeracy rates in the project Regions is high, but males have higher levels of numeracy and literacy than females.
- There is a high rate of enrolment at pre-primary and primary school levels, then the enrolment

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<sup>51</sup> Given that the Project is based on community/stakeholder participation throughout the Project and due to COVID-19 some additional stakeholder engagement at community level will still be required at Project implementation

rate drops by 50% at secondary level and again at tertiary level.

- In most education levels, there are more females enrolled than males, especially in secondary and tertiary studies.
- Numbers of teachers and schools in the target Regions follows similar trends to enrolment levels.

#### 5.4 Land use in the Project Regions

**Reserve forest.** In Sagaing Region and Nay Pyi Taw Union Territory, the area of reserve forest is almost double the area under cultivation. In contrast, the area of reserve forest in Magway, Mandalay, Bago and Ayeyarwady is smaller than the area under cultivation.

**Type of land tenancy** affects the eligibility of a site for a Project activity. From an administrative point of view, land in Myanmar can be classified as follows:

- **Freehold land:** This land type is not suitable for Project activities.
- **Grant land:** This type of land is owned by the government and exists almost mostly in towns and cities, with a few examples within villages. Grant land is at the disposal of Government and may be leased for 10 up to 90 years. This land type would not be suitable for Project activities.
- **Farmland:** In accordance with the Farmland Law (2012), farmland means land designated as paddy land, ya land, kaing land, perennial plant land, dhani land, garden land, land for growing of vegetables and flowers, and alluvial islands. A person granted permission for farming must utilize the land for farming purposes only.
- **Vacant, Fallow and Virgin (VFV) land:** This is a class of land for which the government may grant the right to cultivate or utilize to various types of enterprise. These types of land are administered in accordance with the VFV Land Law and its regulations. The Project will not work on this land type.
- **Forest land:** Forest Land (including Reserve Forest and PPF) is declared and administered by the MoNREC in accordance with the 'Forest Law'. Permission is required from the Ministry to extract forest products from Forest Land. The Project will work in Forest Land for CF and CFE activities.
- **Town land:** This land category will not be used for activities under the FREDIP.
- **Village land:** This land category will not be used for activities under the FREDIP.
- **Cantonments:** Cantonment Lands are not eligible for FREDIP activities.
- **Monastery:** The Ministry of Home Affairs may declare an area of land as 'Monastery Land', which remains unchangeable in perpetuity.
- **Customary tenure systems:** In Myanmar, rights to land and forest resources are closely connected to social structure and cultural traditions. Community-based traditions and practices applied over several decades continue to guide forest tenure. Since 2010, the GoM has tried to recognize tenure security, including the protection of rights of ethnic communities and women, by revising its forest land and resource policies, laws, guidelines and regulations to formalize customary laws and strengthen forest tenure. Despite these reforms, several have yet to be enforced. This points to a risk to ethnic rural communities and women's livelihoods, that might be impacted by the Project, through reclaiming of forest land areas that are used by ethnic groups for shifting agriculture and other practices important for their livelihoods.

## 5.5 Gender Parity

118. In various formal and informal economic activities and activities in the household:

- **Employment by sector** – The agriculture sector is the largest employer of women workers, accounting for half of all women’s employment, followed by services and then manufacturing.
- **Employment by occupation** - Female representation in government departments and public administration is lower than for men, but steadily increasing.
- **Employment in the informal economy** – A large proportion of women in Myanmar work in informal sector. Rural women are more likely to work on their own than urban women. There is also a large proportion of women who contribute to family-owned enterprises.
- **Agriculture and rural livelihoods** - Women constitute 51% of the agricultural population in Myanmar (2010).
- **Access to and ownership over land** - Nine out of 10 agricultural households had access to agricultural land in 2010, of which 90% were male-headed and 10% were female-headed. Among the male-headed households, 98% had access to agricultural land, compared with only 61% of the female-headed households. The 2008 Constitution provides equal rights for women to enter into land tenure contracts. But many customary rules in Myanmar provide men with greater economic and decision-making power in domestic affairs, allowing only husbands or sons to inherit property. A mechanism for joint ownership of property between husbands and wives is not available in the current legislative framework of Myanmar.
- **Division of labour in farming** - Women perform most tasks related to crop cultivation, such as planting, caring, weeding, transplanting, harvesting, threshing, post-harvest operations and marketing. Though some of these activities are also carried out by men, women do more than men. Men traditionally take the role of ploughing, land preparation, seed bed preparation, making bunds and fencing. Men’s contribution of time in reproductive work is much fewer in hours than women.
- **Decision making at home, work and in public governance** - At the household level, women have the primary responsibility for domestic and caring work. High level household decisions, especially economic related issues, are generally male-dominated. Men also often take the leadership role in community-level activities and decision-making.
- **There are still several inequalities** in relation to livelihoods and to land-use and tenure including:
  - i A large percentage of the female working population is involved in the informal and agricultural sectors.
  - ii Men are the dominant decisionmakers in households, except for matters relating to domestic and caring activities in the family.
  - iii Land ownership is traditionally dominated by males, despite the equal legal status of women.
  - iv Despite the majority of work in agriculture and forestry, particularly labour-intensive actions, being conducted by women, men have greater economic decision making and more access to extension and capacity building activities.
- **Women have distinct knowledge, needs, and priorities** regarding forest management, but they are under-represented in decision-making about forests. Forests are important economic resource for men and women in agricultural communities in Myanmar and provide the income

and resources for shelter, household economic and food security.

- **Traditionally, women** collect firewood and other forest products such as mushrooms, wild fruits, nuts, wild vegetables and medicinal herbs. Men hunt wild animals and cut logs and bamboo.

## 5.6 Livelihoods

119. The great majority of people in the Project Regions, especially those households neighbouring or living within forest areas, rely on agriculture, forestry and fishery livelihoods, followed by various forms of trade. The occupations least frequently practiced include electricity, gas stream and air conditioning supply, activities of extraterritorial organizations and bodies, professional scientific technical activities, real estate activities, information and communication, in all the Project Regions.

120. Farming is the most common livelihood for the communities in the surrounding villages and encroached villages of many PAs.

121. In some PAs, communities in the surrounding villages rely on the harvesting of forest products and NTFPs for their livelihoods.

## 5.7 Agriculture

122. The majority of farmers in Myanmar are small-scale farmers. Cash crops grown in the FREDIP Regions are paddy, wheat, maize, groundnut (rainy season and winter season) and sesame (early and late).

## 5.8 Poverty

123. The official poverty line, as defined by the GoMt, is 1,509 Kyat per adult equivalent (Myanmar Living Conditions survey, 2017). Ayeyarwaddy Region is the poorest among the project Regions, while Sagaing and Bago (West) have the lowest percentage under the poverty line. Sagaing, Bago (East) and Ayeyarwaddy Regions have a higher urban population living under national poverty line, while the remaining Project Regions have a higher rural population living under the poverty line.

## 5.9 Labour force

- **Employment** - Unemployment rates for all age groups and gender are 3-4%, although labour participation rates differ, indicating that willingness or necessity to engage in paid work varies.
- **Child Labour** - Under Myanmar Law, the minimum working age is 14 years old, which corresponds with the WB's ESS-2 requirement. However, ESS-2 also stipulates that only people over 18 years old may participate in more hazardous activities.
  - In all Regions and for both females and males, unemployment rates are lower for the group aged 15 and over than for the group aged 10 and over, indicating that there are many children aged 10-14 who are looking for work, but cannot find it.
  - Children are employed mainly in agriculture and manufacturing.
  - Nearly one quarter of the children with hazardous work are 12-14 years old, who put in very long hours.
- **Labour Participation Rates** – Labour participation rates for women are consistently lower than those for men.
- **Forced Labour** - Forced labour has disappeared from the cities in Myanmar, but in the rural areas people are regularly forced to work as carriers or construction workers for infrastructure



development. Some instances involve development projects financed by international organizations.

### 5.10 Water Supply

124. The main sources of household drinking water in the target Regions are tube wells or boreholes during the dry season, with bottled water second most important. During the rainy season, rainwater collection is used.

### 5.11 Sanitation

125. In all target Regions, improved toilets are found in at least 90% of households, with the flush-to-pit design most widely used in all Regions except Magway, where the pit latrine with slab is more common.

### 5.12 Household energy use

126. Rural households, and to a lesser extent urban households, still rely on natural resources, especially forest resources (firewood and charcoal) for household energy including for cooking and heating. Overall, only 17% of households use non-wood energy such as electricity or liquefied petroleum gas for cooking.

127. Energy constraints affect the entire household, but women suffer more seriously since they are mainly responsible for food preparation and cooking and spend three times more time than men collecting fuel and water.

### 5.13 Urbanization

128. The urban population is growing faster than the country's population as a whole. By 2030, it is projected that four out of ten citizens will live in urban areas.

### 5.14 Access to finance

129. Access to finance includes:

- The Myanma Agricultural Development Bank (MADB), which plays an important role in financing agricultural activities. Customary tenure cannot qualify for a loan, however.
- The Mya Sein Young Programme, which supports rural households which rely upon agriculture, livestock, vocational works and small trading for their livelihood, through a revolving fund aimed at increasing the income of rural communities and supporting community development.
- However, the main source of credit is the informal

### 5.15 Social Protection

130. Types of vulnerability may be identified as per Table 5-1.

**Table 5-1 Possible types of levels of vulnerability**

Type	Level		
	Individual or Household	Community or Group	District, State, National, Regional or Global
Health	Illness, accident, disability, ageing, death	Epidemics/pandemics	

Type	Level		
	Individual or Household	Community or Group	District, State, National, Regional or Global
Social	Crime, domestic violence, discrimination		
	Divorce/separation from or death/migration of main monetary income earner	Crime, gang violence Exclusion based on ethnicity, language, religion, political affiliation, gender, sexual orientation	Ethnic and civil conflict, war, other social upheaval
	Exclusion in the family, based on gender or disability		Displacement, resettlement
Economic and Financial	Lack of funds for education		
	Unemployment, underemployment, instability of employment (casual labour)	Displacement, resettlement, crop failure, animal epidemic/pandemic	Economic downturn, financial system failure, changes in terms of international trade, sudden increase of prices of essential goods
	Lack of access to land and other inputs for production		
Natural and Environmental	Indebtedness		
	Loss or pollution of water sources, land and other natural resources	Flood, drought, landslide and other weather related irregularities Community/group scale resource loss or pollution	Cyclone, earthquake, flood, drought, landslide, and other wide-scale natural calamities, irregularities and pollution

Source: Adapted from Nishino, Y. and Koehler, G., 2011

### 5.16 Cultural Heritage

131. There are several nominated UNESCO World Heritage sites, many famous pagodas and cultural festivals in the target Regions. The project will not work in any of these. The Site-Specific Social Assessments will determine any potential cultural heritage sites, whether of international significance or of significance to local communities or specific ethnic groups.

### 5.17 Health Care Services

132. Among the target Regions, only Mandalay has a specialist hospital. In the other Regions, specialist services are provided in general hospitals, though these are not found in all townships. Stations are widely prevalent.

## 5.18 Communications

133. In the target Regions, between 50 and 62% of females use mobile phones compared with 60 to 75% of males. Males also have more access to the internet use (35% for males vs. 21% for females). This has implications for appropriate channels for awareness raising and information dissemination.

## 5.19 Gender-based Violence

134. Myanmar has provisions against gender-based violence enshrined in its 2008 Constitution and laws.

- The Constitution states that men and women have equal rights, and permits no physical abuse of anyone.
- The Penal Code prohibits sexual harassment, rape and trafficking of women.
- Myanmar is a signatory to CEDAW (1997), the Beijing Platform for Action and the ASEAN Declaration on the Elimination of Violence against Women.

135. Women face violence at home and in public:

- Violence against women is committed by both public, private actors.
- The violence rate was found to be highest among women who had never received any formal education and those from poor households. Physical violence against women is most commonly perpetrated by the spouse if they are married; or by parents in the case of unmarried women.
- 3% of women aged 15-49 have experienced sexual violence, with their current and former husbands the most common preparators,
- Legal avenues require strengthening; and due to the social status of affected women and the fact that perpetrators are often family members, GBV may be under-reported.
- Unequal opportunities for women and sexual harassment of women in the workplace can both occur, without proper risk management policies. To manage these risks, the LMP (Annex 8) includes requirements for equal opportunity, payment and anti-harassment policies in the workplace for FREDIP workers.

## 5.20 Climate change

136. Myanmar is one of the countries most vulnerable to climate change. The Central Dry Zone, which is significantly affected, is home to nearly a third of country's population, and includes part of all of Magway, Mandalay and Sagaing Project Regions.

## 6 Potential Environmental and Social Risks and Impacts

### 6.1 Introduction

137. This Chapter provides an assessment of the environmental and social (E&S) risks associated with the proposed FREDIP operation. The chapter describes a range of direct and indirect risks and impacts including those that: (i) are directly caused by the Project; (ii) contribute to existing environmental and social issues which pre-date Project activities; (iii) are contextual in nature which could affect the ability of the Project to meet its goals; and (iv) are related to counterpart capacity and commitment to implement Project activities.

138. The chapter describes these risks and impacts from different perspectives including: (i) those associated with specific World Bank standards included in the ESF; and (ii) those associated with individual components and sub-components. The chapter presents an assessment of the likelihood and severity of each of the identified risks. Chapter 7 recommends actions and measures to avoid, minimize and mitigate risks identified in this chapter.

### 6.2 Methodology

139. The assessment of E&S risks and impacts was conducted by the FD with the support of an E&S expert team contracted to develop the various ESF instruments required for the FREDIP project. The team included environmental and social specialists representing different technical fields. The methodology used to determine the risk profile for the Project included: desk review of Project documentation prepared by the counterparts and by the World Bank task team; dialogue among team members to brainstorm likely risks; review of similar operations in the region; review of relevant literature on the forestry sector in Myanmar; stakeholder engagement with government experts (including face to face discussion, semi-structured interviews and questionnaires) and public meetings with expected project beneficiaries and with other project-affected people, CSOs and NGOs.

140. Consultations with project beneficiaries and other Project-affected people on E&S risks was constrained due to COVID-related travel restrictions and face to face interactions were limited to small groups in public spaces. In addition, given that the Project is heavily process-oriented – i.e. it will develop and implement procedures and specific plans during the implementation period – it was not possible to consult affected people on site-specific concerns relating to their situation.

141. Instead, the consultations were intended to: (i) help articulate and confirm the project's likely E&S risks; (ii) assist in the assessment of previous experiences and concerns with counterparts' commitment and capacity; (iii) assist in the definition of risk management and mitigation measures; (iv) share information broadly to help inform concerned stakeholders on the objectives and purpose of project and its activities; and (v) help to identify monitoring, reporting and transparency measures that will support overall project implementation.<sup>52</sup>

### 6.3 Summary of Environmental and Social Risks

142. By design, the FREDIP Project is multi-faceted and addresses many important aspects of improving forest management through support for community forest management, improving enabling conditions for private sector involvement in the sector and through efforts to support PA management. Through its development objectives and supporting activities, the project seeks to achieve positive outcomes for both ecological values of forests as well as social and economic value of forests in the national and local

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<sup>52</sup> See Chapter 12 of this report for a more detailed description of consultation processes followed.

economies.

143. If successful, the Project's reform initiatives, proposed investments in planning and management system improvements, stakeholder engagement, counterpart capacity building and physical investments will lead to many positive environmental and social outcomes. If well implemented, Project activities are not expected to cause significant, large-scale, direct or cumulative harm to ecological and social values.

144. Nevertheless, *the environmental risks of the Project are considered Substantial* due to the potentially significant implications for the ways in which forest resources are developed and utilized by various actors. At the same time, many of the environmental risks are expected to be manageable with known mitigation measures. Likely environmental impacts of the Project mainly relate to adverse impacts from construction of civil works, forest processing operations and silvicultural practices, among others. These impacts are not expected to be diverse or large in scale, and are expected to be manageable with standard operating procedures and mitigation measures. Other environmental risks may be associated with spatial planning decisions that could have important implications for the ways in which land and forest resources are managed. Finally, procedural reforms and changes to operational practices could have broad implications for forest health and quality.

145. The *social risks of the Project are considered High*, given the importance of social acceptability of reforms, the willingness and ability to undertake project activities, potentially disproportionate impacts on disadvantaged and vulnerable groups, and concerns over uneven distribution of benefits, among others. There are at least two broad types of social risks that could undermine the achievement of the desirable Project objectives: (i) overcoming existing social contextual and structural challenges, which could hamper the speed and effectiveness of system reforms and improvement; and (ii) the potential failure to successfully implement desired reforms and changes which could lead to inequitable distribution or 'elite capture' of Project benefits.

146. Several important contextual risk factors will pose important social challenges to implementation and possibly the sustainability of Project achievements. These include: the legacy of CF management in the past; the potential for uneven distribution of Project benefits, especially the potential elite capture of such benefits; potentially disproportionate adverse impacts on disadvantaged and vulnerable groups; and a lack of understanding or confidence in reforms and new initiatives based on past experiences; among others.

147. In addition to contextual risks there are risks that the proposed reforms may not be developed or implemented in a timely manner and/or will not be socially acceptable to a wide range of stakeholders. If processes for reaching consensus among a wide range of stakeholders with potentially divergent views are ineffective, this could result in poorly defined or poorly implemented reforms that could undermine the possible success of the Project as a whole. These risks relate directly to the capacity and skills of process facilitators, willingness and ability of beneficiaries to participate in a meaningful way, and the transparency, confidence and trust that project stakeholders have in government initiatives.

### **6.3.1 Summary of Risks by World Bank E&S Standards**

148. The risks and impacts associated with this operation have been initially screened and reviewed against the requirements of the World Bank's ESF: specifically the ten E&S Standards which describe the requirements of the ESF for Borrowers and project counterparts.<sup>53</sup> The ESS comprises 10 individual standards addressing different thematic areas.

149. Given the wide ranging thematic and geographic scope of the FREDIP operation, nine out of the

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<sup>53</sup> For a detailed description of the World Bank's views of the project risks and potential management measures please refer to the Environmental and Social Review Summary (ESRS) document.

10 E&S standards are considered relevant, to varying degrees, to this Project. Table 6-1 presents a summary of the main risks associated with each of the relevant World Bank ESF standards.

**Table 6-1 Summary of E&S Risks against relevant World Bank Standards** <sup>54</sup>

Relevant Environment and Social Standard	Main Risks
<p><b>ESS 1 Environmental and Social Assessment</b></p>	<p><b>Environmental aspects (Substantial Risk)</b></p> <ul style="list-style-type: none"> <li>- potential adverse impacts such as soil loss/erosion, destabilization of slopes/ landslides, impacts on water resources, biodiversity, impacts from discharge of wastewater, air pollution, solid waste and noise, impacts on occupational and community health and safety, visual impact relating to project civil works under various sub-components</li> <li>- potential adverse impacts from wood processing and NTFP processing include resources (forest) utilization, discharge of air emissions, noise, solid wastes, effluents, fire risk, worker safety.</li> <li>- community-based ecotourism activities may cause water pollution and solid waste problems if existing sanitation and waste handling systems are inadequate for the number of tourist arrivals.</li> <li>- Initiatives to attract private-sector investments may induce adverse impacts on the environment and put pressure on resource utilization and public utilities in the surrounding communities or PAs.</li> </ul> <p><b>Social aspects (High Risk)</b> Risks associated with:</p> <ul style="list-style-type: none"> <li>(i) expansion of CF without due consideration of social context</li> <li>(ii) support for ecotourism activities including of funding of small infrastructure inside and outside PAs;</li> <li>(iii) promotion of market access to emerging high value markets,</li> <li>(iv) creating an enabling environment, including policy, for CFE and SMEs throughout the wood-based industry value chain.</li> </ul> <ul style="list-style-type: none"> <li>- The main social risks are those associated with impacts on individual people, ethnic communities and those that are vulnerable, marginalized and/or excluded.</li> <li>- Potential elite capture of project benefits and/or adverse project impacts and risks creating conflict, discrimination, harm, vulnerability, exclusion and marginalization, whether intended or not.</li> <li>- Potential risks stem from perceived or real inequality relating to engagement approaches and any groups excluded from that process, and project benefits, and prioritization and selection of project activities that benefit one group or private entity over community groups.</li> <li>- New, or enforcement of existing, access restrictions, may result in significant impacts on local livelihoods and may lead to confusion over what is acceptable or not acceptable under the Project. This may lead to local conflict between competing users or between users and FD enforcement authorities.</li> </ul>

<sup>54</sup> Table 6.1 is based on risks defined in Concept Stage ESRS.

Relevant Environment and Social Standard	Main Risks
<b>ESS 2 Labour and Working Conditions</b>	<ul style="list-style-type: none"> <li>- Project workers could be individuals from households, communities, community-based organizations, CFEs, civil society and private entities benefitting from various financing schemes and through investments in the forest, agriculture and NTFP value chains, as well government at all levels</li> <li>- Potential to exacerbate existing risks associated with labour and working conditions including unfair treatment of women and use of child labour</li> <li>- Potential increase in incidence of various health issues, depending on the infrastructure improvements, there is a risk of labour influx with associated risks</li> <li>- Unsafe spaces and activities that put women and girls at risk of gender-based violence in the workplace</li> <li>- There may be limited consideration of gender and men and women’s differing roles in the harvesting, processing and marketing of forest resources</li> <li>- Where income from forestry is considered a priority above education for vulnerable household livelihoods, there is potential for child work and child labour to be undertaken</li> <li>- Where arrangements are commercialized there is potential for migrant labour and inequalities in pay and working conditions between different groups and including between men and women</li> <li>- While tourism can offer employment for women there is potential for inequality, gender-based violence particularly towards women workers, exploitation of children and other vulnerable individuals</li> </ul>
<b>ESS 3 Resource Efficiency and Pollution Prevention</b>	<ul style="list-style-type: none"> <li>- Value-added wood processing and expanded production and processing of NTFP have the potential to cause air, noise, solid wastes, and water pollution</li> <li>- Agro-chemical use may increase in community agro-forestry, however the Project will not support intensified crop agriculture involving substantially increased agrochemical use</li> <li>- Potential adverse impacts such as discharge of wastewater, air pollution, solid waste and noise, spillage of hazardous materials relating to project civil works under various sub-components are anticipated.</li> <li>- Facilitation of ecotourism activities may put pressures on resources utilization to surrounding communities and PAs.</li> </ul>
<b>ESS 4 Community Health and Safety</b>	<ul style="list-style-type: none"> <li>- Risks associated with community exposure to project-related traffic and road safety risks, disturbance of unexploded ordnance (UXO), water pollution resulting from wood and NTFP processing, community exposure to water-borne and vector-borne diseases due to poor sanitation and drainage.</li> <li>- Potential community exposure to natural hazards such as extreme weather events, forest fire safety issues from activities such as ecotourism inside forest areas, and limited life and fire safety risks for minor, small-scale ecotourism facilities.</li> </ul>

<b>Relevant Environment and Social Standard</b>	<b>Main Risks</b>
	<ul style="list-style-type: none"> <li>- Small scale construction of civil works could lead to temporary risks associated with waste management, community and worker safety and GBV.</li> <li>- The activities are intended to reduce conflict over rights and access to resources, but if mismanaged may contribute to such risks and exacerbate conflict.</li> <li>- Women’s connection to forests are likely to go beyond roles specific to product collection, and if project implementing entities do not understand rights and access, based on ethnicity and gender, this may result in project activities further marginalizing women and risks of gender-based violence.</li> <li>- Provision of security is likely through use of unarmed forest rangers in PAs and PFE may exacerbate local conflict if regulations are not well understood or if security personnel act in an over-zealous manner in enforcement.</li> </ul>
<b>ESS 5 Land Acquisition and Resettlement</b>	<ul style="list-style-type: none"> <li>- No physical relocation or land acquisition is expected for this Project.</li> <li>- Activities relating to PAs and supporting promotion of economic opportunities through pursuing ecotourism development may cause restrictions in access to natural and other resources in PAs.</li> <li>- Contextual risk factors may undermine goals of the Project. Most households in Myanmar do not have registration for their lands and subsequent secure tenure which places them at potentially increased risk of land loss.</li> <li>- Obtaining land certificates can be challenging for all due to complex documentation requirements. For ethnic communities, there are often additional difficulties to own and register land. Frequently, ethnic communities have used land that may be categorized as reserve forest land under national law for agriculture and mining <ul style="list-style-type: none"> <li>- In such cases, the risks of land loss, restrictions of use etc. could be higher where tenure status is less clear or unstable</li> </ul> </li> </ul>
<b>ESS 6 Biodiversity Conservation and Sustainable Management of Living Natural Resources</b>	<ul style="list-style-type: none"> <li>- Overall, the project is expected to have positive environmental impacts by improving management of forests and PAs in a participatory and sustainable manner.</li> <li>- Environmental impacts from CFs would be largely positive as CFs are expected to foster sustainable management of forests and associated biodiversity and ecosystem services.</li> <li>- With the exception of Project activities focusing on PAs and biodiversity protection, including CF and management and ecotourism, no activities will be undertaken in PAs or national parks.</li> <li>- Project activities will not involve habitat conversion or interruption of important ecological processes and as such are unlikely to adversely affect biodiversity and habitat.</li> <li>- Project implementation will focus on site activities that do not have significant environmental impact potential.</li> </ul>



Relevant Environment and Social Standard	Main Risks
	<ul style="list-style-type: none"> <li>- While the Project aims at supporting rehabilitation and promoting CF, activities such as cattle grazing and illegal hunting which would be done by outsiders may arise inside CF and PAs.</li> <li>- The project will support the livelihoods of local communities by operation of CFEs, which may occur over extraction of forest resources.</li> <li>- The project will promote community-based ecotourism activities in PAs and buffer zone of PAs, which may adversely impact on the habitats and extraction of living natural resources.</li> </ul>
<p><b>ESS 7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities</b></p>	<ul style="list-style-type: none"> <li>- The project will operate in areas with ethnic groups that meet the criteria for Indigenous Peoples defined under ESS-7.</li> <li>- The need for FPIC could arise if the project has adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation or when there are significant impacts on ethnic groups’ cultural heritage that is material to the identity and/or cultural, ceremonial or spiritual aspects of the affected ethnic groups’ lives, for example through ecotourism.</li> <li>- While there are expected to be benefits to those ethnic communities as a result of the project activities, there is also potential for adverse risks and impacts from support for expansion of community forests on PFE land, registering community forestry, activities from grants to communities and CFE, commercialization activities, support for ecotourism activities including of funding of infrastructure inside and outside the PA, promotion of market access to emerging high value markets, and creating enabling environments for private plantation development and for CFE and larger SMEs throughout the wood-based industry value chain. Potential risks could be related to land loss, loss of access to natural resources and subsequent impacts on livelihoods and land tenure security.</li> </ul>
<p><b>ESS 8 Cultural Heritage</b></p>	<ul style="list-style-type: none"> <li>- No site-specific operational plans are currently identified for implementation, therefore it is not possible to evaluate the direct risks to specific Cultural Heritage. But it is noted that the project does not expect to work in the areas registered as Cultural Heritages site under Myanmar National Laws related to cultural heritage.</li> <li>- However, Myanmar has a rich cultural heritage comprising both tangible and intangible heritage such as in the project context natural features and landscapes that have cultural significance, and intangible heritage such as knowledge, skills, and cultural spaces.</li> <li>- Potential impacts on cultural heritage of all project sites will be evaluated by screening. Where required, impact assessment and measures proportionate to level of anticipated impacts will be developed. ‘Chance finding’ procedures developed for the Project will be applied in case of physical cultural resources are unexpectedly discovered during implementation.</li> </ul>
<p><b>ESS 9 Financial Intermediaries</b></p>	<ul style="list-style-type: none"> <li>- ESS-9 is not applicable because the Project will not provide support to any financial Intermediaries. For the Project support on livelihood</li> </ul>

Relevant Environment and Social Standard	Main Risks
	activities, grants and establishment support will be provided to CF revolving funds in each CFUG. Grants will be transferred from the FD's bank account to CFUG's bank account.
<b>ESS 10 Stakeholder Engagement</b>	<ul style="list-style-type: none"> <li>- The absence of robust and meaningful stakeholder engagement could affect the success of the Project as it could undermine stakeholder confidence, create additional confusions, or lead to local disputes and conflict if not properly handled.</li> <li>- Participatory stakeholder engagement measures have been included in Project design as a primary mechanism to ensure socially acceptable and equitable design and implementation.</li> <li>- Likewise, the absence of effective project monitoring, information disclosure, transparency, and grievance redress management systems could undermine trust and confidence in the management systems being developed and implemented, especially if benefits are not equitably shared or captured by local elites</li> <li>- The Project will include measures to avoid adverse impacts, in particular to vulnerable and or marginalized groups, as well as ensuring that those who have traditional rights over forests and resources are able to continue to exercise those rights while maintaining the integrity of the forests.</li> </ul>
<b>Disadvantaged and Vulnerable Groups</b>	<ul style="list-style-type: none"> <li>- Project beneficiaries and Project-affected people will likely include several groups that would be considered disadvantaged and vulnerable under the definition of the standard.</li> <li>- These include, but are not limited to: the poor, landless or those with unsecure land or resource tenure; women; the youth and the elderly; ethnic minorities; communities in FCV situations; those reliant on common property resources for livelihoods and subsistence;</li> <li>- Potential risks to such groups could be that they do not share in project benefits equitably or that adverse impacts may fall disproportionately on them. The Stakeholder Engagement Plan will include specific measures to pro-actively promote inclusion of such groups during the planning and implementation of project activities.</li> </ul>

150. Taking into consideration the wide range of risks, the geographic scope, contextual risks, and the potential that certain project activities may not be sustainable, **the overall Project Risk Rating is considered High**. This rating is not meant to imply that risks are equivalent across the entire programme of activities, nor is it meant to imply that the Project should be considered in a negative way. On the whole, the proposed Project could be considered as a “High-Risk/High-Reward” operation, taking into consideration both the potential for significant and important positive change in the sector as well as the implementation challenges facing the execution of Project reforms.

151. There is an important differentiation between environmental and social risks of the Project. Based on the current Project design, **environmental risks are considered Substantial while social risks are considered High**.

152. It is important to bear in mind that, by design, the FREDIP is intended to achieve positive environmental and social outcomes. The current World Bank Environmental and Social Review Summary

(ESRS) indicates that *“the proposed project has been designed in support of core forest sector objectives of Myanmar’s Government to prevent deforestation and degradation of Myanmar’s forests while enhancing efforts for forest restoration and for enabling more employment and economic opportunities for local communities through the establishment of community forestry initiatives and plantations and support to ecotourism around PAs.”*<sup>55</sup> The Project is setting ambitious goals with respect to improving how forests are managed for various purposes including protection of ecological values and promoting social participation, transparency and more equitable outcomes.

153. In this context, the primary challenge relates to managing risks associated with potential divergence of stakeholder views on how forests should be managed; risks associated with the distribution of benefits, especially those relating to elite capture; risks associated with implementation capacity of government and non-government actors; and risks of poor understanding or confusion during the implementation period; among others. If such risks were to be realized in practice, this could undermine the achievement of Project goals and expected outcomes, could undermine stakeholder confidence, and ultimately undermine the sustainability of any Project benefits.

### **6.3.2 E&S Risks by Project Component**

154. Table 6-2 summarizes the expected risks associated with individual components and sub-components of the Project. The intent is to provide additional details related to specific activities and initiatives of the project. The table, in conjunction with Table 6-1 above provides the analytical foundations for defining risk management and mitigation measures during implementation.

155. It is important to note that the nature and distribution of risks is not uniform throughout the Project. Many proposed reform initiatives or project investment activities can be considered as Low or Moderate risk while a smaller number of activities are considered Substantial and/or High risk. Since many of the risks will be depend on circumstances in specific situations as well performance of key implementing entities and stakeholders. In practice, this suggests that specific activities will present a range of potential risks depending on how well activities are implemented.

156. The risks summarized below are presented assuming that there are no mitigation or management measures in place or that proposed management measures are ineffective or poorly managed during implementation. In practice, risks will likely be somewhat lower once mitigation and management measures are taken into account. In addition, the overall risk classification of each component is itself a summary of the risks presented by each activity of a sub-component. Following expected World Bank practice, each sub-component is classified according to the highest individual risk of specific project activities. The project’s overall environmental and social management plans will play particular attention to those activities which present Substantial or High risks.<sup>56</sup>

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<sup>55</sup> From Concept Stage ESRS. World Bank.

<sup>56</sup> The description of risks associated with each Component and Sub-Component is a highly condensed version of a more detailed table which has been prepared by the ESMF production team.

**Component 1: Productive Forests**

**Table 6-2 E&S Risks for Subcomponent 1.1: Community Forestry, including Community Forestry Enterprises**

Sub-Component	Environmental Risks	Social Risks
<p><b>a) Policy reform and improved management for community forestry, including CFE</b></p>	<p><b>Environment: Moderate</b></p> <p>The current regulations and procedures may not have sufficient consideration of ES requirements for establishment of CF and CFE.</p> <p>The support for simplification of regulation and process will need to ensure the E&amp;S requirements are met.</p> <p>Possible lack of E&amp;S considerations in the regulation related to CFE products’ extraction/production</p>	<p><b>Social: Substantial</b></p> <p>Stakeholder engagement may not include all stakeholders especially the indigenous groups &amp; marginalized people in the consultation process for reforming of CFI, there may be some social risks to those people who could not get the opportunity to join in.</p> <p>Risks of digital divide between those that cannot access on-line resources or those that have limited or no ability to use internet, social media or other digital communications and information support services.</p> <p>Failure to achieve broad stakeholder consensus could undermine the CFI reform process revised CFI may not integrate strengths, sociocultural significance and variations of community forest management modalities to the satisfaction of forest users, including vulnerable groups to the detriment of their relationship with the government and among the users as well as sustainable and climate resilient forest management</p> <p>Project may apply FPIC in ways that are incompatible with local community forest management modalities. If indigenous people participation is weak or ignored in the consultations for CFI, the newly reformed CFI may not reflect to the benefits of the local community and it may not adapt with the local conditions.</p> <p>Reform process may be viewed to favour entities outside of selected members of community which could distort the sharing of benefits</p>

Sub-Component	Environmental Risks	Social Risks
		<p>CFE reforms may be undermined by other laws, limiting the effects of revision and confidence of forest users in public interventions</p> <p>If benefit sharing from CFE is not inclusive in nature, this could have negative social implication including increasing gaps of wealth, putting marginalized groups at risk</p> <p>The dialogue for cooperation is not conducted in sufficient good faith, creating conditions unfavourable to expansion of CFs in a socially sustainable manner.</p> <p>Overall performance assumes all relevant government officials are versed in CF related legal matters and are able to discuss/negotiate on the topic.</p>
<p><b>b) Facilitation and support to the establishment of new Community Forests (up to 1,000 CFUGs)</b></p>	<p><b>Environment: Moderate to Substantial</b></p> <p>If training and capacity building for implementing entities and facilitators related to forest management is ineffective then overall facilitation may create confusion and misunderstanding among stakeholders</p> <p>If training content is decided without taking into account interests of staff and forest user consultations resulting in training that is not useful for the staff or eventually the users</p> <p>Insufficient capacity building efforts may affect the CF members' trust in Forest Department</p> <p>Insufficient capacity building may lead to unsustainable practices in forest management; trained FD staff leaves FD.</p>	<p><b>Social: Substantial</b></p> <p>As per environment risk on training and capacity building...</p> <p>Insufficient participation of women, marginalized and vulnerable groups in village level consultations at planning stage; CF/CFE related meetings and trainings and their voice neglected in decision making</p> <p>Community safety risks to nearby community due to development activities (influx of workers, transportation activities)</p> <p>Lack of adequate protections regarding labour and working conditions for different types of project workers</p> <p>Potential loss of income sources of the community people depending on the forest resources and the lands inside the proposed CF areas if new restrictions are placed on resource dependent communities due to the establishment of new CF areas</p>

Sub-Component	Environmental Risks	Social Risks
	<p>Insufficient training on E&amp;S instruments/tools to technical service providers may undermine confidence and effectiveness of reforms initiatives</p> <p>Possibility of construction related activities such as dust emissions from transporting construction trucks exposed to the community health and risks of accidents among others related to construction and equipping CF extension centres (in total, 9 buildings of one story with two hall rooms built on FD land) at district level.</p> <p>Community and worker health risks associated with poor solid waste management and/or sanitary management practices during construction stage</p> <p>Environmental and public health risks associated with of agro-chemicals such as pesticides and fertilizers in nurseries and demonstration plots</p> <p>Ineffective protections for safety of construction workers</p> <p>Poor consideration of E&amp;S issues in the CF may result in certain risks not unmitigated or poorly managed. For example: use of herbicides for land clearance; weak management of drainage control for soil erosion;</p> <p>Also, if CFs are not well planned, implemented and monitored, some adverse impacts exists including: Hunting in CF found commonly which will lead to the loss of biodiversity and habitats , Human faults during hunting could create forest fire, Unsustainable management and utilization of forest inside CF, Selling of CFs to private sector that could lead to illegal logging, Etc.</p>	<p>Disadvantaged and vulnerable people (poor) may suffer the adverse social risks since they rely on forest resources for their livelihood and do the hunting in general.</p>

Sub-Component	Environmental Risks	Social Risks
<p><b>c) Support to strengthening up to 2,000 existing CF</b></p>	<p><b>Environment: Moderate</b></p> <p>if CFMP plans are not updated or not sufficient to address the local environmental concerns</p> <p>CFMP may be weak in addressing existing or new E&amp;S consideration in the CFMP planning process. For example, use of herbicides for land clearance; poor consideration drainage control for soil erosion; ineffective in solid waste management in CF areas; lack of measures to reduce or manage emergency due to the CFMP activities (especially fire)</p> <p>Weak in assessing environmental impacts (type of nurseries, selection of sites, etc.) in the establishment of mangrove nurseries</p> <p>Possible exposure to herbicides or pesticides under silviculture initiatives and other workplace safety issues</p> <p>The activities supporting for water provision structures such as rehabilitation of water storage pond, construction of tube well may raise improper management of excavated sediments/soil.</p>	<p><b>Social: Substantial</b></p> <p>Concerns relating to the potential for elite capture and exclusion of D&amp;V people in planning process and in benefits sharing arrangements</p> <p>Insufficient participation of women in village level consultations at planning stage; CF/CFE related meetings and trainings and their voice neglected in decision making</p> <p>If CFMP updating process is not seen as legitimate by all stakeholder, then the entire programme could be at risk</p> <p>Conflict may happen among the CFUGs groups and/or between the villages. Not only conflicts, the new demarcated boundary has to be approved by respective forest department and if required, it may be necessary to get approval from DALMs if that area is under DALM area.</p> <p>Unnecessary burden to the existing CFUGs and may reduce their interest in some ways due to complex procedures and unnecessary steps.</p> <p>Due to re-demarcation activities, the access to land and livelihood opportunities can be restricted for some members of community</p> <p>Livelihood stability of the existing CFUG members may be affected if they do not get a good market share of product sales, incomes or other benefits</p> <p>Revolving funds are in most cases self-sufficient, but may become dependent on outside support;</p> <p>Access to funds may not be determined in a socially fair manner; funds are used for short-term commercial gains and overexploitation of forests</p>

Sub-Component	Environmental Risks	Social Risks
		<p>If funds are inappropriately used, not mobilized or are used in a non-transparent or fair manner the effectiveness of grant support would be diminished</p> <p>The livelihood activity chosen by the CFUGs may not generate profitable income or the CFUGs chose the new livelihood activity that are not familiar with them, <b>the livelihood stability of the CFUGs may not be stable</b> and it can affect the sustainable management of community forests by CFUGs</p> <p>Improved access to markets may favours the better-off and further increases income and power gaps</p> <p>Information exchange between communities may be incomplete, inaccurate or out of date which could contribute to increased confusion and misunderstandings</p> <p>Means of mode of information exchange is unsuitable for the vulnerable, widening the gap with the non-vulnerable;</p> <p>Improved market access causes overexploitation of resource base.</p>
<p><b>d) Support to incubating new or strengthening existing CFEs</b></p>	<p><b>Environment: Moderate/Substantial</b></p> <p>Environmental impacts may results depending on whether high-value products are produced in a sustainable manner in-line with management plans</p> <p>Generation of wastewater from value added processing (e.g., kraft pulping process) may cause water pollution such as high in BOD and COD, and eutrophication.</p> <p>Emissions from value added processing (e.g., kraft pulping process or kraft mills, plywood production) such as sulphur compounds, NOx, SO2, particulate</p>	<p><b>Social: Substantial</b></p> <p>Too much emphasis on high-value added products could favour the better-off and increase income and power gaps;</p> <p>Financial incentives for certain high value products could lead to over-development and overexploitation of the resource base;</p> <p>Value added processing focuses on the products of the better-off and may increase income and power gaps</p>



Sub-Component	Environmental Risks	Social Risks
	<p>matter, and volatile organic compounds may increase emissions to environment.</p> <p>Significant quantities of solid waste (non-hazardous) from value added processing (e.g., pulp/paper mill) may generate and impact to the environment unless properly managed.</p> <p>Hazardous material handling and impact to human health and environment</p> <p>Occupational health safety issues/conditions (e.g., wood dust, heat, physical and chemical hazards, noise, etc.) resulting from operation of CFE such as pulp/paper mill and bamboo products are anticipated.</p> <p>Over extraction of forest products and use of water resources may arise.</p> <p>Widespread over-harvesting and intensive monoculture plantations (e.g. NFTP like bamboo) may lead to biodiversity loss and ecosystem service decrease.</p> <p>In case of bamboo forests, although those forests provide considerable ecological and socioeconomic benefits, there are potential problems associated with their cultivation, including a decline in biodiversity, and soil and water loss, decreased soil fertility.</p>	<p>Better educated or wealthier individuals may be able to take advantage of training initiatives to a much greater extent thus potentially increasing income, power vulnerability gaps.</p> <p>Training content is inappropriate or unhelpful, due to lack of trainee consultation, leading to lower confidence in public interventions</p> <p>Livelihood of the CFEs members may be affected if they do not get support in the initial stage of marketing of their produced value-added products and initial supply stages, in case if they do not have many other diversified income sources to rely on the other side.</p> <p>Risk of women or marginalized groups/people are excluded from CFE production and processing activities and from benefit sharing ... or exploited in commercial activities?</p> <p>Limited market size and weak competitiveness may discourage the CF enterprises to penetrate the market and to compete with the existing market suppliers. As a result, the livelihood stability of CFE members may be affected.</p> <p>Information on value-chains focuses on the products and activities of the better-off and potentially increases income and power gaps with less well-off individuals or communities.</p> <p>The mechanisms of information exchange (digital communications, use of web-based tools etc.) may be unsuitable for the vulnerable, widening the gap with the non-vulnerable.</p> <p>Due to lack of information and negotiation skills, CFUGs may not obtain faire share from trade with operators; lack of transparency and accountability of associations/cluster management breeds mistrust.</p>

Sub-Component	Environmental Risks	Social Risks
		Funding mechanisms are geared to the better-off, increasing income, power vulnerability gaps; prospect of quick money encourages overexploitation; dependence on outside aide is created; microfinance institutions are crowded out.

**Table 6-3 E&S Risks for Subcomponent 1.2: Sustainable Private Sector Plantations Development**

Sub-Component	Environmental Risks	Social Risks
<b>a) Creating enabling conditions for investments in private plantation sector with the participation of a Multi-stakeholder Policy Working Group.</b>	<p><b>Environment: Substantial</b></p> <p>Actual policy reforms proposed may have significant implications for environmental risk management of plantations</p>	<p><b>Social: Substantial</b></p> <p>Moderate to Substantial depending on the composition, roles and functions of the working groups depending on the scope and content of policy and regulatory reforms proposed risk of non-inclusive manner of consultations</p>
<b>b) Exploring Investment models and identifying private plantations tender blocks in nine potential districts in three regions (Sagaing, Bago, and Ayeyarwady):</b>	<p><b>Environment: Moderate-Substantial</b></p> <p>Indirect impact - Risk of Lack of Qualified Advisor/Consultants to meet the requirements of local stakeholders related to do mapping and land database generation</p> <p>The increase in private plantation resulting from the success of project activities such as identification of priority land for private plantation itself may affect the environment. Those environmental effects of plantations are very context-specific and depend on several variables, including previous and surrounding</p>	<p><b>Social: Substantial</b></p> <p>Substantial if the stakeholder engagement is not carried out in open and transparent manner.</p> <p>Stakeholders may not fully understand the purpose of mapping and delineation and may not support the activity moving forward.</p> <p>Identification of land suitable for private sector plantations may not adequately account for existing uses of this land as well as feedback from the stakeholder consultations. policy reform as well as priority land identification study and</p>

Sub-Component	Environmental Risks	Social Risks
	land uses, plantation purpose, land tenure and management, and plantation scale and configuration in landscape. Some negative development on environmental quality such as soil erosion and water as well as reduced productivity of cropland surrounding industrial plantations may arise after establishment of industrial plantations. The risks of fire and outbreak of insect and pest are anticipated.	preparation of land-lease tender processes and documentation should include ES considerations.
<b>c) Setting up national plantation information system</b>	<b>Environment: Low</b> Inclusion of ES requirements and monitoring facts in the management system  Direct impact from survey activities to disturbance to habitats	<b>Social: Moderate</b> Access to information may favour more advantaged groups

## Component 2. Community Forestry for Livelihoods

Table 6-4 E&S Risks for Component 2

Sub-component	Environmental Risks	Social Risks
<b>(a) Support establishment, and provide grants for, initial replenishment of community revolving grants that the communities can use to finance their livelihoods activities.</b>	<b>Environment: Moderate</b> The capitalization of CFUG revolving funds does not in itself present environmental risks  Depending on how the funds are allocated for loans, risk of environmental impacts could be associated with agriculture including agroforestry, livestock breeding, fisheries and aquaculture, production including crafts, trading, financed from revolving funds for 3000 CFUG (estimated at approximately USD 10,000 <sup>57</sup> per each	<b>Social: Substantial</b> The capitalization of CFUG revolving funds does not in itself present social risks  The allocation of funds may not be transparent and may result in inequitable distribution of resources and benefits

<sup>57</sup> Adjustments to the total amount for revolving fund establishment may be considered for CFUGs, e.g. for CFUGs with particularly large member numbers.

	<p>CFUG which organizes with CFUG member ranging from 15 to 50).</p> <p>The environmental impacts such as use of inorganic fertilizers and pesticides, water pollution, waste generation, dust emission, etc. are anticipated but it will be limited due to small scale activities.</p>	
<p><b>(b) Finance consulting services required for administration of the revolving fund scheme</b></p>	<p><b>Environment: Low</b></p>	<p><b>Social: Low</b></p>
<p><b>c) finance support to communities on sensitization and identification of market driven livelihoods activities through a value chain approach.</b></p>	<p><b>Environment: Moderate</b></p> <p>The identification of market driven livelihoods for financing by revolving funds does not in itself present environmental risks</p> <p>Selection and support for specific CFE may result in some environmental impacts related to construction and operations of CFE</p> <p>As described in the above component-1, a number of environmental impacts such as emissions, water pollution, waste generation, noise generation, extensive use of resources as well as occupational health and safety issues are anticipated from operation of CFE (like value added processing of timber and NFTP)</p>	<p><b>Social: Substantial</b></p> <p>The identification of market driven livelihoods for financing by revolving funds does not in itself present social risks</p> <p>Selection and support for specific CFE may favour certain individuals within the CFUG</p>

### Component 3. Forest Protection

**Table 6-5 E&S Risks for Subcomponent 3.1. Protected Areas Management and Ecotourism Development**

Sub-Component	Environmental Risks	Social Risks
<p><b>a) Strengthening of the PA system management</b></p>	<p><b>Environment: Moderate-</b></p> <p>Strengthening of the PA system management will bring the following positive impacts to the environment: (i) Provide public education on conservation issues and needs (ii) Transmit understanding and greater appreciation of natural values and resources through experiences, education and interpretation (iii) Create awareness of the value of natural resources and protect resources that otherwise have little or no perceived value to residents, or are considered a cost rather than a benefit (iv) Support research and development of good environmental practices and management systems to influence the operation of travel and tourism businesses, as well as visitor behaviour at destinations (v) Support environmental and species monitoring through citizen science volunteers</p> <p>Management planning decisions and recommendations will have significant implications for biodiversity protection, research, community usage, and tourism.</p> <p>The project consists of construction of staff houses, which are not large-scale infrastructure development and will be located in cities and outside of PAs, hence only the limited level of typical impacts in temporary from construction activities such as noise pollution, dust emission, traffic, waste generation, etc. are expected.</p>	<p><b>Social: High</b></p> <p>Implementation of existing PA management plans and management systems may interfere with local livelihoods or lead to restrictions in access to natural resources or land under customary usage</p> <p>PA planning outcomes may transform institutional and power structure in favour of the better-off and lead to elite capture of benefits</p> <p>PA planning may result in restrictions of access or could lead to further marginalization of communities reliant on PA resources for subsistence and livelihoods if the needs and concerns of affected communities have not been taken into account in the PA planning process</p> <p>Poorly managed PA planning meetings with stakeholders such as local communities or other PA users could undermine confidence and social acceptability of proposed management measures</p> <p>Habitat restoration includes limits or restrictions of access which could have adverse effects on subsistence hunting or other livelihood effects</p> <p>Boundary demarcation could lead to disputes and/or conflict with local communities over location of boundary and/or limits to resource access. It is understood that boundary demarcation will be implemented in line with the established PA boundary. For the project sites, that are already PAs or their designation under process, access to resources can be allowed to communities for their subsistence livelihoods in</p>

Sub-Component	Environmental Risks	Social Risks
	<ul style="list-style-type: none"> <li>- Potential danger to flora and fauna (Wildlife/endangered species in PA) / loss of habitats related to construction activities like walking trails and bike paths inside PAs is expected.</li> <li>- weak in solid waste management/sanitary management</li> <li>-Poor in safety of construction workers</li> <li>-cause of emergency due to the activities in PA (fire, etc.)</li> <li>Occupational health and Safety Risk in the construction site</li> </ul>	<p>line with the Conservation of Biodiversity and Protected Areas Law 2018, particularly through buffer zone designation and management. Moreover, the boundaries of designated PA were gazetted according to the land settlement procedures with proper consultations with local communities regarding their rights and privilege. However, situation at each PA need to be confirmed prior to starting any activities</p> <p>Increased enforcement of regulations as a result of more signage and demarcation could lead to local conflicts over resource use</p> <p>Scope of power and authority of local guardians could lead to confusion over roles and responsibilities</p> <p>Local guardians need OHS protections and ESS2 would need to ensure no child or forced labour</p> <p>Depending on the nature and scope of monitoring and how information is used could exacerbate local conflicts over resource use. For example, if it is used as a means to enforce regulations monitoring could lead to increased local conflict between enforcement and communities</p> <p>-Gender discrimination in forestry sector limit women to participate in ecotourism/community-based ecotourism activities and training, and subsequently restrict women in management positions/technical roles</p> <p>-impact to nearby community due to development activities (transportation activities)</p>
<b>b) Ecotourism development for selected PAs</b>	<b>Environment: Substantial</b> Limited environmental damage may cause by construction works to support eco-tourism. The infrastructures to be developed for ecotourism are	<b>Social: Substantial</b> Engagement in ecotourism is decided by selected members of the community only, without full consideration of interests of all community members

Sub-Component	Environmental Risks	Social Risks
	<p>very small-size and will be compatible with the environment using the already existing natural settings. Even the essence of ecotourism is a responsible travel to natural areas which conserves the environment and sustains the well-being of the local people. Therefore, the impacts from ecotourism related activities will be very little or without any impacts</p> <p>Solid waste and water pollution are exacerbated</p> <p>Cultural heritage areas are undermined/damaged through overuse by outside visitors</p> <p>Risk to the cultural heritages from construction activities</p> <p>Deterioration of water resources and quality due to inappropriate design</p> <p>Deforestation form firewood harvesting, camping</p> <p>Destruction of unique flora; changes in animal behaviour due to human interference</p> <p>Pollution from litter, oil residues or vehicle exhaust; impact to local resources users; etc.</p> <p>There may be limited noise pollution and dust emissions to surrounding environment.</p> <p>Community access roads may be interfered by the transporting of the construction trucks</p> <p>Less in Inclusion of effective trainings related to environmental management, wildlife conservation, etc. (ecosystem conservation)</p>	<p>Local communities are not sufficiently consulted on the design and products of ecotourism.</p> <p>Local communities are excluded from the ecotourism activities, and benefit sharing</p> <p>If ecotourism is poorly implemented then social conflict between visitors and villagers may increase</p> <p>Nature and local culture are commodified local culture becomes secondary to tourist culture; increase in incidences requiring security response; income and power gap increases among locals</p> <p>Local enterprises with weak capacity compete with foreign ones</p> <p>Lack of inclusion or effective stakeholder engagement may undermine project management objectives</p>

Sub-Component	Environmental Risks	Social Risks
	Risk related to increased number of visitors exceed carrying capacity of PAs and disturb biodiversity and ecosystem functions of PAs.	
<b>c) Community-based ecotourism promotion.</b>	<p><b>Environment: Moderate</b></p> <p>Localized environmental damage may be caused by construction of supporting civil works</p> <p>Air quality is likely to be affected at limited level due to the improved transportation system.</p> <p>Water pollution from the improper management of wastewater (i.e. sewage) is likely to be caused.</p> <p>Danger to flora and fauna (Wildlife/endangered species in PA) / loss of habitats</p> <p>Weak capacity or interest in managing solid waste management/sanitary management</p> <p>Lack of safety measures of construction workers</p> <p>Potential impact to nearby community due to development activities (influx of workers, transportation activities)</p> <p>Cause of emergency due to the activities in PA (fire, etc.)</p> <p>Depending upon technical models used</p>	<p><b>Social: High</b></p> <p>Engagement in ecotourism may be decided by select members of the community that may not fully represent community views and may only represent the views of special interests</p> <p>Local communities and tourists compete for local resources, including land</p> <p>Income and power gaps increase among locals</p> <p>Local culture becomes secondary to tourist culture; increase in incidences requiring security response</p> <p>Income may decrease for households dependent on timber product extraction</p> <p>Workers may be exposed to unsafe working conditions during construction activities</p> <p>Potential gender-based discrimination and violence in the workplace or potential primary suppliers</p> <p>Potential exploitation of child for labour and of women particularly from poor households in the project workplace or potential primary suppliers</p> <p>Marginalized groups may be excluded from community-based ecotourism activities and benefit sharing (including but not limited to ethnic minorities that qualify as IP under World Bank ESS7)</p>



**Table 6-6 E&S Risks for Subcomponent 3.2. Detection and Prevention of Illegal Forest Activities**

Sub-Component	Environmental Risks	Social Risks
<p><b>a) Support for strengthened national activities related to detection and prevention of illegal forest activities</b></p>	<p><b>Environment: Substantial</b></p> <p>Weak capacity of inter-agency task force for operation of the system could undermine its effectiveness</p>	<p><b>Social: Substantial</b></p> <p>Interference by powerful individuals and institution to limit or prevent dissemination of information on illegal activities</p> <p>Forest law enforcement activities may pose security risks and may exacerbate local social conflict</p> <p>Security forces may overreach on their law enforcement mandates</p> <p>Payment for Environmental Services (PES) benefits and initiatives are not planned to be shared equitably</p> <p>Some stakeholders may hold perceptions that the focus of enforcement of illegal forest activities may be on poor and disadvantaged groups rather than well organized, more powerful actors</p>
<p><b>Remote Sensing applications</b></p>	<p><b>Environment: Low</b></p> <p>No significant impacts related to this activity</p>	<p><b>Social: Moderate</b></p> <p>Low to Moderate depending on how technology is applied in enforcement activities</p>
<p><b>Timber Information Management System</b></p>	<p><b>Environment: Low</b></p> <p>No significant impacts related to this activity</p>	<p><b>Social: Moderate</b></p> <p>Low to Moderate depending on how widespread access to information is</p> <p>The availability of information and ease of access to data sets may be more restricted and difficult for disadvantaged groups who may not have ready access to computers, communications technologies such as mobile phones or other modern means of data sharing.</p>

**Component 4: Institutional Strengthening and Project Management**

**Table 6-7 E&S Risks By Project Subcomponents.**

Sub-Component	Environmental Risks	Social Risks
<p><b>Institutional Strengthening of FD’s Delivery Efficiency</b></p>	<p><b>Environment: Substantial</b></p> <p>The effectiveness of FD at implementing its mandate is a key E&amp;S risk under FREDIP</p> <p>Failure to strengthen capacity to undertake E&amp;S aspects such as SEP, LMP, ESMF would pose a significant threat to project success</p>	<p><b>Social: Substantial</b></p> <p>See previous comments in adjacent cell</p>
<p><b>Project Management, Monitoring and Evaluation</b></p>	<p><b>Environment: Low</b></p> <p>Activities associated with monitoring and evaluation pose little or no E&amp;S risks. However, these activities are an important part of the project’s learning, feedback and adaptive management approach so should be designed in a way to inform project implementation</p>	<p><b>Social: Low</b></p> <p>See previous comments in adjacent cell</p>

## Component 5. Contingency Emergency Response

157. A CERC (with zero allocation) will be created and made implementation-ready to allow the GoM respond quickly in case of an eligible emergency. The mechanism will be defined in a specific CERC Operational Manual that will clearly outline the triggers, eligible expenditures, procurement thresholds, and procedures for using part of IDA resources of the project to respond quickly in the event of an eligible emergency. The CERC Manual will define the E&S procedures to be followed in the event that the CERC is triggered.

158. Paragraph 12 of the IPF Policy 1 applies once the Component 5 (Contingency Emergency Response – CERC) is triggered. All activities financed through the CERC are subject to World Bank ESS<sup>58</sup>. The CERC will rely as much as possible on the existing ESMF.

159. However, this ESMF may not address all the potential environmental and social risks and impacts arising in relation to the CERC. The type and nature of likely emergency and indicative list of activities that will be funded through CERC cannot yet be determined.

160. In the event that CERC activation is proposed, a brief CERC-ESMF or CERC ESMF-Addendum may be prepared or additional E&S management instruments as required will be prepared to cover CERC activities and disclosed, within six months of the project effectiveness.

161. The additional costs of any needed instruments (preparation and implementation) should be included in the budget for the Emergency Action Plan (EAP). The EAP, to the extent possible, will focus on activities that can be readily implemented on the ground and which will not result in additional environmental and social risks. The EAP will include a summary of the safeguard implications of the proposed activities, and, if needed, list any new safeguard instrument(s) to be prepared. The sequencing for completing additional safeguard activities (including requirements for implementation and monitoring) will be determined at that time.

162. In the interest of delivering a rapid response in such emergency situations, the CERC-ESMF or CERC ESMF-Addendum when prepared, will adopt a flexible, “adaptive management” approach. A rapid assessment of the environmental and social baseline of the CERC activities will be undertaken, based on readily available information. A phased approach to implementation may be used. Based on the EAP, the CERC activities will be grouped into: (i) those activities which can proceed as soon as the CERC is activated and with no additional environmental and social assessment; (ii) those activities which would require an environmental and social assessment, stakeholder consultation, and disclosure of the relevant management plans (eg ESMF), prior to CERC activities commencing.

163. The CERC-ESMF or CERC ESMF-Addendum will describe: the potential emergencies and the types of activities likely to be financed (positive and negative list) and an evaluation of the potential risks and mitigation measures associated with those activities; identify likely vulnerable groups and/or locations and includes, where needed, a social assessment to guide emergency responses, such as potential of exacerbating existing social conflicts. The CERC-ESMF or CERC ESMF-Addendum will include a screening process for the potential CERC activities, the institutional arrangements for environmental and social due diligence, and any needed capacity building measures to implement the CERC-ESMF, generic guidance on emergency small scale civil works, and any additional safeguard instruments which may be required for the CERC.

164. It will be determined at the time of CERC activation whether FD will be retained as the implementing agency, or if a different agency will be responsible for implementing the CERC activities.

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<sup>58</sup> Paragraph 17 of the Bank Guidance – Contingent Emergency Response Components, October 16, 2017.

165. Additional details regarding CERC implementation will be outlined in the CERC Implementation Manual that will be prepared within six months of project effectiveness.

#### **6.4 Proposed Management and Mitigation Approach and Next Steps**

166. With the various risks and opportunities in mind, the Project's E&S mitigation and management strategy will focus on the following management and mitigation measures:<sup>59</sup>

- apply the 'mitigation hierarchy' in line with ESS-1 requirements to avoid, minimize, and mitigate adverse impacts
- Build on the existing laws, rules, instructions, procedures and practices, assessed for consistency with ESF requirements and enhanced as required by integrating additional or self-standing measures for achieving consistency with ESF objectives.
- measures for achieving consistency with ESF objectives.
- establishing robust and effective stakeholder engagement strategies
- using framework documents to guide the preparation of site-specific mitigation plans during project implementation
- requiring full transparency of project decisions with all affected groups
- establishing effective monitoring and reporting systems to provide public feedback on project achievements
- actively monitoring all Project activities to guard against risks of identify and eliminate cases of elite capture of benefits
- where relevant, mobilizing third-party monitoring to build public confidence and trust in project activities
- establishing effective GRM to provide avenues for complaints, disputes or other issues to be raised. The overall project GRM will include separate components for Workers and GBV related grievances
- mobilizing investments in counterpart and beneficiary training, capacity building, and implementation support to promote effective project implementation

167. Chapter 7 of this report provides a more detailed discussion on the procedures and processes which will be implemented to address the various project risks.

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<sup>59</sup> See Chapter 7 for detailed descriptions of the management and mitigation measures.

## 7 Approach to Environmental and Social Risk Management

### 7.1 Introduction

168. Chapter 7 lays out the overall approach to the main mitigation and management measures identified to avoid, minimize and/or mitigate environmental and social risks described in Chapter 6. Given the complexity of the FREDIP, several key operational documents provide guidance on the key principles, methodologies, and institutional responsibilities needed to ensure that risks are appropriately anticipated and that active steps are taken to address impacts that may result on the ground. Chapter 7 provides a 'roadmap' to these key documents which have been developed as Annexes to this ESMF or as stand-alone technical references such as the Stakeholder Engagement Plan (SEP) or the Social Assessment (SA).

169. An important consideration which complicates the overall management of risks in FREDIP is that the Project itself is designed to address many of the underlying legacy or contextual risks which could affect the project performance. Thus, unlike many investment loans, E&S risk mitigation and management measures are not entirely intended to manage impacts which are external to the main project but instead are intended to provide additional assurance that risks are managed in a way which do not undermine project objectives or outcomes.

170. Based on the current project design there are several clusters of project activities which could lead to E&S risks or impacts. These are: (i) reforms to existing, or creation of new, policies, procedures, regulations or standards which apply to various aspects of forest management (e.g. CFI, spatial planning procedures for CF, enabling conditions for private sector plantations, and PAs); (ii) the formulation of specific community forest management plans including formulation of user groups, CF management arrangements, implementation of select aspects of PA plans etc.; (iii) hiring of contractors for any civil works; (iv) site-specific activities proposed for financing using revolving funds; (v) activities carried out within PA; (vi) community based eco-tourism; (vii) value-added processing activities; (viii) capacity building activities; (ix) development of information systems; Table 7-1 provides a summary of the clusters of activities and the associated risk management measures.

**Table 7-1 E&S Risks per Activity Cluster**

<b>Project Activity</b>	<b>Key E&amp;S Risks</b>	<b>Management Measures</b>
Policy, regulatory or procedural reforms relating to CF planning and management,	Lack of adequate attention to E&S risks Lack of adequate participation of stakeholders Lack of transparency in policy reform	Ensure TOR for all Technical Assistance (TA) are screened for E&S risks Incorporate good international practice in TA by providing opportunity for stakeholder inputs to policy reform dialog and take into considerations of E&S aspects in the TOR WB will review and provide no-objection on key TORs for the 1 <sup>st</sup> year of implementation
Formulation or implementation of specific CF plans	Lack of transparency in CF implementation	Ensure that all draft documents are shared with stakeholders and that stakeholders are

Project Activity	Key E&S Risks	Management Measures
	ES aspects in the CF plans are inadequate, monitoring and reporting of implementation is lacking,	<p>informed of how their feedback and concerns were included into specific plans</p> <p>Stakeholder engagement to include opportunity for review of draft documents prior to finalization</p> <p>‘Non-technical’ summaries (perhaps based on executive summaries) will be provided for increased comprehension of stakeholder review</p>
Award of contracts for civil works	<p>E&amp;S impacts at construction sites are not properly managed</p> <p>Stakeholders may have complaints or grievances</p>	<p>Project screening using Annex 1 ECOP and other required site-specific ES management document, if required by project screening</p> <p>Applications of relevant technical Annexes in ESMF</p> <p>Site-specific GRM/Project GRM</p>
Use of revolving funds to finance site-specific livelihood activities	<p>Revolving funds may be used for subproject activities which are harmful to the environment</p> <p>Subprojects may wish to finance activities that are ineligible for project financing</p> <p>Fund subprojects may favour certain groups or individuals</p> <p>Use of funds may not be transparent leading to social unrest and complaints</p>	<p>Screen applications for use of revolving funds against eligibility criteria (including negative list) described in Revolving Fund Manual</p> <p>Screen environmental and social risks using Screening Form (Annex-1)</p> <p>Apply the ECoPs</p> <p>Establish stakeholder engagement opportunities <sup>60</sup></p> <p>Disclose all information about specific subprojects</p> <p>Establish GRM</p>
Activities carried out within PAs	Activities may not be consistent with established management plans	Due diligence reviews of PA planning process will be conducted to ensure that proposed activities are

<sup>60</sup> Note: Guidance from the CPPF and site specific CPPIs will be used to ensure they are in languages and means to ensure participation of ethnic groups that meet the criteria of ESS 7

Project Activity	Key E&S Risks	Management Measures
	<p>Activities may have adverse E&amp;S effects</p> <p>Decision process may lack transparency and consensus among beneficiaries and stakeholders</p> <p>Distribution of benefits of activities may result in, or be perceived as, unfair or inequitable benefits sharing</p> <p>Activities may result in new controls or restrictions in access to land or natural resources</p> <p>Potential abuse of users of non-timber products by park rangers and/or other entities with enforcement responsibilities who have not received adequate training proper training,</p>	<p>consistent with management plans</p> <p>Activities will be screened for eligibility according to Annex 1 screening form</p> <p>The need for additional ESIA or other assessments to evaluate potential impacts, as necessary</p> <p>Process Framework will be applied if any activities are construed as restrictions in access as defined under ESS 5</p> <p>FD will provide opportunity for stakeholder engagement prior to actions as per SEP and PF</p> <p>FD will disclose information on planned activities prior to initiating activities</p> <p>FD will establish GRM at a scale relevant to PA activities</p> <p>Requirements for preparing site specific security plans prepared defined in the Security Management Plan (Annex 9)</p> <p>Training to be provided to park rangers and other forest guards</p>
Community based ecotourism initiatives	<p>Activities may be inconsistent with agreed PA management plans</p> <p>Some activities may have environmental pollution or biodiversity impacts</p> <p>Some activities may create opportunity for GBV or SEA</p>	<p>Screen for eligibility and exclusion based on screening criteria. Defined in Annex 1.</p> <p>In addition, all activities proposed for PA should be consistent with established management plan objectives and goals.</p> <p>All activities inside PA should be consistent with approved PA management plans</p> <p>Screen for environmental risks using Screening Form (Annex1) including risks of GBV;</p>

Project Activity	Key E&S Risks	Management Measures
		<p>Apply ECoPs;</p> <p>Prepare ESIA if risks are significant – although it is not expected that the planned project investments will be significant in scope or risk and will require an ESIA;</p> <p>Provide opportunities for stakeholder engagement;</p> <p>Establish and operate GRM, including procedures relevant to GBV/SEA</p>
Value-added forest products or processing activities	Forest products processing may lead to adverse E&S impacts	<p>Apply project screening tools</p> <p>Apply the ECOP</p> <p>Prepare Waste Management Plan (Annex 7), as necessary</p> <p>Conduct additional ESIA/ESMP if needed - although it is not expected that the planned project investments will be significant in scope or risk and will require an ESIA</p> <p>ensure that private sector forest companies have a well-functioning GRM and code of conduct in place.</p>
Institutional capacity building activities	FD staff responsible for process facilitation, planning and consultations are not adequately prepared for their responsibilities	<p>Conduct training and awareness raising workshops on regular basis</p> <p>Monitor implementation results and supervision of FD staff</p>
Development of information systems	Information may not be equally available and may favour special interests or elites	<p>Implement Security Management Plan (SMP)</p> <p>Establish mechanisms for transparency and information disclosure</p> <p>Establish policies on access to information</p>



171. As described in Chapter 6 and further summarized in Table 7-1, E&S risks and impacts may be experienced in at least three inter-related ways. First, risks may be associated with process issues (i.e., creating or reforming policy, developing planning regulations, guidelines for decision processes, representation user groups or other management boards, stakeholder engagement etc.). Second, risks are associated with planning outcomes involving the actual final decisions regarding the nature and scope of plan activities (i.e., changes in land use, distribution in user rights, limits in access to resources etc.). Third, risks and impacts may be experienced during the actual implementation of plans and activities (i.e., plan execution, day to day resource management, construction of supporting infrastructure, implementation of ecotourism initiatives etc.)

172. E&S risks can be further clustered into several risk areas: (i) physical impacts related to construction of supporting infrastructure. This includes air and water pollution, solid waste management, noise and dust control etc.); (ii) physical impacts related forest management, silvicultural practices and/or forest products processing (e.g., application of pesticides, thinning, harvesting, milling and other wood processing, value added processing such as handicrafts of bamboo, rattan, gum, yam, spice, medicinal plants, value added of coffee, tea, spice production); (iii) social and economic risks related to project activities which could lead to loss of land and/or resource access rights, inequitable sharing of projects benefits, and marginalization of disadvantaged and vulnerable social groups.

**Table 7-2 Summary of E&S Risks Rated as High or Substantial**

Key E&S Risk	Principle Management Measures
<p>Risks that revisions to CF Instructions, enabling conditions for private plantation, PA management strengthening and decision-making processes fail to establish social acceptability, trust, or confidence among intended beneficiaries, project affected people, or other stakeholders or fail to adequately incorporate other E&amp;S considerations into the planning, implementation and monitoring.</p>	<p>All ToR for policy reform initiatives and Technical Assistance to review policy changes will be reviewed to ensure that due consideration is given to E&amp;S implications of proposed reforms</p> <p>The overall Project SEP will include clear principles, procedures for consultation, information disclosure, transparency, and stakeholder feedback</p> <p>Any new procedural reform such as changes to CF Instructions (CFI), PA management strengthening and benefit sharing procedures will be reviewed to ensure procedures for stakeholder engagement, consensus building, environmental management, information disclosure and so on are embedded within new procedure</p> <p>Where relevant, proposed policy, regulatory and procedural reforms will undertake E&amp;S assessment to identify potential risks. Such assessments would be commensurate to expected risks.</p>
<p>Risk of elite-capture of project benefits or elites enjoy unfair advantages including under ecotourism, CF and/or PA planning</p>	<p>Integrate prevention measures into CF planning process by setting requirements in CF planning and implementation process such as agreement</p>

Key E&S Risk	Principle Management Measures
	<p>of broader community members, to avoid risk of elite-capture</p> <p>Monitor benefits distribution among intended beneficiaries</p> <p>Ensure information full disclosure, transparency and open access to information to all project affected people, beneficiaries and other stakeholders</p> <p>Establish effective GRM mechanisms at all levels of project implementation</p> <p>Apply the principles of key documents such as use of Sub-project screening tool, use of ECoP, apply SEP,</p>
<p>Implementing entities lack adequate capacity, understanding or commitment to reforms to carry out facilitation, planning, information sharing, and monitoring tasks</p>	<p>Identify appropriate capacity building initiatives to include information dissemination within SEP</p> <p>Include professional development training for ministry staff as part of project design</p> <p>Training and orientation for Civil Society Organization and NGOs who will have operational role in the project</p> <p>Budget, staffing and operational arrangements for project environmental and social risk management will be included in project design</p>
<p>Disadvantaged and Vulnerable individuals or groups are not adequately involved in CF, Plantation or PA planning processes or benefits sharing programmes under PA management</p>	<p>SEP to include specific measure for Disadvantaged &amp; Vulnerable individuals and communities</p> <p>All project activities will be screened for potential adverse risks and impacts to disadvantaged and vulnerable groups, including ethnic groups from which the project would require FPIC in order to proceed. See also Annex 1 of the ESMF on Sub-Project E&amp;S screening and the CPPF which provide additional guidance on how relevant ethnic minorities can be both be protected from unequal adverse impacts</p> <p>Monitoring and reporting on distribution of project resources as part of routine project monitoring and reporting.</p>
<p>Construction of CF/ Eco-tourism/ Park Tourism/ Community-Based Tourism etc. facilities cause</p>	<p>Pre-screen all proposed construction projects using the ESMF screening tool</p>

Key E&S Risk	Principle Management Measures
E&S harm including Occupational Health and Safety (OHS) concerns	<p>Screening tool to review sub-projects for ineligible activities which could cause significant environmental or social harm</p> <p>The project will be implemented in areas free of conflict and of EAO control</p> <p>Develop ESMF with appropriate guidance for various risks such as Waste Management; Pesticides; OHS Guidelines; LMP Protections; Cultural Heritage Plan; Security Management Plan</p> <p>Apply requirement of ECoP. Review ECOP procedures from time to time to ensure that they are effective and responsive to field-based issues</p> <p>Environmental and Social Management Plans (ESMPs) or other appropriate instruments will be prepared for specific or activities. The scope of ESMP will be linked to screening process as well as any additional ESIA/IEE required for specific proposals (See Annex-1)</p> <p>Any activities in PA will be screened and reviewed according to relevant procedures as defined in Annex 1.</p>
Project fails to achieve FPIC with ethnic groups where relevant	<p>SEP measures specific to ethnic groups</p> <p>Community Participation Planning Framework including site-specific and ESS7 compliant CPPs (IPP equivalent) as part of the CFMP where appropriate</p>

**7.2 Management Approach and Requirements**

173. The following list of key management requirements broadly lay out the expected approach to be taken by the FD and/or designated management entities to anticipate and manage E&S risks identified in this ESMF.

174. Project management entities within the FD (PMU or other specified FD units) will review all proposed project activities for potential environmental and social risks and impacts from the earliest practical stages. Based on such screening and review the FD will formulate plan or site-specific management measures.

175. In practice this means adherence to the following requirements:

- 1 All proposals for Technical Assistance or other initiatives to consider policy, procedural, regulatory reforms will be systematically reviewed to identify potential E&S issues. This includes the review of the scope of work and Terms of Reference (TOR) for TA. Based on the review, the FD will

incorporate relevant measures to ensure that such risks of proposed reforms are evaluated and management measures are put in place. Such measures could include the use of strategic environmental and social assessment, if relevant, planning for stakeholder engagement in the review process, public dissemination of findings, recommendations and results of TA studies, plans or policy reforms etc.;

- 2 All spatial or other management planning initiatives (i.e., community forest plans, ecotourism plans for PAs etc.) will be evaluated from both a process perspective as well as an assessment of E&S risks of final plans. All relevant planning processes will be required to incorporate good international practices such as ensuring fair and equitable stakeholder participation, ensuring that stakeholder participation is carried out in a meaningful way, planning initiatives follow standardized methodologies, planning is based on best available technical information etc. Furthermore, all planning bodies and management organizations such as CFUG, Management advisory boards etc. will ensure that representation on such bodies is broadly representative of stakeholders and other interested groups. Planning procedures will incorporate specific E&S criteria to inform the final plan decisions;
- 3 As relevant, any management plan activity or other proposed Project activity not directly associated with a specific management plan will be evaluated using the standard screening forms. Based on these standardized assessments each activity will be required to develop an Environmental and Social Management Plan (ESMP) to manage site-specific E&S risks. These site-specific ESMP may include management requirements for the FD and implementing entities as well as contractors hired to construct supporting infrastructure and works. Such plans will define management measures commensurate with risks.
- 4 The site-specific ESMP and Contractor-ESMP (C-ESMP) (see below) will outline the key environmental management measures that will be initiated by the Project to manage the project's key environmental and social impacts. The ESMP will provide tools for mitigating or offsetting the potential adverse environmental and social impacts resulting from various activities of the project and management measures that are to be applied during the Project's implementation to avoid, reduce and mitigate adverse environmental and social impacts.
- 5 For any policy, regulation, plan or investment activity that would impose land use restrictions or otherwise limit the access to forest resources, the Project will apply the procedures and requirements of the project's Process Framework. Any project activity involving the resettlement (no permanent resettlement will be allowed under the project) will not be carried out until a site-specific RAP has been completed and implemented in accordance with the Project's Resettlement Policy Framework (RPF) and ESS 5.
- 6 All Project activities involving the use of Contractors, will require each contract to include a Contractor-ESMP (C-ESMP). The C-ESMP will include a description of specific E&S management measures to be carried out and will include contract specific language relating to incentives for good performance or penalties/disincentives for poor performance. Each C-ESMP will describe the specific responsibilities for oversight and supervision of day to day work. C-ESMP will comply with relevant aspects of national law, the requirements of ESMF and Annexes as relevant, as well as the requirements of relevant World Bank Environmental and Social Standards (ESS) applicable to this Project. Contractors will be required to implement a C-ESMP. The specific requirements will be based on a combination of ECOP, measures from different annexes as relevant, and recommendations from an ESIA carried out for activities with risks not covered in the ECOP
- 7 All licenses or other authorizations for the development of private sector plantations will include

requirements for environmental and social impacts management

- 8 The FD will establish grievance redress mechanisms (GRM) at all levels of project implementation reflecting the needs of project affected people and other stakeholders, including for SEA and GBV issues.
- 9 The FD or designated management entity will monitor the compliance with requirements of the ESCP as described above and will prepare periodic reports summarizing the performance and effectiveness of risk management measures. In some situations, it may be necessary to involve the use of an independent monitoring entity to evaluate performance and outcomes. This could apply, for example, to confirm that FPIC has been achieved or that certain grievances or disputes have been resolved.

### 7.3 Roadmap to Key Operational Support Documents

176. Table 7-3 indicates the key operational references documents which FREDIP will utilize to identify, avoid, manage and mitigate risks. This section lays out the required process documents in accordance with the nine Environmental and Social Standards (ESS) required under the World Bank’s ESF.

**Table 7-3 Key Borrower technical Reference Documents per ESS**

<b>World Bank ESS</b>	<b>Key Borrower Reference Documents</b>
<b>ESS 1</b>	<p>ESMF: Main Text and Supporting Annexes (see relevant ESS below)</p> <p>Annex 1 Screening Form for E&amp;S Risks</p> <p>Environmental and Social Management Plans (ESMPs) or other appropriate instruments will be prepared for specific investments or activities in accordance with the ECOP and other requirements specific in various annexes to this ESMF [</p> <p>Sample Template for C-ESMP will be prepared as committed in ESCP</p> <p>Annex 15 Terms of Reference for Detailed Site-Specific Social Assessment</p> <p>ESMF includes a chapter on Capacity Building and Training initiatives in Table 8 of Chapter 8 of ESMF (also referenced in ESCP)</p> <p>Environmental and Social Commitment Plan (ESCP)</p> <p>Myanmar EIA procedures and other relevant national laws and regulations</p> <p>Design, construction and operation of all project facilities will follow requirements of relevant guidelines from concerned Ministries</p> <p>Annex 4 Monitoring and Reporting Template</p>
<b>ESS 2</b>	<p>Annex 8 Labour Management Procedure (LMP) including Occupational Health and Safety Measures</p> <p>Worker GRM included as part of LMP</p>
<b>ESS 3</b>	<p>ESMF:</p> <p>Annex 2 Environmental Code of Practice (ECoP)</p>

World Bank ESS	Key Borrower Reference Documents
	<p>Annex 6 Guideline for Integrated Pest Management Plan</p> <p>Annex 7 Waste Management Plan</p> <p>Annex 3 Guideline for Environmental and Social Risk and Impacts Management in Community Forest Management Planning Process</p> <p>As relevant, apply recognized good practices including compliance with World Bank Group Environmental Health and Safety Guidelines (EHS).</p> <p>Climate change-related benefits of the project will be estimated through preparation of greenhouse gas (GHG) projections</p>
<b>ESS 4</b>	<p>ESMF</p> <p>Annex 5 Standard Operation Procedure for UXO/Landmine Risk Management</p> <p>Annex 9 Security Management Plan</p> <p>Annex 10 Community Health and Safety Plan</p> <p>As relevant apply corresponding guidance in the World Bank Group General EHS</p> <p>Forest fire safety issue and framework for impacts mitigation, emergency preparedness and response planning will be included in the ESMF</p>
<b>ESS 5</b>	<p>Annex 12 Process Framework (PF)</p> <p>Annex 11 Resettlement Policy Framework (RPF)</p>
<b>ESS 6</b>	<p>ESMF:</p> <p>ECoP</p> <p>Annex 3. Guideline for Environmental and Social Risks and Impacts Management in Community Forest Management Planning Process</p>
<b>ESS 7</b>	<p>SEP</p> <p>ESMF</p> <p>Annex 13 Community Participation Planning Framework (CPPF equivalent to Indigenous Peoples Planning Framework) defines situations where FPIC is required and also provides special provisions as covered in the CPPF and the CPPs (site specific) accordingly</p>
<b>ESS 8</b>	<p>Annex 14 Cultural Heritage Management Procedures (CHMP) including Chance Finds Procedure</p> <p>Cultural Heritage Assessment when necessary.</p> <p>Agreed measures for dealing with cultural heritage will be included in the ESCP and any site-specific Environmental Management Plans</p>

World Bank ESS	Key Borrower Reference Documents
	(ESMP) that will be produced during implementation as soon as project sites are known.
ESS 9	ESS 9 is not considered relevant to the project
ESS 10	<p>Stakeholder Engagement Plan (SEP) Main Text</p> <p>Description of GRM with specific requirements related to various ESS are included as part of the ESMF, SEP, LMP, PF, RPF, C-ESMP and GRM relevant provisions will be included in the site-specific plans/ elements of the plans developed under these frameworks.</p> <p>ESMF Chapter 10</p>

## 8 Implementation of Environmental and Social Management Framework

177. MONREC, through the Forest Department (FD), will be the lead implementation agency for the FREDIP. FD has experience implementing numerous projects with other International Financial Institutions (IFIs) and bilateral funding agencies, including projects supporting CF, CFE, PA management, forest and landscape restoration. However, the FD is not at full staffing levels and has limited human resources capacity, with staff at sub-national levels possessing variable and often has insufficient capacity for implementing community forestry, PA conservation and other envisaged project activities in full consistency with the Bank’s Environmental and Social Framework (ESF) requirements.

178. The FD has two decades’ experience promoting community forestry and has benefited from sector-specific Bank ESF training, and the new Forest Law, Forest Rules, Community Forestry Instructions, Biodiversity Law, and other laws and policies create conducive framework for implementing project activities consistently with ESF objectives. Nevertheless, there acknowledgement that institutional capacity strengthening for environmental and social risk management will be required, including through boosting Information technology, improving monitoring capacities, and strengthening community engagement skill sets among other measures.

### 8.1 Institutional Arrangements for Implementation

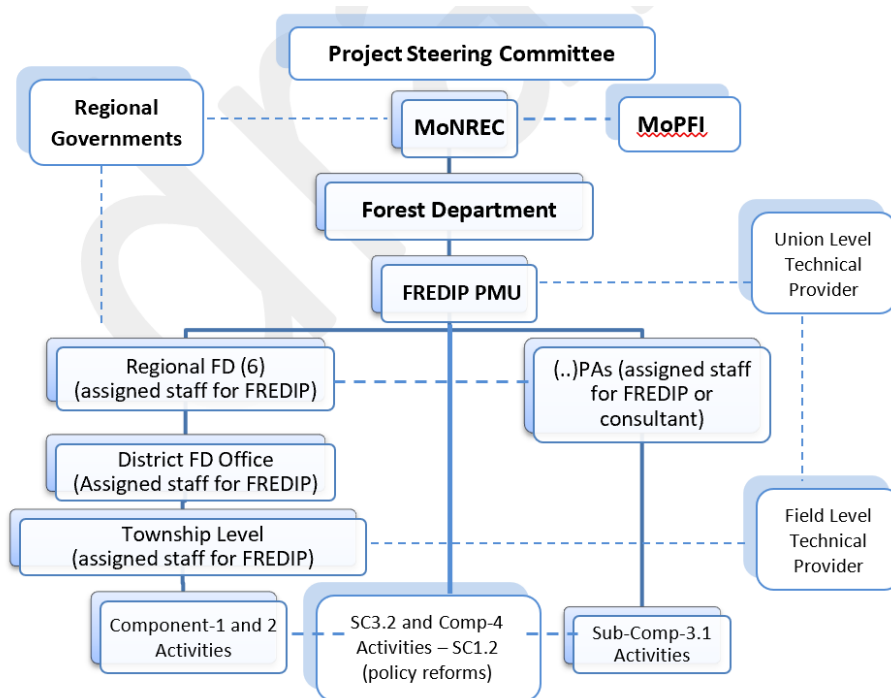


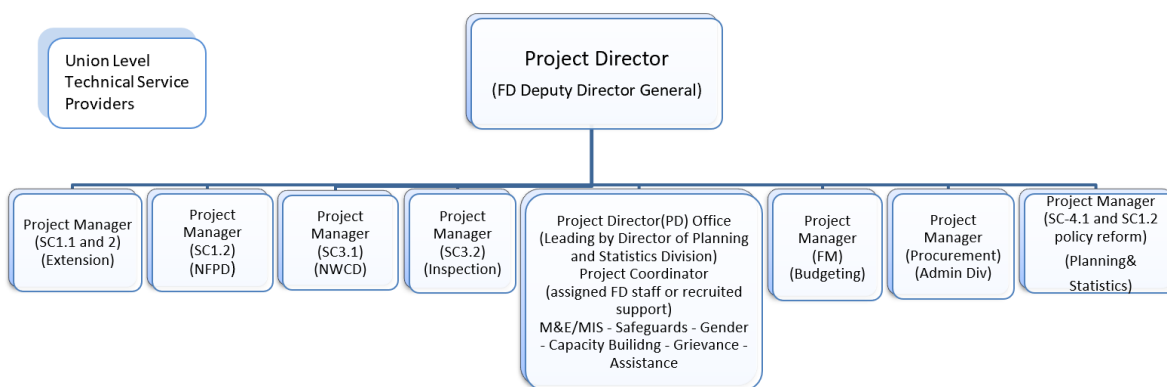
Figure 8-1 Project Implementation Arrangements

179. At the national level, a Project Steering Committee (PSC) will provide strategic direction and monitor overall project performance. The PSC will include senior management representatives from relevant line ministries, such as Ministry of Agriculture, Livestock and Irrigation, Ministry of Hotels and Tourism,. Key functions of PSC include: (i) providing overall technical advisory support; (ii) reviewing and approving work plans and progress reports; (iii) monitoring project implementation progress, risks,



quality, and timeliness; (iv) helping to resolve any issues that may arise including resolution of long-standing project grievances referred for their consideration; (v) providing comments and approvals (if any) for draft/final outputs of the project related to policy reforms support. (See Figure 8-1)

180. The FD as the implementing agency for the project will establish and host a Project Management Unit (PMU) to strengthen the FD’s capacity to implement this project. This will ensure that the project is integrated in existing institutional structures and mandates. The unit will have primary responsibility for aspects relating to technical coordination, procurement, FM, M&E, and environmental and social risk management. The unit will be composed largely of the FD regular staff, drawn from the respective FD divisions, supported by a few dedicated consultants covering the areas of (a) procurement, (b) FM, (c) environmental and social risks (including gender and grievance redress), (d) M&E, and (e) technical support to project management. (See Figure 8-1)



**Figure 8-2 Project Management Unit/ Union Level**

181. At Union Level, PMU will have the overall responsibility for the project management of FREDIP. PMU’s functions relate to overall project planning and monitoring, institutional support, providing guidance/support to all project components and activities, financial management, bidding and procurement, capacity development for stakeholders, communications, monitoring and evaluation, ensuring compliance of social and environmental risk management commitments, integration of gender responsiveness into design, grievance redress, and reporting within the GoM structure. (See Figure 8-2)

182. At the Union Level, an Environmental and Social Management Team (E&S Team) will be organized with officers assigned to each implementing division as part of Project Management Unit. Depending upon the activities to be implemented and scope of risks and impacts likely to result from the activities, the team will be formed as shown in Table 8-1. Out of seven officers, the E&S Officer who will be in the level of Assistant Director will be assigned as the team leader of the E&S Team.

183. The E&S Team will work together with the Environmental and Social Consultants from Project Director Office mainly for implementation of Environmental and Social risk and impact management as predetermined in this ESMF. At the Project Director Office, three full-time national E&S Consultants will be contracted to take responsibilities related to environmental and social risk management, gender issue, and grievance redress mechanism under the guidance of one part-time international E&S Consultant who will work full time in 1st year of project implementation.

184. The E&S Consultants within the PMU will work in close coordination with other specialists in relevant disciplines, including the overall project managers, and other technical specialists within the FD. The E&S Officers from E&S Team will assist in all aspects of project implementation of environmental

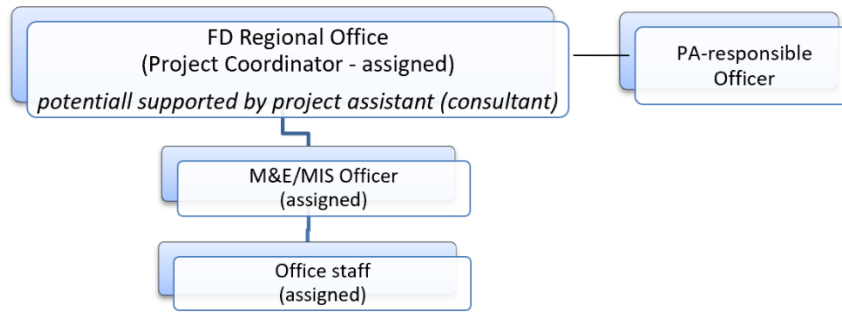
assessment and management, internal monitoring and evaluation (M&E), and training of staff of FD staff at various levels and other relevant government implementing agencies

**Table 8-1 Environmental and Social Safeguard Team at Union Level**

No	Environmental and Social Safeguard Team			Reason for Requiring Officers
	Division	No. of Officers	Title	
1	CF Unit, Extension Division	3	1: Environmental and Social Officer 1: Environmental Officer 1: Social Officer	-to perform overall supervision of the implementation of mitigation measures for ES risks and impacts resulted from establishment of new 1000 CFs and existing 2000 CFs with the support of E&S Consultant team while FD officers at township level will closely manage and supervise for establishment of CFs and CFUGs with the support of safeguard & Social Accountability Officer-to perform overall supervision of the implementation of mitigation measures for ES risks and impacts resulted from CFE establishment while FD officers at township level will closely manage and supervise for establishment of CFE.  -To perform the screening of site-specific project activities with the support of E&S Consultant Team mainly in the first year of project implementation and to verify the screening results prepared by the district FD staff in the later years.
2	Natural Forests and Plantation Division	1	1: Environmental and Social Safeguard Officer	-to perform overall supervision the implementation of mitigation measures for ES risks and impacts resulted from activities related to private plantation in which mainly includes policy reform process, spatial planning for plantations, and development of plantation information system.  -to perform the screening of site-specific project activities with the support of E&S Consultant Team mainly in the first year of project implementation and to verify the screening results prepared by the district FD staff in the later years.
3	Nature and Wildlife Conservation Division	2	1: Environmental Safeguard Officer 1: Social Safeguard Officer	- to perform overall supervision of the implementation of mitigation measures for E&S risks and impacts resulted from the activities related to PAs management

No	Environmental and Social Safeguard Team			Reason for Requiring Officers
	Division	No. of Officers	Title	
				<p>including community-based ecotourism in PAs, development of ecotourism practices in selected PAs, sustainable financing for PAs and local communities, and etc.</p> <p>-to perform the screening of site-specific project activities with the support of E&amp;S Consultant Team mainly in the first year of project implementation and to verify the screening results prepared by the district FD staff in the later years.</p>
4	Inspection Division	1	1: Environmental and Social Safeguard Officer	<p>- to perform overall supervision of the implementation of mitigation measures for ES risks and impacts resulted from the activities related to strengthening forest governance and enforcement including development of integrated surveillance, intelligence an enforcement system and remote sensing application for near real time detection, and etc.</p> <p>-to perform the screening of site-specific project activities with the support of E&amp;S Consultant Team mainly in the first year of project implementation and to verify the screening results prepared by the district FD staff in the later years.</p>
	<b>Total</b>	<b>7</b>		

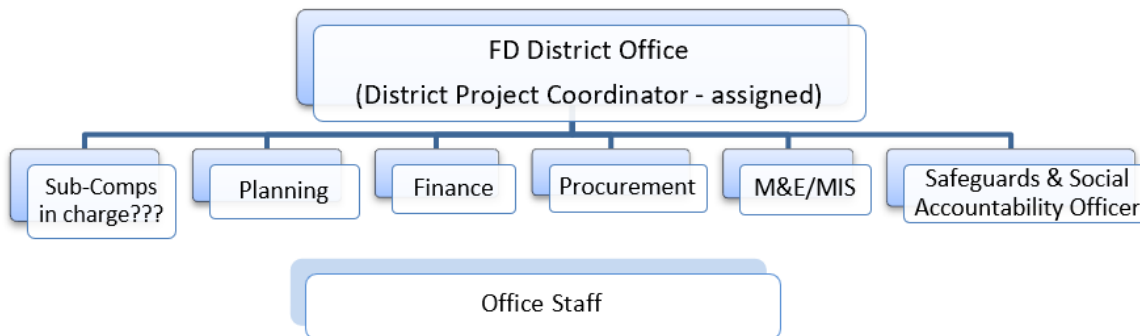
Note: It is estimated that the project will initiate implementation at five townships per Region per year. It is expected to establish 10 CFUGs per township targeting 1.000 CFUGs during the first 5 years of the Project.



**Figure 8-3 Project Management Structure/ Region Level**

185. The Regional level will have no implementation responsibilities but will be responsible for coordinating activities, consolidating reporting, and liaising with the regional governments and line departments. Specific project-related functions will include: (i) Overseeing and coordinating FREDIP implementation in the respective Region, (ii) Playing an intermediary role between Project and Regional Government (to report project progress in respective region to Region Government and request their support as required), (iii) Coordinating with the Regional CF Working Group for the development of CF/CFE activities in the region, and (iv) Collaborating with regional governments for the development of ecotourism activities in the region. (See Figure 8-3)

186. PA activities will need to be implemented by park management offices which are under direct supervision of NWCD at the union level. However, a staff officer that the Regional level will have an assignment to be responsible for monitoring and reporting purpose only for such activities.

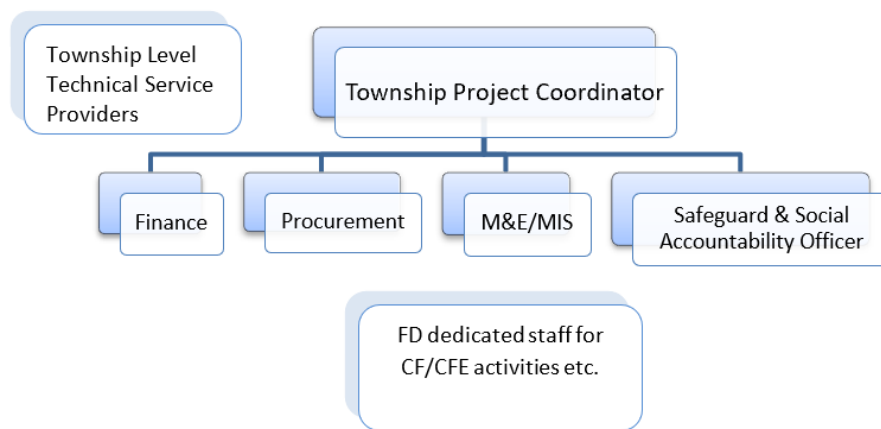


**Figure 8-4 Project Management Structure/ District Level**

187. District forest office is important in the implementation of FREDIP activities. The districts will be responsible for the coordination of interventions within their jurisdiction. Key roles/responsibilities of District Project Team are, but not limited to the following:

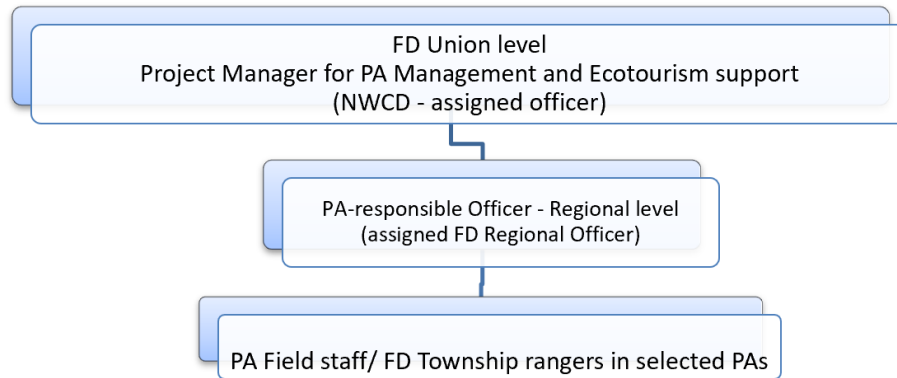
- Prepare project plans to be submitted to PMU – Union for its consolidation (implementation plans and budgeting plans, etc.) in consultation with / with inputs from respective townships staff.
- Oversee day-to-day implementation of FREDIP activities at the District level
- Coordination with other line departments at the district level as needed
- Provide technical support to the CF/CFE/CFUGs activities under Component 1 of FREDIP

- Manage the FM system for respective district in accordance with the provisions of Project Implementation Manual (payments of eligible expenditures, internal controls, financial reporting, etc.).
- Procure goods, work and services (if any locally procured) in accordance with the provisions of Project Implementation Manual and Procurement Plans
- Support the implementation of capacity building programmes and communication campaigns in the respective district
- Monitor the compliance of Social and Environment safeguards requirements and gender inclusion issue
- Report to Region team and PMU Union on the project progress (quarterly, annual, and so on)
- Be involved in handling grievances if required by PMU – Union



**Figure 8-5 Project Management Structure/ Township Level**

188. Township level FD office will directly manage the field staff and will be responsible for implementing the CF activities, including community budgeting and planning, monitoring & evaluation, E&S risk management, gender and social inclusion, outreach communication, GRM and other issues of FREDIP at the township level. Township office shall submit project progress report to the district level for its consolidation. At township level, FD officers will be trained to implement E&S risks and impacts management and one safeguard & social accountability officer will be assigned to handle overall township level implementation and reporting of E&S management, GRM, and gender inclusion issues. In addition, Township level implementation will be technically supported by Technical Service Providers (NGO/INGO/Firm/Consultants) hired by PMU – Union level.



**Figure 8-6 Project Management Structure for Protected Areas Related Activities**

189. Particularly, PA activities will be implemented by assigned staff from NWCD at Union level and responsible staff working in target PAs. There will be PA responsible officer at Regional level with the purpose of monitoring and reporting of PA related activities from various aspects including E&S risk management. (See Figure 8-6)

#### **Terms of Reference for Environmental and Social Staff in the FD PMU**

190. The FD PMU will include assigned FD staff that will have E&S responsibilities. The FD will also hire dedicated consultants to support the E&S risk management responsibilities: three national full-time consultants will be hired. In addition, a part time (50%) international E&S advisor will be retained. The international E&S Consultant will work full time in the first year of the project. ToRs of consultants will include strong focus on the elements of capacity building for the FD staff, to ensuring adequate mainstreaming of E&S considerations into implementation of activities.

#### **Role of E&S Consultants (International and National)**

191. International E&S Consultant, working at 50% of full time equivalent (from second year) will provide specialist advice to the PMU on matters relating to environmental and social standards compliance in all aspects of the Project in accordance to the project's ESMF and associated risks and management instruments specifically and WB ESF and country safeguards requirements in general. During the first year of the project, the international E&S Consultant will work full time for PMU in order to provide trainings to PMU staff and FD staff, and to provide on-job training to PMU E&S team for implementation of ESMF. Moreover, this will include advice concerning all environmental and social elements of risks and impacts management, and performance, supervision and compliance monitoring, including for example, relevant advice during procurement/tendering as well as during contract management of activities once they have commenced, etc.

192. International E&S Consultant will support the PMU together with national E&S consultants on all aspects of proper implementation of the ESMF, including but not limited to:

- Review and verify the screening results (particularly in first one/two years)
- Providing clear guidance and procedures to follow for the preparation of Environmental and Social Impact Assessment and Environmental and Social Management Plan for activities as required.
- Ensure that the English language E&S documents are of the required standards and properly written.
- Ensure Environmental and Social measures are adequately reflected in bid and contract

documents, including in the contractors ESMP.

- Ensure that GRM is set up and functioning well with a proper record system, and that complaints are resolved effectively.
- Lead the national E&S consultants and provide guidance and advice as necessary.
- Support the Project Management Unit (PMU) in overall implementation and monitoring of the ESMF, including the reporting of such monitoring.
- Conduct selective visits to the project sites, when possible, to confirm environmental and social classifications, impacts and mitigation measures as per necessary.
- Guide and assist the Project Management Unit (PMU) to prepare the semi-annual progress report and ensure documents are of the required standards and properly written.
- Prepare the training note and assist for verification of screening results for each site-specific project activity.
- Provide training to ensure that the PMU's E&S team have a comprehensive understanding of the environmental requirements of the ESMF and Screening, ESMP preparation, GRM system and requirements, Environmental and Social instruments, implementation, monitoring, documentation, and reporting requirements.
- Help the PMU's E&S team to transfer their knowledge to other staff of FD from substantial division who have actual implementation responsibilities.
- Provide guidance and advice to the PMU regarding World Bank ESS requirements and the target/goals for respective division at PMU and its relevant activities.
- Record important lessons learned for improved integration of environmental safeguard issues into project implementation.
- Support information to team leader of E&S team to report to the World Bank E&S team, as required.

193. National E&S Consultants will coordinate managing E&S risks and issues and lead the discussion from environmental and social perspectives. They will also ensure quality assurance of the documents (such as screening and reporting) produced by the implementing departments / units. The Consultants will support PMU with the followings but not limited to:

- Review and verify the screened forms (particularly in first one/two years)
- Review and approve E&S Instruments (e.g., ESIA, ESMP, etc.).
- Prepare training notes and screening checklist for each activity.
- In case of preparation of RAP and CPP, prepare it together with relevant division at PMU
- Conduct overall monitoring of the ESMF implementation with PMU.
- Supervise/Coordinate E&S team at PMU with and ESMF implementers/ Contractors.
- Assist PMU for the preparation of semi-annual progress report with regard to E&S issues.
- Assist PMU to review any ESS requirements and prepare all required documentation, in Burmese, English,
- Arrange to have required documentation with any relevant dialects, as necessary, with support of translators.
- Supervise and support all E&S related surveys and data collection activities if any.
- Supervise any social related issues/activities to ensure compliance with the Project's



requirements, according to Government regulations and World Bank ESS.

- Provide input into any relevant documentation.
- Serve as a helpdesk from Project Director Office to the actual implementers in case they have E&S related queries.

### **Role of Contractors and Scope of Contractor Responsibilities**

194. In situations involving the use of contractors for civil works and related infrastructure, contractors will have specific requirements relating to E&S aspects. These range from management of construction site environmental risks such as waste collection and disposal, implementing protections to limit for air and water pollution, noise ensuring safe working conditions, ensuring community safety to managing social aspects such as maintain a Grievance Mechanism, informing individuals and communities on construction schedules, communicating with communities, among other tasks.

195. All civil works contractors will be responsible for implementing all contract conditions, including those covering environmental and social risk mitigation, information disclosure and community awareness raising, handling grievances and routine monitoring. The contractor will be responsible for implementing all environmental, health and safety actions included in a contract-specific ESMP (C-ESMP). Relevant clauses will be including in the bidding documents to ensure that contractors are fully aware of their E&S obligations.

196. Contractors will be responsible for submission of monthly E&S reports to the PMU.

197. Any contractors retained under the Project will be responsible for ensuring that all environmental design and construction environmental mitigation requirements specified in the contract are properly implemented during construction.

198. Contractors will be required to prepare and implement a site-specific C-ESMP for any construction site/s. The contractor will need to incorporate and adopt the following principles:

- Compliance with the conditions of any contract approval, license or other work authorizations;
- Compliance with applicable National legislation;
- Compliance with applicable world Bank ESS;
- Maintain a site GRM;
- Manage environmental and social risks associated with the project;
- Maintain a healthy safe work practices for the workers, nearby commercial operators, residents and the general public;
- Identify, control and where possible minimize the adverse environmental impacts arising from the works;
- Communicate openly with the government and the stakeholders regarding the environmental performance. The contractor will be required to report on the implementation status of the approved C-ESMP to the responsible FD contracting entity.

199. Key environmental requirements to be specifically addressed in the C-ESMP include, but are not limited to, the following issues (in no order of importance):

- Erosion and Sediment Control: To minimize the amount of sediment lost from any construction site;

- Dust Control: Responsible to control the dust emission from the construction activity;
- Noise: Minimize the nuisance from the construction noise;
- Health and Safety: to provide for safety of construction personnel and local population;
- Traffic Safety: To minimize the risk of accidents during the construction;
- Personal Protective Equipment: The contractor should provide all PPE to conform to safety regulations;
- The contractor's labour (work force) should not interfere with the local population in any manner which would lead to direct conflict, harassment or abuse; No child labour; fairly treat on women labour
- Social and Community concern: to minimize social and community impacts; and
- Signage: The contractor should place signboards in an accessible location to inform the general public about the hours of work.
- Job or Participation Opportunities: The contractor will ensure that there is no discrimination and vulnerable ethnic groups (ESS7 qualifiers) are not excluded from job or participation opportunities.

### **Role of Other Implementers (Technical Service Providers)**

200. The role of technical service providers (CBOs/NGOs) will be crucial for the implementation of FREDIP. Particularly, the FD will partner with experienced technical service providers working on community forestry extension and management of the CF revolving fund to provide capacity building and facilitation to the FD in order to support FD staff in the planned significant scale up of CF to meet the MRRP targets. The project will also rely on use of technical service providers to deliver services on the ground, particularly for CFE in support of the Government agencies, a model tried and proven successful in community forestry in Myanmar. Through technical service providers, the project targets to provide technical and financial support to implementation of approved CFMPs, including new investments in forest restoration, watershed and agroforestry planting, natural regeneration or establishment of small-scale wood fuel and timber plantations, support to establishment of community nurseries, and so on. Also, for the activities related to establishment of plantation information system, the service providers will perform surveying and data collection in nine districts through contract agreement. Technical service providers involving in FREDIP will be responsible to integrate the E&S measures described in this ESMF into the implementation of their services. Moreover, the E&S capacity of technical service providers shall be improved under this project to comprehend and fulfil WB ESS requirements.

## **8.2 Institutional Capacity Assessment**

201. During the project preparation stage, an initial capacity needs assessment was undertaken through questionnaire survey to better understand the WB E&S related knowledge and experience of Environmental and Social Management Team (ES Team) of FD temporarily organized for preparation of E&S documents. The survey results indicated that the team has the robust knowledge of environmental conservation aspects of forest management and forestry related legislation and solid experiences in monitoring project implementation in terms of activities execution as well as in providing trainings for field supervision staff and community beneficiaries.

202. On the other hand, the E&S Team has limited knowledge of World Bank's ESF and ESS and has limited experience in performing environmental and social impact assessment, implementing

environmental and social safeguard tools, and monitoring of project implementation in terms of environmental and social risks and impacts. In particular, implementation of social safeguard measures such as stakeholder engagement, grievance redress mechanism, free, prior, and informed consent, etc. are areas where the ES Safeguard. Understanding and capacity for undertaking social assessment and processes for meaningful stakeholder engagement as part of environmental and social assessment remain limited.

203. The project will support comprehensive capacity and skills development for environmental and social risk management at the FD through targeted and on-the-job training, with training needs and delivery modalities.

204. The training and capacity building plan (Table 8-3) is based on the above-mentioned training needs assessment to ensure adequate capacity to implement and monitor all relevant environmental and social requirements. Continued needs assessment will inform implementation of specific training and capacity building activities.

205. The training will focus on a range of user needs including orientation for senior staff and policymakers; operational staff with direct project responsibilities; and other supporting entities such as partner government agencies and CSOs and NGOs. Training and capacity building for E&S management would be complimentary to training and capacity building measures that are built into the design of the project as described in Chapter 2.

**Table 8-2 Main Training Capacity Building Initiatives Under FREDIP**

<b>Implementing Entities and Key Stakeholder Groups</b>	<b>Proposed E&amp;S Capacity Building Measures</b>
FD Senior Staff	Overall project orientation training workshops on ESS approach Supplemental staff recruitments as necessary.
FD Operational Units	Orientation training on all specific ESF requirements Workshops on specialized procedures and planning methods Supplemental staff recruitment of E&S specialists Assignment of E&S coordinator and E&S responsible staff in Project Management Unit and Operational Units in FD Create project tracking and reporting systems Establish monitoring and oversight practices
FD Process Facilitators at regional levels/District Level	Training workshops on required operational procedures Strengthen skills in community planning, stakeholder engagement and dispute resolution
NGO/CSO	Orientation training on process, procedures, standards Strengthen skills in community planning, stakeholder engagement and dispute resolution
Local community representatives, including D&V groups at local	Orientation and training on E&S risk assessments, management planning

Implementing Entities and Key Stakeholder Groups	Proposed E&S Capacity Building Measures
levels such as women, poor, ethnic groups, etc.	
Community Forest User Groups (CFUG)	<p>FD to include general awareness training on E&amp;S in extension and outreach to CFUGs.</p> <p>FD to include ES training, as part of a basic induction training for CFMCs, in a scope of work of Managing Entity for the CF Revolving Fund.</p>

**8.3 Capacity Strengthening Measures**

206. **Capacity of Project Implementer:** As FD have very narrow experiences related to the World Bank's Environmental and Social Framework (ESF), their knowledge on safeguards need to be strengthened and safeguard training programme will be necessary during the project implementation. Therefore, the project will support comprehensive capacity and skills development for environmental and social risk management, and training of trainer (TOT) courses to FD and its implementing divisions. Those trainings will ensure that FD will develop adequate capacity to implement and monitor all relevant environmental and social standards requirements. Support has been identified at different institutional levels, as outlined below.

207. *At Union level*, based on the initial capacity needs assessment results, specific E&S training will be provided within the first year of project implementation because FREDIP is classified as the project with high risk for social impacts and substantial risk for environmental impacts as discussed in Chapter 6. The mitigation measures of such risks and impacts are explicated in Chapter 7. It is essential for FD to manage well such potential E&S risks and impacts during implementation of the project. Hence, International and national E&S Consultants will also be responsible as trainers for the E&S team as well as for district level FD. These trainings will include the curriculum of courses emphasized for the management of risks and impacts referring to the procedures/guidelines prepared in this ESMF and for understanding the World Bank's ESF to ensure adequate knowledge of National regulations relevant to the project and the World Bank's Environmental and Social Standards (ESS) in order to ensure that safeguards are duly implemented in compliance with the associated requirements as well as in a manner of adequate management of the E&S risks of FREDIP

208. *At State and Regional Level*, the representative FD officers from targeted State or Region receive trainings from PMU will be able to monitor the project performance from the aspects of environmental and social management as well as report the monitoring results to the regional government and the PMU.

209. *The District Level* is important in the implementation of FREDIP activities including the verifying of CFMPs for CF establishment. Environmental and social safeguard trainings including training of trainer (TOT) courses will be provided. The district officers who will take the responsibility of supervision of environmental and social risks will receive directly provided by the Union Level E&S Consultants. The representative FD officers from district level who receive TOT trainings will act as trainers for township FD officers with the technical aids of E&S Team of PMU. Trainings will focus on fundamental courses related to overall project E&S risks, relevant Environmental and Social Standards (ESS), approaches to risk management including community participation planning, stakeholder engagement, dispute resolution as well as specific trainings related to E&S considerations in ecotourism activities planning in PA and CF

management relevant to each State and Region. It is expected that the district officers are capable of environmental and social screening of proposed project activities, application of safeguard instruments such as ESMP, ECoP, IPMP, CHMP, etc. and implementation of those measures. Assistance of E&S Consultants will be provided to adequately address specific social and environment issues and scope of safeguard documents during implementation. Detailed training need assessments will be conducted at the beginning of project implementation stage to identify the particular courses necessary for each district based on the type of project activities to be carried out in targeted townships of the district.

210. The *Township FD officers* will directly manage the day-to-day activities including engaging with communities that wish to form CFUGs, existing CFUGs, support to prepare CFMP for CF establishment, the contractors and dealing with local communities. Trainings related to E&S implementation and supervision particularly for GRM, SEP, Contractor Management, etc. will be provided in accordance with the outcomes of detailed training need assessments. In addition, Township FD officers are able to seek technical guidance and assistance from safeguard and social accountability officer at township level.

211. In the first year of implementation, an E&S workshop will be held to discuss E&S risks and impacts evaluated in the preparation stage of the Project. The FD officers from different levels (Union, Region, District, Township) and relevant stakeholder groups identified in SEP will be invited to have fruitful discussion for potential upcoming risks and impacts in the implementation of the Project. The findings and results of discussion will integrate into the management of risks and impacts described in ESMF.

212. As per the outcomes of initial capacity needs assessment, the detailed technical training plan for ES Safeguard Team at Union Level and FD officers at State/Regional Levels/ District level (districts targeted for 1st year) are prepared to be implemented in the first year of FREDIP as shown in the following table.

**Table 8-3 Detail Training Plan for first year of implementation**

Type of training	Targeted level	Estimated no. of participants	Estimated no. of days	Frequency
<b>Union Level and State/Regional Level (Planned)</b>				
Overview of ESMF Application into Project Implementation including key principles of ESF and Bank safeguard approach, Myanmar requirements, etc.	Union Level (Staff from Substantive Divisions) including E&S Team	50	3	(1 time) 1 time/year (1 <sup>st</sup> Year)
Introduction project's risks and impacts as well as WB ESF, ESS	Union Level (PMU) and State and Region Level/ District Level	7 + 20	2	(1 time) 1 time/year (1 <sup>st</sup> Year)
Application of ESMF including E&S Screening,	Union Level (PMU) and State/Regional Level/ District Level	7+20	1	(2 times) 2 times/year (1 <sup>st</sup> Year)
Requirement of Environmental Instruments (ESIA/IEE, ESMP, ECoP, IPMP, etc.)	Union Level (PMU) and State/Regional Level/District Level	Ditto	2	(1 time) 1 time/year (1 <sup>st</sup> Year)

Type of training	Targeted level	Estimated no. of participants	Estimated no. of days	Frequency
Requirement of Social Instruments (SEP, GRM, CHMP, PF, RPF etc.)	Union Level (PMU) and State/Regional Level/District Level	Ditto	2	(1 time) 1 time/year (1 <sup>st</sup> Year)
E&S Considerations in Specific Management Plans (CFMP, etc.)	Union Level (PMU) and State/Regional Level/District Level	Ditto	1	(1 time) 1 time/year (1 <sup>st</sup> Year)
Community Planning, Stakeholder Engagement Courses	State/Regional Level/District Level	Ditto	2	(1 time) 1 time/year (1 <sup>st</sup> Year)
Training of Trainer Courses related to ESF implementation	State/Regional Level/District Level	Ditto	4	(2 times) 2 times/year (1 <sup>st</sup> year)

213. The detailed capacity needs assessment will be conducted by PMU E&S team and E&S Consultant Team during the first year including the outcomes of trainings done. At this stage, tentative types of trainings required for District Level and Township Level are proposed, however, it should be defined in the detailed capacity needs assessment report covering for each state and region.

Type of training	Targeted level	Estimated no. of participants	Estimated no. of days	Frequency
<b>District Level and Township Level (Tentative)</b>				
Application of ESMF including E&S Screening,	District	-	-	-
Application of Environmental Instruments (ESIA, ESMP, ECoP, PMP, etc.)	District and Township	-	-	-
Application of Environmental Instruments (SEP, GRM, CHMP, PF, RF etc.)	District and Township	-	-	-
Application of E&S Considerations in Specific Management Plans (CFMP, etc.)	District and Township	-	-	-
ES instruments Monitoring (Including CMP)	Township	-	-	-

214. A detailed training plan should be developed for each calendar year covering all topics of environmental and social management and it will be identified as part of the Environmental and Social Commitment Plan (ESCP).

215. **Capacity of Local Community:** Results from surveys conducted via remote connections due to

COVID-19 situation with Regional FD officers suggested that the local communities in the target project areas are making their livelihood mainly on agricultural activities such as growing vegetables, fruit trees, livestock and poultry in some targeted PAs. In some areas such as Magway Region, shifting cultivation methods are still active. Some of the local people understand and are aware of the important role of protection forests on reducing natural disasters and a possibility for them to increase income. However, there are many existing constraints for local communities to play an active role in forest management given their limited knowledge, poor living condition, and lack of financial resources.

216. Nonetheless, as FREDIP aims to promote the community forest management for ensuring sustainable management of forests, it is necessary to provide guidance on safeguard actions to ensure that adequate training (technical and management) on forests will be provided to community forest user groups (CFUGs) during the project implementation. In addition, training on issues related to E&S risk management such as on safe use, storage, and disposal of pesticides; prevention and management of forest fire; possible impacts of invasive species, related GoM regulations and other safety issues, grievance redress mechanisms etc. will be necessary. Those trainings will be formulated though detailed training need assessments based on needs identified during engagements by the FD staff from PMU E&S team and E&S Consultant Team during first year of implementation of Project.

## 9 Monitoring and Reporting

### 9.1 Monitoring

217. Monitoring is a key component of the environmental and social risks management performance during project implementation to ensure adequate risk screening, preparation of required E&S risk management instruments, and integration of appropriate mitigation measures. The FD E&S team, including dedicated consultants at the PMU, will lead E&S monitoring and reporting.

218. FD will have staff with assigned E&S responsibilities at each implementation level (township, district, and PA) who will lead E&S due diligence in the implementation of activities. These staff will also be responsible for preparation of regular reports on E&S. In order to properly perform the monitoring activities, the trainings described in Chapter 8, will be provided to the FD staff.

219. Regular monitoring will be undertaken as per specific activities in order to:

- Improve environmental and social management practices;
- Ensure the efficiency and quality of the environmental and social assessment processes;
- Establish evidence- and results-based environmental and social assessment for activities,

### 9.2 Reporting

#### 9.2.1 Regular Reporting

220. Regular monitoring reports, including semi-annual reports as per the ESCP commitments (quarterly during first year of implementation) will be consolidated by the PMU, based on reports from the implementing units and submitted to the World Bank.

221. All contractors will be under obligation to submit monthly reports on E&S. Summary information from these contractor reports will be included in reports submitted to the World Bank.

#### 9.2.2 Incident Reporting

222. In case of occurrence of an incident or accident related or having an impact on the Project which has, or are likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including fatalities related to the project or incidents requiring hospitalization, the FD shall:

- (a) as soon as reasonably practicable, but no later than two (02) calendar days after having been informed of the occurrence of such incident or accident, inform the Bank by any electronic means of its nature, or circumstance and any effect or impact resulting or likely to result there from;
- (b) as soon as reasonably practicable, but no later than ten (10) days after such incident or accident, provide the Bank with a summary report that includes a description of the incident or accident, and the measures, if any, that the Borrower is taking or plans to take to address it and to prevent any future similar event; and
- (c) keep the Bank informed of the on-going implementation of the said measures and plans.

#### Regular incident / accident reporting:

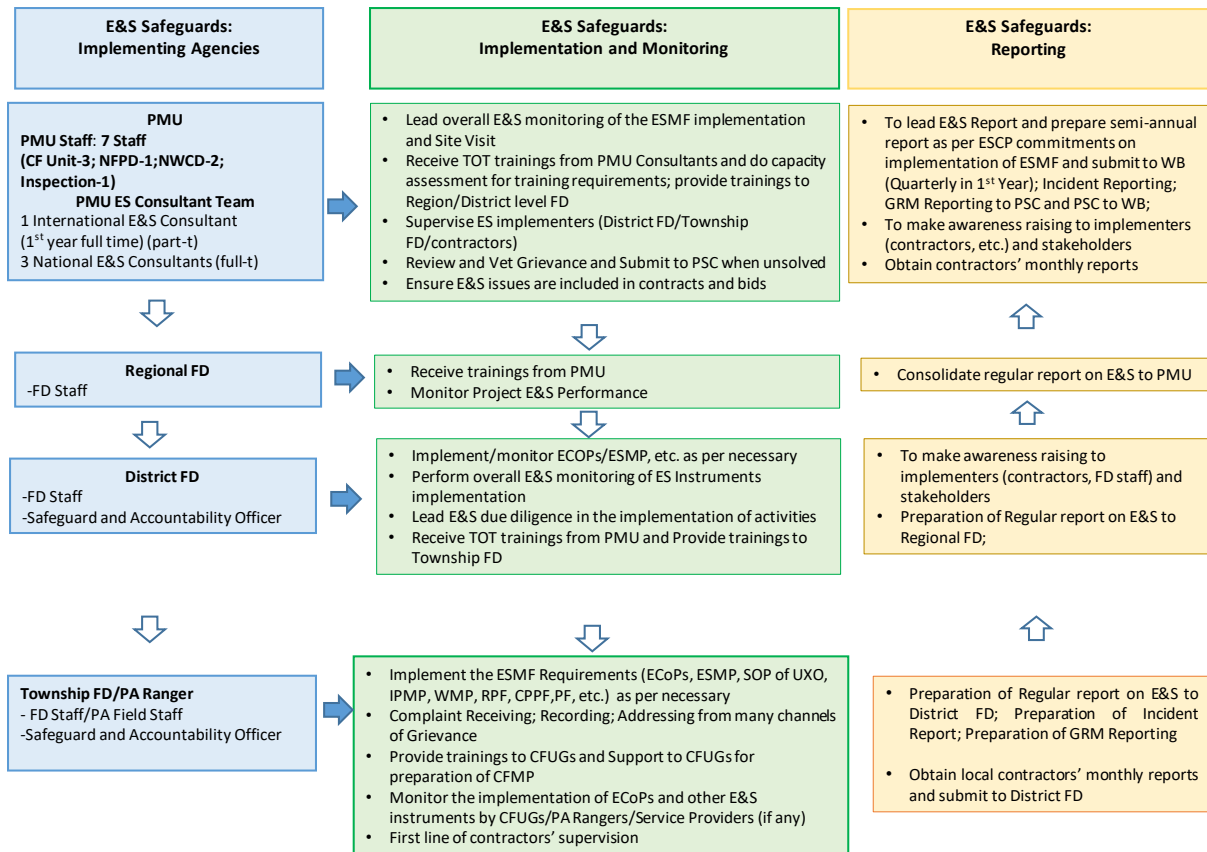
- Contractors, FD field staff, and PMU E&S units will maintain a comprehensive register of all incidents and accidents that occur during the project (Annex 10 of this ESMF, the Community Health and Safety Plan, includes guidance on the information to be included in such a



register).

- The supervision consultants will provide details on accidents and incidents in accordance with timeframe to be agreed as part of contract
- All regular progress report to the Bank will include information on accidents and incidents
- Any severe incidents including injury (requiring off-site medical care) or fatality incident as per guidance on classification of incidents (Annex 4 – Monitoring and Reporting template) shall be reported to the Bank within 24 hours with basic information. A detailed incident report including the following will be submitted within 10 working days:
  - a. root cause analysis and
  - b. corrective action plan on
    - i. immediate mitigation measures in case of continuing danger (e.g. fencing, signboard, guards)
    - ii. compensation to the affected family based on a clear rationale
    - iii. risk assessment and correct application of ESHS management procedures, and
    - iv. medium- and long-term mitigation measures including enhancement of safety measures, audits, and additional training.

223. Annex-15: Monitoring and Reporting Template, provides guidance on classification of incidents by severity and an incident reporting form that will be provided to all FD staff implementing activities as well as all service providers and contractors under the project are listed.



**Figure 9-1 Monitoring and Reporting Flow under FREDIP**

## 10 Grievance Redress Mechanism

224. The ability of project stakeholders of all types to raise concerns, complaints or grievances relating to the implementation of FREDIP – and have them addressed in a timely, fair, transparent and meaningful way - is a key element of success for the project as a whole. Given the complexity of the FREDIP design with respect to both the geographical and thematic scope of the operation, the approach to Grievance Redress will need to be multi-tiered and multi-faceted. MONREC and the Forest Department (FD) are committed to ensuring that feedback and grievances related to FREDIP are encouraged from all project stakeholders.

225. The Grievance mechanisms for FREDIP will be **multi-tiered** to take into account the different levels of responsibilities within the overall organizational structure as well across a large geographic and jurisdictional landscape. The GRM will also be **multi-faceted** to cover a wide range of potential project issues such as Labour and Working Conditions or Contractor GRM.

226. The purpose of this Chapter is to describe the overall approach to be used for FREDIP. Additional details on each GRM for key thematic areas are described in supplemental documents including; the Stakeholder Engagement Plan (SEP); the Labour Management Procedures (LMP); the Process Framework (PF); and the Resettlement Policy Framework (RPF). Also, specific GRMs associated with RAP, LMP, and the CPPF are guided to be developed. Site-specific GRM will be established at local levels and include Contractor's GRM and similar mechanisms relating to the use of revolving funds or other initiatives and activities associated with Eco-tourism or management of Community Forest User Groups (CFUG). All GRM will include, as relevant, appropriate and separate channels for the submission of complaints related to Gender Based Violence and/or Sexual Exploitation and Abuse (SEA). Such channels shall be established in a manner which protects the survivors of such incidents and including provisions for anonymity and protections against reprisals and intimidation.

### 10.1 Organizational Responsibilities.

227. Responsibilities for the implementation of GRM will be established at different levels within the project hierarchy. Roles and responsibilities will vary depending on the nature of the grievance and the type of response required. The following is a summary of the main institutional responsibilities for GRM under FREDIP.

#### 10.1.1 Ministerial Level (MONREC and FD)

228. At the highest level MONREC, through the FD senior management, will assign overall responsibilities for GRM compliance and performance monitoring to the Project Steering Committee (see Chapter 10) who will oversee and monitor all grievance redress mechanisms across the entire project. This PSC will meet periodically to review the status of existing, unresolved grievances and provide guidance and advice on the resolution of grievance within the mandate of the Ministry.

229. FD will prepare a periodic summary report (e.g., quarterly) that will be submitted to the World Bank for review and comment. GRM monitoring reports will include data and information on the numbers and types of grievances received; any observable trends in grievances received (i.e. recurring problems); the underlying causes of complaints; the nature and the efficacy of remedial actions taken; recommendations for changes to existing systems. The scope and content of the GRM monitoring reports may be adjusted from time to time depending on the types and severity of grievances.

230. In general, the Ministerial level GRM will not serve as a primary recipient of grievances or complaints. Rather, its role will be to ensure the overall functionality of GRMs under the project and for being the last resort for dispute resolution within the project structure. FD will ensure that project GRM

include mechanisms for complaint referrals to higher authorities in cases where lower-level systems are unable to address issues. In addition, MONREC will ensure that complainants are able to appeal decisions taken by lower-level authorities (e.g., in cases where affected people are not satisfied with contractor's response to a complaint.)

231. The FD would also have responsibility for establishing and enforcing the department level policy, technical guidance such as preparing a grievance manual, and business standards for addressing complaints across the entire project. The project level mechanisms as well as department policy, procedures and standards will be disclosed and made available to project stakeholders.

232. Within 60 days after project effectiveness, the FD will prepare a Grievance *Handling* Manual describing the detailed arrangements to be followed under the project. This commitment is recorded in the ESCP.

### **10.1.2 Forest Department PMU and Other Stakeholders**

233. A Project Management Unit (PMU) will be established within the FD at the national level. Among other tasks, the PMU will be responsible for reviewing and vetting unresolved grievances which have been referred from FD field units. The PMU will be responsible to keep the overall database on grievances and report on them. The FD will assist in the resolution of such cases within their jurisdiction and mandate. In the event that grievances will need to be addressed outside of the FD jurisdiction, such grievances will be referred to the PSC for final resolution. Many of the project's key activities will be implemented by FD operational units at the Township Level. Township level FD office will directly manage the field staff and will be responsible for implementing the CF activities, including community budgeting and planning, monitoring & evaluation, E&S risk management, gender and social inclusion, outreach communication, GRM and other issues of FREDIP at the township level. Each Township level FD unit will establish mechanisms for receiving, recording, and addressing grievances associated with Township level initiatives, activities and sub-projects carried out under the project. Together with contractors, the FD operational units at the Township level will be one of the key units responsible for effective GRM. These systems will be established taking into account the principles of good practice for GRM ).<sup>61</sup>

#### **Contractors**

234. Each contractor who is contracted to construct civil works under the project will be required to establish a Contractor's GRM.<sup>62</sup> This GRM will address site specific issues within the mandate of the ability of the contractor. Such grievances may include, for example, complaints about safe operation of construction equipment, noise, construction outside of designated hours, indiscriminate waste dumping, sexual harassment by contracted workers or other undesirable behaviour in local communities. Contractors will also have an important role with respect to labour disputes or grievances. Each contractor will need to establish mechanisms to consider worker grievance in line with the requirements of the LMP (see Annex 8 for additional details).

235. The contractors GRM shall include specific criteria for referrals of complaints which are not within their authority. As part of their GRM contractors will be required to keep accurate and up to date records on all grievances or complaints received, the nature of complaints, and how such grievances have been addressed. The contractors shall provide the FD managing unit with periodic (quarterly) reports on any grievances received. Any grievances which cannot be successfully resolved directly by the Contractor will

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<sup>61</sup> See World Bank Grievance Redress Mechanism Checklist for additional Guidance.

<https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-framework-resources>

<sup>62</sup> Please See Annex 8 of this ESMF for additional details on the GRM for workers and workplace issues.

be referred to the FD managing unit responsible for the contract. Unlike the PSC the FD PMU will accept project-related grievances and complaints directly, especially as they relate to policy or procedural issues or sensitive issues such as corruption, reporting illegal activities, or other sensitive issues. Grievances can be directly raised through the Project Director's Office of the PMU.

#### **Community Forest User Groups (CFUG)**

236. Each CFUG shall establish a GRM as part of the administration of the CFUG itself. Complaints may arise from time to time on the implementation of CF plans or there may be other concerns about the operations of a CFUG and related CFE. The CFUG may, in some cases, be able to resolve local complaints but in other cases will act as a conduit for referral of complaints to the managing unit at the FD Township level under the project GRM CFUG management will maintain records of any such grievances received and referrals made.

#### **Protected Area Management Authorities.**

237. To the extent that the project supports activities such as eco-tourism, boundary demarcation or infrastructure within the context of an existing Protected Area Management Plan, PA management authorities will establish GRM directly related to those activities.

#### **Court System (or other dispute resolution mechanisms outside of the Project structure)**

238. In some cases, the resolution of disputes or complaints may fall outside of the FD. For example, in the case of legal disputes over land, land ownership, land tenure or compensation for lost land and assets, the resolution of disputes may be vested in the courts with little or no involvement of the Ministry directly. In some cases, independent tribunals or ombudsman functions may need to be established to resolve disputes in a fair and open manner. Some labour disputes, for example, may require resolution outside of the Ministry's mandate.

#### **Local Government Organizations**

239. A GRM committee will be established with the representatives from local community, project labours, women, local authority at the village level and township level, the contractors and PIU unit at the local level. Many types of grievance could be handled by local GRM committee. This committee will be trained in management of complaints including Gender Based Violence (GBV) cases.

#### **Technical Service Providers**

240. Technical service providers such as CBO/NGO will have implementation responsibilities under the project. The project will also rely on use of technical service providers to deliver services on the ground, particularly for CFE in support of the Government agencies. Through technical service providers, the project will provide technical and financial support to implementation of approved CFMPs, including new investments in forest restoration, watershed and agroforestry planting, natural regeneration or establishment of small-scale wood fuel and timber plantations, support to establishment of community nurseries, and so on.

241. All technical service providers shall create channels for the raising of concerns and complaints related to their performance.

### **10.2 Thematic Grievance Mechanisms**

242. **Labour Management Procedures (Annex 8 LMP).** With the project's LMP, the roles and responsibilities for GRM are described in detail. The types of labour complaints may include, but are not limited to: (i) Unfair wages among the workers (ii) Low wages to workers (iii) Gender Discrimination regarding with the employment and wages (iv) Child Labour Use (v) Gender Based violence (vi) Sexual

Exploitation (vii) Corruption Cases (viii) Overtime (ix) Negative impacts on the community (Nuisance, pollution, safety etc.) (x) Unacceptable behaviour of staff and employees; (xi) worker and workplace safety concerns.

243. **Process Framework and Resettlement Policy Frameworks. (Annex 12 PF and Annex 11 RPF).** The PF and RPF include a description of the specific GRM to be established to address resettlement, land acquisition and restrictions of access to land and natural resources that may arise under the Project. Please refer to the PF and RPF for additional details.

244. **Stakeholder Engagement Plan (SEP).** The SEP includes additional details describing the overall approach to stakeholder interactions including the grievance redress. Please refer to the SEP for additional details.

245. **Provisions for Disadvantaged and Vulnerable Groups (SEP and Annex 13 CPPF for ethnic minorities).** The project will establish extra measures to ensure that disadvantaged and vulnerable groups are able to raise complaints and grievances in a manner which would ensure that they are not further marginalized as a result of raising concerns or issues. Annex 13 describes the detailed approach for address the needs of ethnic groups impacted by the project. The CPPF includes provisions for social assessment and preparation of community participation plans as part of the CFMP as well as for GRM suited to local context.

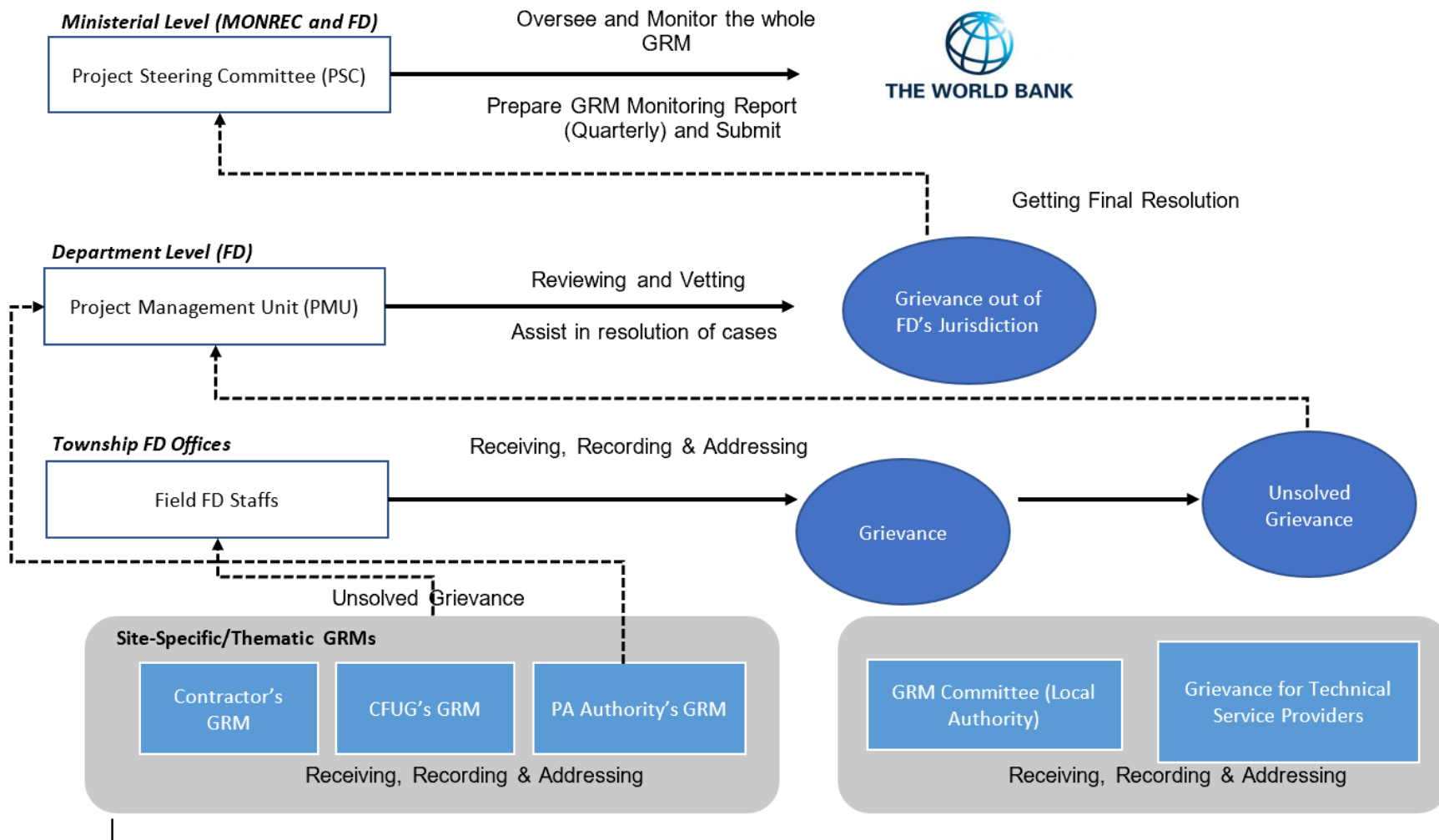


Figure 10-1 GRM System of FREDIP

### **10.2.1 Mechanisms for Raising Grievances and Informing Stakeholders**

246. In accordance with World Bank guidance and expected good practice, all GRM will provide a variety of ways in which to raise grievances or complaints. Information about the existence of the grievance redress mechanisms will be readily available to all of the community members, employees, and workers through notice boards Forest Department Websites and other relevant social media. The FD, contractors and other entities with GRM responsibilities will provide contact information (e.g., telephone numbers, social media sites, mailing addresses, websites etc.) for submitting complaints so that all are aware of the GRM objective and its operations. Provisions will be made to ensure that all GRM are able to accept feedback and complaints in local languages or dialects, where relevant. GRM will also provide for the protection of the identity of those raising complaints or grievances, if those individuals or organizations request to be anonymous.

247. GRM mechanisms will be explained to the community members and other various stakeholders in public consultation meetings held in the project preparation and implementation stage for their understanding on their rights to raise the complaints and suggestions on the project activities. It is important that community members include the women in the consultations.

248. During project implementation, workers will be made aware of GRM mechanism in staff induction trainings and orientation trainings. Distribution of complaint forms to PAPs, labours and community members will be conducted as a part of GRM during the implementation stage by the Social Safeguard Specialist from PMU. That specialist will inquiry and collect the grievances and complaints of PAPs, labours and community members in regular visit of Environmental and Social Monitoring Activities.

249. Project GRM will ensure that any grievance can be brought to the attention of GRM authorities in different ways: by phone, email, post, written complaint, in-person or through personal communications. In general, the E&S focal point designated in each township level will be the primary contact point for receiving complaints. In some cases, potential complainants may need assistance from FD staff to prepare or lodge a complaint. Together with that E&S contact point, the contact information of other contact points from PMU and World Bank GRM services shall be publicized for the awareness of the labour, community people and PAPs.

250. In all cases, individuals or organizations raising grievances or complaints should be able to do so in an environment free of intimidation or fear of retribution. Therefore, all complainants should have the option to raise issues in an anonymous and confidential manner which protects their identity and/or privacy. The GRM will ensure that issues can be raised in such a way to protect those who raise issues, especially those of a sensitive or critical nature.

### **10.2.2 Grievance Monitoring, Tracking and Reporting.**

251. Each of the respective entities responsible for GRM under the project will maintain detailed records (logs) on all grievances received through their systems. Project entities will be required to maintain individual records showing when complaints were received, the nature of the complaint, the status of the complaint (including a system of referral to higher level authority) and recommended actions. Such records will be made available for review by project management and World Bank supervision missions.<sup>63</sup> Project entities will also prepare periodic summary reports (e.g., on a monthly basis) summarizing all grievances received. The PMU will keep the overall record of the grievances for the whole project and report on them.

### **10.2.3 Budget and resources.**

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<sup>63</sup> An example of a grievance log is included as an Annex to this Chapter.



252. GRM are an essential element of overall project management. While they are an essential part of the approach to managing E&S risks, they serve other project needs as well. Therefore, the Project will provide human and financial resources sufficient to design, implement, and monitor the GRM performance. The FD will ensure that adequate staff are appointed to lead these tasks and that budget is sufficient to cover operational costs associated with receiving, tracking, recording and addressing grievances. With respect to contractors, the FD management entities will ensure that all civil works contracts include adequate budget for contractors to carry out their responsibilities.

#### **10.2.4 Staff Training and Capacity Building**

253. The FD will ensure that staff are provided adequate opportunity for training on grievance management. All managerial units and responsible individuals will be provided orientation and training on the goals and objectives of GRM; the procedures to be followed under FREDIP; the institutional arrangements for GRM; the requirements for recording, tracking, addressing and responding to grievances; the criteria and system of referrals to higher authority in cases where grievances cannot be resolved, among other topics.

# 11 Budget

## 11.1 Implementation of ESMF and Monitoring

254. An indicative budget is prepared with three components: Cost for E&S consultants for PMU, Cost for E&S related activities including trainings, operation, monitoring, and Cost for preparation of additional E&S instruments. (See Table 11-1).

**Table 11-1 Indicative Budget for Environmental and Social Management Framework Implementation**

Description	Indicative Budget (US\$)	Notes
(A) Engagement of E&S Consultants		
Part-time International E&S Consultant (1 person)	600,000	(1 per x 100,000US\$/year x 6 years)
Full-Time National E&S Consultants (3 persons)	540,000	(3 per x 30,000US\$/year x 6 years)
(B) Cost for E&S related Activities (Trainings, Operation, Monitoring)		
(1) Cost for 1 <sup>st</sup> year E&S training	24,000	Detailed Table 12-2
(2) Cost for E&S training for later 5 years	-	
(3) Cost for E&S Workshop in 1 <sup>st</sup> Year	-	
(4) Cost for preparation of monitoring by PMU, Regional level, District level	48,000	(8000US\$/year x 6 years)
(5) Cost for operation of GRM system	60,000	(10,000US\$/year x 6 years)
(C) Cost for Preparation of Additional E&S instruments		
(1) Cost for preparation of one IEE or ESMP (Site-specific)		*Budget needed only when the IEE or ESMP study is necessary for particular activity and it is already covered under the budget of each activity.
(2) Cost for preparation of site-specific SIA		*Budget needed only when SIA study is necessary for a particular activity and it is already covered under the budget of each activity.
<b>Total</b>	<b>1,272,000</b>	As of current input. Will increase once remaining items are added.

255. An indicative budget for providing trainings in the first year of FREDIP is shown in Table 11-2 below.

**Table 11-2 Indicative Budget for Training Plan for 1<sup>st</sup> Year of Implementation**

<b>Type of Training</b>	<b>Estimated no. of Participants</b>	<b>Estimated no. of Days</b>	<b>Frequency</b>	<b>Indicative Budget (US\$)</b>	<b>Note</b>
<b>Union Level and State/Regional Level (Planned)</b>					
Overview of ESMF Application into Project Implementation including key principles of ESF and Bank safeguard approach, Myanmar requirements, etc.	50	3	(1 time) 1 time/year (1 <sup>st</sup> Year)	5,000	
Introduction of risks and impacts of project and WB ESF, ESS	7 + 20	2	(1 time) 1 time/year (1 <sup>st</sup> Year)	2,000	1-day x 1,000 US\$ (incl. travel expenses, venue, refreshment, materials, etc.)
Application of ESMF including E&S Screening,	Ditto	1	(2 time) 2 time/year (1 <sup>st</sup> Year)	2,000	Ditto
Requirement of Environmental Instruments (ESIA/IEE, ESMP, ESCoP, IPMP, etc.)	Ditto	2	(1 time) 1 time/year (1 <sup>st</sup> Year)	2,000	Ditto
Requirement of Social Instruments (SEP, GRM, CHMP, PF, RF etc.)	Ditto	2	(1 time) 1 time/year (1 <sup>st</sup> Year)	2,000	Ditto
E&S Considerations in Specific Management Plans (CFMP, etc.)	Ditto	1	(1 time) 1 time/year (1 <sup>st</sup> Year)	1,000	Ditto
Community Planning, Stakeholder Engagement Courses	Ditto	2	(1 time) 1 time/year (1 <sup>st</sup> Year)	2,000	Ditto
Training of Trainer Courses related to ESF implementation	Ditto	4	(2 times) 2 times/year (1 <sup>st</sup> year)	8,000	Ditto
<b>Total</b>				<b>24,000</b>	

## 12 Environmental and Social Management Consultation and Disclosure

### 12.1 Stakeholder Engagement Approach

256. The stakeholder engagement procedures/approaches are designed to promote meaningful stakeholder participation with an emphasis on openness, transparency, accountability, and fairness. In principle, opportunities for meaningful consultation are provided to all stakeholders by providing project information in accessible, understandable, timely and relevant approach and to solicit feedback and suggestions on overall project performance from the preparation stage to the implementation stage. .

#### 12.1.1 Objectives of the engagement approach.

257. The overall objective of the FREDIP Stakeholder Engagement Approach is to (i) plan and carry out consultations with key stakeholders throughout different stages of project concept development, preparation, and implementation; (ii) strengthen project design by integrating feedback from stakeholders; and (iii) reduce reputational risks to the Bank from potential misunderstanding or misinformation related to the project during preparation stage.

258. Specific objectives are the following:

259. Build trust and open lines of communication with key stakeholders:

- Map key stakeholders and identify points of contacts for each stakeholder.
- Understand stakeholder's 'stake' in the project (e.g. relevance, interest, influence)
- Recognize motives for stakeholders to be in support or opposition to project and assess their relative influence.
- Identify, prevent, and mitigate potential reputational risks to the Bank from misconception of the Project. Ensure consistency in messaging.
- Boost reputation and credibility of the Bank's commitment to supporting inclusive development.
- Manage potential unrealistic expectations of benefits that may accrue from project.

260. Provide meaningful opportunities for input and feedback on project design:

- Explore issues related to project design and identify measures and project design options that address stakeholder concerns, build their confidence, avoid misconceptions, and increase transparency.
  - Seek input on strategic project design choices related to project approach, geographic targeting, implementation arrangements, etc.
  - As part of engagement, learn from experiences of other projects implemented in Myanmar and identify how potential investments can help foster inclusion and conflict-sensitive development.<sup>64</sup>
- iii) Provide project information and assess social and environmental information at field level during social assessment process:
- Share the project information to the targeted communities and stakeholders from selected areas at target regions

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<sup>64</sup> As part of the process, identify controversial activities, in particular activities that may deepen mistrust, feed into unresolved issues around land and tenure, facilitate elite capture and/or gender inequality.

- Collect the social and environmental baseline data at field level through questionnaire surveys in order to understand the status of potential social and environmental issues
- Provide the prior/preliminary dialogue about the project with the target communities
- iv) Disclose potential social and environmental risks and impacts and management process included in ESMF and Consult with key stakeholders for the Project:
  - Present about potential social and environmental risks and impacts directly or indirectly resulted from the project development/implementation and explain the proposed measures to avoid and minimize the potential social and environmental risks and impacts and management procedures prepared in the ESMF
  - Receive concerns and comments from the key stakeholders or beneficiaries upon project implementation and management
  - Consult with the stakeholders to achieve the feasible and applicable measures
  - Reflect the comments from the stakeholders into the revised version of ESMF
- v) Disclose potential social and environmental risks and impacts and management process included in site-specific environmental and social assessment instrument during implementation of the Project:
  - Present about potential social and environmental risks and impacts directly or indirectly resulted from the implementation of site-specific project activity and explain the proposed measures to avoid and minimize the potential social and environmental risks and impacts and management procedures prepared in the site-specific environmental and social assessment instrument.
  - Receive concerns and comments from the relevant stakeholders or beneficiaries and consult with the stakeholders to achieve the feasible and applicable measures
  - Reflect the comments from the stakeholders into the revised version of site-specific environmental and social assessment instrument.

#### **12.1.2 Covid-19 protocol for Stakeholder Engagement After March 2020.**

261. With the outbreak and spread of Covid-19, the projects financed under WB are suggested to follow the technical guidance note for public consultations and stakeholder engagement in WB-supported operation issued by the World Bank as of 20 March, 2020. Hence, where direct engagement with stakeholders or beneficiaries is necessary, the Project will identify channels for direct communication with stakeholders via a context specific combination of email messages, phone message, phone communication, mail, online platforms, dedicated Viber groups. Each of the proposed channels of engagement will clearly specify how feedback and suggestions can be provided by stakeholders.

262. When and where appropriate, the measures include:

263. Avoidance of large public gatherings (considering national protocols on social distancing), including public hearings, workshops and community meetings.

264. FREDIP will conduct consultations in small-group sessions as permitted by MOHS's specific instructions issued depending upon outbreak circumstances, such as focus group meetings, considering the prescribed social distances. If not permitted, the Project will make reasonable efforts to conduct meetings through online channels, including Viber, Skype, Zoom and Webex.

265. Diversify means of communication and rely more on social media and online channels. Where

possible and appropriate, create dedicated online platforms and chat groups appropriate for the purpose, based on the type and category of stakeholders.

266. Employ traditional channels of communications (e.g., community announcement centres, TV, newspaper, radio, dedicated phone lines, and mail) when stakeholders do not have access to online channels or do not use them frequently. Traditional channels can also be highly effective in conveying relevant information to stakeholders and allow them to provide their feedback and suggestions. All channels of communication need to clearly specify how stakeholders can provide their feedback and suggestions.

267. Use community leaders or leadership of various interest groups as a conduit to share information and take views from community members.

268. Use phone calls or dedicated Viber group for information exchanges project stakeholders.

269. In low ICT capacity situations involving communities that may not have access to the digital platforms or traditional means of communication, the Project will develop specially tailored stakeholder engagement approaches that will be appropriate in the specific setting as necessary.

270. This Strategy of engagement approaches and Covid-19 protocol is completely considered in the Project's Stakeholder Engagement Plan (SEP) which will be required for guiding meaningful stakeholder engagement during project implementation, including for addressing environmental and social risk (under the Bank's Environmental and Social Standards).

## **12.2 Stakeholder Identification and Analysis and Stakeholder Engagement Plan**

271. The SEP aims to provide an overall framework for stakeholder engagement throughout the life of the Project to ensure that stakeholders understand the project, participate in meaningful ways in decision making that affects them and to create opportunities to provide feedback and input into the project. The SEP outlines key elements programmes that will be carried out throughout the project cycle, the methods to be applied for stakeholder engagement activities, and the responsibilities of the project team, forest department and different agencies in the implementation of Stakeholder Engagement Activities.

### **12.3 Consultations During Project Preparation**

#### **12.3.1 Consultations in the Stage of Project Design Formulation.**

272. While formulating the project design, a number of consultations (face-to-face) have been conducted with varieties of stakeholders including but not limited to government ministries, development partners, INGOs and NGOs, Stakeholders from Private Sectors, and Ethnic Organizations from December 2018 to February 2020. The detailed list of the stakeholder engagement during project design formulation is available at in the SEP.

#### **12.3.2 Consultations in the Stage of Preparation of SA**

273. In line with the WB guidance note on Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings issued on March 20, 2020 and national protocols on social distancing to deal with the pandemic, the project minimized public gatherings and limit the number of participants at events. With the significant outbreak of Covid-19 in Myanmar in March 2020, the planned trips to the selected areas in target regions were cancelled according to the travel restrictions set by the MOHS. Eventually, the only virtual consultations with target communities from the selected areas were conducted in September 2020 through digital platform using Skype and using telecommunication where the digital platform is not available. The detailed consultations conducted during social assessment process can be obtained in the Social Assessment (SA) document of

the Project.

### 12.3.3 Disclosure of Environmental and Social Documents including ESMF

274. The draft ESMF (full English version) with Annexes, Executive Summary of ESMF, Executive summary of SEP, and Executive Summary of the Social Assessment, and ESCP will be disclosed on the website of FD on 27<sup>th</sup> December 2020. The summary documents and ESCP will be translated into Burmese language.

### 12.3.4 Public Consultations of the Draft ESMF

275. In January 2021, the consultation on this draft ESMF will be conducted by inviting all key stakeholders including the government departments, INGOs/NGOs and CSOs as well as other interested parties in each region. At least six consultation meetings for discussion about draft ESMF will be carried out at Regional Level of targeted Regions- Sagaing, Mandalay, Magway, Bago, Nay Pyi Taw and Ayeyarwaddy Region in most feasible virtual methods likely via Zoom platform. Eventually, National level consultation meeting will also be arranged.

276. The identified key stakeholders to be invited to the consultation meetings are listed in Table 12-1.

**Table 12-1 Identified Key Stakeholders**

<b>Key stakeholder identified</b>
<b><i>Government</i></b>
Regional Governments from FREDIP target regions
Nay Pyi Taw Council
Amyotha Hluttaw – Agriculture, Livestock and Fisheries Committee
Pyithu Hluttaw – Agriculture, Livestock and Fisheries Committee
Amyotha Hluttaw – Natural Resources and Environmental Conservation Committee
Pyithu Hluttaw – Natural Resources and Environmental Conservation Committee
Forest Department, from FREDIP target regions
Dry Zone Greening Department (DZGD, MONREC)
Myanma Timber Enterprise (MONREC)
Environmental Conservation Department (MONREC)
Forest Research Institute (MONREC)
Department of Agriculture (MOALI)
Department of Agricultural Land Management and Statistics (MOALI)
Myanmar Trade Promotion Organization under Ministry of Commerce
Ministry of Hotel and Tourism
Municipals under Ministry of Border Affairs
Forest Police
Department of Fisheries (for coastal mangrove protection)
General Administration Department
<b><i>Development partners</i></b>
UNDP/UN-REDD
Food and Agriculture Organization (FAO)
AFD- Agence Française de Développement
Norwegian Environment Agency
Japan International Cooperation Agency (JICA)
Embassy of Denmark

Royal Norwegian Embassy
<b>INGOs/NGOs at national and sub-national level</b>
INGO Forum Myanmar
Land Core Group (LCG) Myanmar
Myanmar Environmental Rehabilitation-conservation Network (MERN)
Karen Environmental and Social Action Network (KESAN)
Friends of Wildlife
EcoDev/Alarm
Ecosystem Conservation and Community Development Initiative (ECCDI)
Forest Resource Environment Development and Conservation Association (FREDA)
Myanmar Forestry Association (MFA)
Myanmar Forest Certification Committee
International Union for Conservation of Nature (IUCN)
Wildlife Conservation Society (WCS)
Fauna & Flora International (FFI)
The Centre for People and Forests (RECOFTC)
World Wildlife Fund (WWF)
The Nature Conservancy (TNC)
Mekong Region Land Governance (MRLG)
Instituto Oikos
Geres
Helvetas
Pyoepin/Sone Sie
GRET Professionals for Fair Development
Global Green Growth Institute (GGGI)
Promotion of Indigenous and Nature Together (POINT)
Myanmar Centre for Responsible Business (MCRB)
<b>CSOs/CBOs</b>
CSOs/CBOs in FREDIP target regions through MATA network (Myanmar Alliance for Transparency and Accountability) (for Project Target Regions)
CSOs/CBOs in FREDIP target regions through FLEGT Multi-stakeholder group
<b>Private sector</b>
<i>Myanmar Forest Products and Timber Merchants Association</i>
Private Plantation Association
Myanmar Rattan and Bamboo Entrepreneurs Association
Myanmar Acacia mangium Association
Myanmar Forest Product Merchant Federation (MFPMF)
DFID Business Innovation Facility's Bamboo project
Wood-based furniture association
Furniture Trade Association
National Wood Industry
Concorde Wood Industries
Timber Trader
KMA Forestry
Global Agriculture Joint Venture Co., Ltd
Pounamu Bamboo



JK – MZZ- JK Paper Company
Nay Wun Myat Company
Business Innovation Facility
E Guard
Royal Tree
Small– scale Timber mills and forest product production/processing industries from respective regions
Private plantation companies/owners from respective regions
<b>CFUGs in project target regions</b>

277. The tentative schedule of holding the public consultations meetings are described in Table 12-2.

**Table 12-2 Schedule of Public Consultation Meetings**

Proposed date and time	Region	Mean of consultation
January 11, 2021, Monday 9:00 am – 12:00 noon	Sagaing Region	Virtual consultation via Cisco Webex app
January 12, 2021, Tuesday 9:00 am – 12:00 noon	Mandalay Region	Virtual consultation via Cisco Webex app
January 14, 2021, Thursday 9:00 am – 12:00 noon	Magway Region	Virtual consultation via Cisco Webex app
January 15, 2021, Friday 9:00 am – 12:00 noon	Bago Region	Virtual consultation via Cisco Webex app
January 18, 2021, Monday 9:00 am – 12:00 noon	Ayeyawady Region	Virtual consultation via Cisco Webex app
January 19, 2021, Tuesday 9:00 am – 12:00 noon	Nay Pyi Taw/National consultation	Virtual consultation via Cisco Webex app

278. The consultations will be held with the tentative agenda as described in Table 12-3.

**Table 12-3 Agenda of Consultation Meetings**

No.	Time	Activity	Responsible person
1	8:00 – 9:00 am	Registration	
2	9:00 – 9:15 am	Opening speech	Director General, Forest Department Or a delegated senior official from FD
3	9:15 – 9:35 am	Introduction to the project objectives, components and activities	A senior official from FD's FREDIP preparation team
4	9:35 -10:15 am	Presentation of potential environmental and social risks, impacts	An official from FD's ES team

		and mitigation measures planned under the project	
5	10:15 – 11:55 noon	<p>Any questions on the project</p> <p>Discussion on environmental and social risk management regarding</p> <ul style="list-style-type: none"> <li>- Community forestry (CF) and CF Enterprise related</li> <li>- Protected Areas management related</li> <li>- Private sector related</li> <li>- Forest governance related</li> <li>- Any others</li> </ul>	All participants
6	11:55 – 12:00 noon	Closing of event	<p>Director General, Forest Department</p> <p>Or a delegated senior official from FD</p>

279. Mainly, the brief description of project and the overview of the management of environmental and social risks and impacts of the project will be presented. Due to COVID-19 situation, the consultation will be carried out in the following approach:

280. Workshop materials including agenda, project documents, presentations, questionnaires and discussion topics will be distributed via email to participants;

281. Avoiding public gatherings which is in line with regional/area restrictions at respective region,

282. Conduct of virtual consultation discussing on the contents of draft ESMF and collecting the feedback of workshop participants

283. Virtual registration of the participants by emails

284. Collection of the feedback by email and phone – during the consultation period described in Table 12-2.

285. Comments and suggestions to be received from draft ESMF consultation will be taken into account in finalizing the ESMF. The revised ESMF after consultations will be disclosed FD Website again.

**12.4 Consultations during Project Implementation**

286. The FD will use the digital media including FD Website as well as social media like Project Facebook Account to disclose the project related/progress information to the public. In addition to the mandatory disclosure of key E&S instruments such as the ESMF, ESCP, SEP in project preparation stage, the Project will disclose relevant E&S information relating to all project activities involving E&S risks and impacts.<sup>65</sup> This includes among others, the RPF, the PF and the CPPF which are included as annexes to the ESMF. Disclosure is an essential aspect of overall project transparency and will serve several functions including: (i) provision of on-going record of project progress, status of specific activities, E&S impacts which have

<sup>65</sup> Further details on the required disclosure details can be found in the Project’s Stakeholder Engagement Plan (SEP).

occurred and achievements in mitigating and managing such risks; (ii) provision of public documentation summarizing the results of public stakeholder engagement events such as consultation meetings, public information sharing events and so on; (iii) provision of access to key project outputs such as CF Management Plans, PA Management Plans, annual work plans, or other key reports deemed relevant for public disclosure; and (iv) access to semi-annual reporting prepared for the World Bank.<sup>66</sup>

#### **12.4.1 Disclosure and Consultation on site specific Environmental and Social documents**

287. During the implementation of the project, all documents on risk management, such as Environmental and Social Management Plan and risk monitoring reports, will be disseminated on FD website and FD office at relevant site after getting clearance by the Bank for disclosure. The ES documents shall be disclosed at least 14 days prior to the consultation meetings. The consultations for the site-specific ES documents such as ESIA, SIA, ESMP, CPP, RAP, PF, etc. will be conducted to the project nearby communities and relevant stakeholders for receiving opinions, and concerns. The consultations will be conducted in native languages/dialects of the affected/nearby populations. The obtained opinions and concerns should be addressed as much as possible in the revised ES documents.

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<sup>66</sup> It is recognized that certain documents may contain sensitive or personal information that would be considered inappropriate for public disclosure. Measures to protect the identity of specific individuals, communities or community representatives will be taken into account before finalizing the overall plan for information disclosure.

Forest Restoration, Development and Investment Project

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annexes**  
**of the Environmental and Social Management Framework**

**December 2020**

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 1: Screening Form for Potential Environmental and  
Social Risks and Impacts**

**of the Environmental and Social Management Framework ESMF**

**December 2020**

**List of Acronyms**

ESMP	Environmental and Social Management Plan
ECoP	Environmental Code of Practices, Annex (2) of the ESMF
SOP for UXO / Landmine	Standard Operation Procedures for UXO/Landmine Risks, Annex (5) of the ESMF
IPMP	Generic Integrated Pest Management Plan, Annex (6) of the ESMF
WMP	Generic Waste Management Plan, Annex (7) of the ESMF
LMP	Labour Management Procedures, Annex (8) of the ESMF
SRAMP	Security Risk Assessment and Management Plan, Annex (9) of the ESMF
CHSP	Community Health and Safety Plan, Annex (10) of the ESMF
RPF	Resettlement Policy Framework, Annex (11) of the ESMF
PF	Process Framework, Annex (12) of the ESMF
CPPF	Community Participatory Planning Framework, Annex (13) of the ESMF
CHMP	Cultural Heritage Management Procedures, Annex (14) of the ESMF
CFMP	Community Forest Management Plan
FPIC	Free Prior and Informed Consent

## Overview

This Annex describes a screening process for project activities. This is presented as a checklist which will be used to screen project activities<sup>67</sup> as follows for potential environmental and social risks and impacts:

**The checklist will primarily apply to activities in five core project areas:** (i) construction of civil works; (ii) establishment of new community forest groups (CFUG); (iii) activities included under existing community forest management plans; (iv) activities related to community forest based enterprises (CFE) including CFE cluster activities; and (v) activities related to the implementation of protected areas' investments including, but not limited to, activities such as protected area infrastructure and eco-tourism initiatives.

**The checklist will not apply** for the activities related to policy, regulatory or procedural reforms relating to CF planning and management, institutional capacity building activities, and development of information systems since the key E&S measures were identified in the Chapter 7 of the ESMF. Also, the checklist will not apply for the site-specific livelihood activities financed under revolving funds. The detailed negative and tentative positive list for those activities under revolving funds will be included in the revolving fund's project implementation manual.

The use of this screening template is meant to facilitate the determination of applicable World Bank's Environmental and Social Standards (ESS), as well as those relevant to the Myanmar legislation.<sup>68</sup> The screening form serves several purposes including, the identification of risks associated with individual activities, determining whether additional environmental and social assessments are required, to screen for ineligible activities, and to indicate where supplemental environmental and social management measures may be required beyond the application of standard Environmental Codes of Practice (ECOP).

The application of the screening methodology will be the responsibility of the implementing units monitored by the Project Management Unit's (PMU) Environmental and Social Management team, and its designated E&S consultants<sup>69</sup> to describe and contextualize a proposed project activity. This would require initial development of staff skills and capacity through training and professional development initiatives.

The PMU E&S team will ensure the quality and accuracy of the screenings. The World Bank may review screening results for activities for which development of additional instruments is required (i.e. EIA/IEE, EMP, Livelihood Plan (or the CFMP that includes LP elements), Community Participation Plan (or the CFMP that includes CPP elements, etc.). Activities for which only application of ECOPs is required will not require routine review by the World Bank.

Summary information on all screenings undertaken under the project as well as their results will be communicated to the World Bank as part of regular reporting. Copies of all screening forms will be made available to the World Bank for spot checks as needed.

The screening template is considered to be a flexible tool which will likely be modified for practicality based on experience gained during the implementation of the Project. The FD and

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<sup>67</sup> For the purposes of this project, the term "activity" is used in broad way to define individual civil works constructed under a specific contract; a set of such individual works, initiatives or investments which constitute a sub-project; or groups of activities intended to address specified components of community forest management plans, or protected areas management plans.

<sup>68</sup> For an initial period of project implementation (up to 12 months), it is proposed that after the relevant screening is carried out, the completed forms shall be submitted to the World Bank Task Team for confirmation of the quality and consistency of the methodology.

<sup>69</sup> Qualified and experienced independent specialist.

the World Bank will periodically review the use and utility of this tool and will agree on desirable changes on an ongoing basis.

### Negative List

To avoid adverse impacts on the environment and people, the following negative list helps to identify activities that will not be financially or technically supported by the project. The project will not finance an activity if an activity:

1	Requires physical displacement of any individuals, families or groups
2	Can be expected to lead to the net loss, degradation or fragmentation of habitats and known cultural heritage
3	Is likely to negatively affect critically endangered or endangered plants or animals as listed in the IUCN Red List
4	Is located in areas with high risk of UXO/Landmine or with known UXO / landmine locations
5	Will support distribution or sale or purchase or use of banned/restricted pesticides as per the Pesticide Registration Board
6	Will cause or lead to child abuse, use of child labour (children under the age of 18), exploitation or human trafficking
7	Will include the purchase or use of drugs, military equipment or other potentially dangerous materials and equipment, including chainsaws, asbestos (including asbestos-containing materials)
8	Can be expected significantly affect the environment and livelihoods of local communities
8	Will encourage the use of forced labor (all work or service not voluntarily performed that is extracted from an individual under threat of force)
9	Will take place outside land which is currently under Government legal mandate as “permanent forest estate” / Forest Land (Reserved Forest and Protected Public Forest), Protected Areas, including in the buffer zones of Protected Areas
10	Will include trade in wildlife and wildlife products prohibited under the CITES convention
11	Will include significant land clearance and leveling (when affecting critical natural habitats and natural land contours, natural habitats for this purpose being those water or land areas where most of the original plant and animal species are still present)
12	Will have significant negative effect natural protected areas recognized by national, regional or municipal governments (or buffer zones thereof)
13	Will lead to economic displacement that cannot be resolved with a negotiated settlement to the benefit of the affect person, and thus require financial compensation



**Screening Template – consists of four parts:**

Description of project activity

Initial pre-screening against the Myanmar EIA Procedure

Screening check list (an appropriate check list will be applied, depending on activity type)

Risk assessment and determination of required environmental and social due diligence

**I. Description of Project Activity**

Name of Project Activity:	
Activities Related to:	<input type="checkbox"/> Construction Activities (new construction/rehabilitation) (Screening check list 1) <input type="checkbox"/> Establishment of New Community Forestry (Screening check list 2) <input type="checkbox"/> Strengthening Existing Community Forestry (Screening check list 2) <input type="checkbox"/> Activities related to community forest enterprises including CFE cluster activities (Screening check list 3) <input type="checkbox"/> Development Activities in Protected Area (Screening checklist 4)
Project Location (region / district / township / village OR protected area):	
Description of Proposed Project Activity (incl. type of activities, footprint area, natural resources required, etc.):  Please attach relevant map/ (hand) drawing as necessary and if applicable	
Estimated Construction / Activity Period:  (If Applicable)	
<p>Will the project be located in adjacent to or within the following areas?</p> <input type="checkbox"/> All areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries such as: <input type="checkbox"/> Protected area, <input type="checkbox"/> Buffer zone of protected area or area closed to PA <input type="checkbox"/> Key biodiversity areas, <input type="checkbox"/> Others (Please specify -----) <input type="checkbox"/> Areas set aside as aesthetic potential tourist spots; areas reserved by the relevant authorities for tourism development. <input type="checkbox"/> Areas frequently visited and/or hard-hit by natural calamities such as: <input type="checkbox"/> Flood-prone areas <input type="checkbox"/> Typhoon-prone areas <input type="checkbox"/> Drought-prone areas	

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Others (Please specify -----)

Areas with critical slopes; all lands with slope of 50% or more.

Areas which constitute agricultural land area; all irrigated and irrigable areas and other areas.

Watershed areas which catches rainfall and other precipitation and funnels it into stream, river, lake, aquifers or other waterbody.

Water bodies characterized by one or any combination of the following conditions:

Tapped for domestic purposes;

Within the controlled and/or protected areas declared by government authorities;

Which support wildlife and fisher activities (wetland, estuarine).

Others (Please specify -----)

Mangrove areas characterized by one or any combination of the following conditions:

with primary pristine and dense young growth;

adjoining mouth of major river systems;

near or adjacent to traditional productive fry or fishing grounds;

which act as natural buffers against shore erosion, strong winds and storm floods;

on which people are dependent for their livelihood.

Others (Please specify -----)

Other Areas-----

### II. Screening against the Myanmar EIA Procedures (2015)

All project activities shall undergo screening with Myanmar EIA Procedures (2015), except Community Forestry (CF) related activities (Establishment or Strengthening of CFUGs and implementation of CFMPs) since FD has its specific instruction (CFI) for management of CF.

Is the project activity	Yes	No
included in Annex (A) of the EIA Procedures (2015) which identify activities requiring Environmental Impact Assessment (EIA) or Initial Environmental Examination (IEE)?		
<p><b>If the answer is "Yes", the relevant EIA or IEE shall be conducted in accordance with EIA Procedures (2015).</b></p> <p><b>If the answer is "No", proceed to project specific screening, step III.</b></p>		

### III. Screening Checklist

#### Screening Checklist 1. Construction related activities (Either in or outside of Protected Area)

No	Screening Questions	Yes	No
Environmental and Social Risks and Impacts			
1	Will the project activity significantly release air pollutants such as dust, Nitrogen oxides (NO <sub>x</sub> ), Sulphur dioxides (SO <sub>2</sub> ), particulate matter (PM), as well as other contaminants during the construction?		

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No	Screening Questions	Yes	No
2	Will the project activity significantly generate excessive noise and vibration that can cause disturbance to people and the fauna near the project site during the construction?		
3	Will the project activity cause significant impact on slope destabilization, soil erosion or land slide due to earthworks at the construction site?		
4	Will the project activity generate significant quantities of wastewater, solid waste or sanitary waste during the construction which are likely to cause significant environmental degradation or raise public health risks?		
5	Will the project activity significantly deteriorate the surface water or ground water quality due to the sediment run-off from construction site or improper disposal of sanitary and solid waste from workers' base camps?		
6	Will the project activity likely to introduce alien invasive species into the project area?		
7	Are there any areas on or around project area that are used by protected, important or sensitive species of fauna or flora (e.g. for breeding, nesting, foraging, resting, overwintering, migration) which could be affected by the construction activities?		
8	Will the project activity involve temporary use of land owned or utilized by the local communities during the construction?		
9	Will the implementation of project activities affect livelihoods or income generation of any individuals, families or groups (e.g. loss of land use, assets or access to assets, including those that lead to loss of income sources or other means of livelihood, temporary or permanent)?		
10	Will the project activity result in adverse risks or impact (e.g. traffic and road safety risks, community health issues such as water-borne, water-based, water-related, vector-borne diseases, communicable and non-communicable diseases, etc.) on community health and safety?		
11	Will the construction activities be performed in or near the areas of unique historic, archaeological, includes national historical landmarks, geological monuments, and paleontological and anthropological reservations as may be designated or determined by relevant governmental institutions or recognized as intangible cultural heritages for local or ethnic minority populations?		
12	Is there history or potential risk of unexploded ordinance or land mines in or near the construction site?		
13	Will the project activity include use of security personnel (e.g. private contractors or sub-contractors responsible for protecting contractor's equipment or construction sites)? Is the presence of such security personnel likely to pose risks or unintended impacts to the project workers or the local communities?		
14	Will the project activity include the use of labour?		
<p><b>If any answer to Questions No. 1- 7 is "Yes", prepare ESMP that contains measures on the relevant impacts. If "No", follow ECoP.</b></p> <p><b>If the Question 8 or 9 is "Yes", apply measures in RPF, Annex 11 of the ESMF. Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 10 is "Yes", apply measures in CHSP, Annex 10 of the ESMF.</b></p> <p><b>If the Question 11 is "Yes", apply measures in CHMP, Annex 14 of the ESMF.</b></p>			

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No	Screening Questions	Yes	No
<p><b>If the Question 12 is “Yes”, apply measures in SOP for UXO/Landmine Risk, Annex 5 of the ESMF.</b></p> <p><b>If the Question 13 is “Yes”, apply measures in SMP, Annex 9 of the ESMF.</b></p> <p><b>If the Question 14 is “Yes”, apply measures in LMP, Annex 8 of the ESMF.</b></p>			

**Screening Checklist 2. Activities related to establishment of new community forestry or strengthening existing community forestry**

No	Screening Questions	Yes	No
Environmental and Social Risks and Impacts			
1	Is the project activity likely to cause deterioration of a watershed through agriculture practice in slopes and hill sides?		
2	Will the project activity cause removal of native plant/tree species?		
3	Will the project activity disturb wildlife habitats or population through hunting or other activities?		
4	Is the project area vulnerable to wildfire?		
5	Is the project activity likely to introduce alien invasive species into the project area by means of livelihood activities inside CF?		
6	Is the project activity likely to cause reduction of downstream water supply during peak seasons?		
7	Will the project activity involve or increase significant use of pesticides or other agrochemicals?		
8	<p>Will the project activity result in adverse risks or impact on community health and safety?</p> <p>(e.g. traffic and road safety risks, community health issues such as water-borne, water-based, water-related, vector-borne diseases, communicable and non-communicable diseases, etc.)</p>		
9	Will the project activity cause restrictions on land use or resources?		
10	Will the project activity cause the economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood)?		
11	<p>(a) Are there any ethnic groups/ community that meet the ESS-7 requirement present in the project area? If yes, proceed to Q-(b)</p> <p>(b) Are they likely to be affected by the project activity negatively or positively?</p> <p><input type="checkbox"/> Negatively <input type="checkbox"/> Positively</p>		
12	Will the project activities be performed in or near the areas of unique historic, archaeological, includes national historical landmarks, geological monuments, and paleontological and anthropological reservations as may be designated or determined by relevant governmental institutions or recognized as intangible cultural heritages for local or ethnic minority populations?		
13	Are there history or potential risk of unexploded ordinance or land mines in or near the project area?		

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No	Screening Questions	Yes	No
14	Will the project activity include the use of labour?		
<p><b>For the establishment of new Community Forestry, the Community Forest Management Plan (CFMP) shall be prepared by applying the outline described in Guideline for Environmental and Social Risks and Impacts Management in Community Forest Management Planning Process, Annex 3 of ESMF. The CFMP shall include the following relevant measures, as necessary.</b></p> <p><b>For activities for strengthening of existing Community Forestry, if the Question 1-6 is “Yes”, revise the existing CFMP applying the outline described in Guideline for Environmental and Social Risks and Impacts Management in Community Forest Management Planning Process, Annex 3 of ESMF. For the rest questions, the following relevant measures shall be applied:</b></p> <p><b>If the Question 7 is “Yes”, apply measures in IPMP, Annex 6 of the ESMF.</b></p> <p><b>If the Question 8 is “Yes”, apply measures in CHSP, Annex 10 of the ESMF.</b></p> <p><b>If the Question 9 or 10 is “Yes”, apply measures in RPF, Annex 11 of the ESMF. Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 11 is “Yes” and negatively, apply measures in CFFP, Annex 13 of the ESMF and apply Free Prior and Informed Consent (FPIC). Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 11 is “Yes” and positively, apply measures in CPPF, Annex 13 of the ESMF. Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 12 is “Yes”, apply measures in CHMP, Annex 14 of the ESMF.</b></p> <p><b>If the Question 13 is “Yes”, apply measures in SOP for UXO/Landmine Risk, Annex 5 of the ESMF.</b></p> <p><b>If the Question 14 is “Yes”, apply measures in LMP, Annex 8 of the ESMF.</b></p>			

**Screening checklist 3. Activities related to community forest enterprises including CFE cluster activities**

No	Screening Questions	Yes	No
<b>Environmental and Social Risks and Impacts</b>			
1	Will the project activity significantly release air pollutants such as dust, Nitrogen oxides (NO <sub>x</sub> ), Sulphur dioxides (SO <sub>2</sub> ), particulate matter (PM), as well as other contaminants including Green House Gases?		
2	Will the project activity generate excessive noise and vibration that can cause disturbance to people and the fauna near the project site?		
3	Will the project activity be a significant user of natural resources such as water, materials or energy, particularly any resources which are nonrenewable or in short supply?		
4	Will the project activity generate significant quantities of wastewater, solid waste or sanitary waste during the construction which are likely to cause significant environmental degradation or raise public health risks?		
5	Will the Project activity involve significant use, storage, transport, handling or production of hazardous substances or materials (e.g. chemical fertilizer, soil amendments and chemicals other than pesticides, etc.) which could be harmful to human health or the environment or raise concerns about perceived risks to human health?		
6	Will the project activity result in adverse risks or impact (e.g. traffic and road safety risks, community health issues such as water-borne, water-based, water-related, vector-borne diseases, communicable and non-communicable diseases, etc.) on community health and safety?		
7	(a) Are there any ethnic groups/ community that meet the ESS-7 requirement present in the project area? If yes, proceed to Q-(b)  (b) Are they likely to be affected by the project activity negatively or positively?  <input type="checkbox"/> Negatively <input type="checkbox"/> Positively		
8	Will the project activities be performed in or near the areas of unique historic, archaeological, includes national historical landmarks, geological monuments, and paleontological and anthropological reservations as may be designated or determined by relevant governmental institutions or recognized as intangible cultural heritages for local or ethnic minority populations?		
9	Are there history or potential risk of unexploded ordinance or land mines in or near the construction site?		
10	Will the project activity include the use of labour?		
<p><b>If any answer to Questions No. 1-3 is "Yes", prepare ESMP that contains measures on the relevant impacts. If "No", follow ECoP.</b></p> <p><b>If the Question 4 is "Yes", apply measures in WMP, Annex 7 of the ESMF.</b></p> <p><b>If the Question 5 or 6 is "Yes", apply measures in CHSP, Annex 10 of the ESMF.</b></p>			

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No	Screening Questions	Yes	No
	<p><b>If the Question 7 is “Yes” and negatively, apply measures in CPPF, Annex 13 of the ESMF and ensure to apply Free, Prior and Informed Consent (FPIC). Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 7 is “Yes” and positively, apply measures in CPPF, Annex 13 of the ESMF. Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 8 is “Yes”, apply measures in CHMP, Annex 14 of the ESMF.</b></p> <p><b>If the Question 9 is “Yes”, apply measures in SOP for UXO/Landmine Risk, Annex 5 of the ESMF.</b></p> <p><b>If the Question 10 is “Yes”, apply measures in LMP, Annex 8 of the ESMF.</b></p>		

### Screening Checklist 4. Development Activities in Protected Areas

No	Screening Questions	Yes	No
<b>Environmental and Social Risks and Impacts</b>			
1	Is the project activity likely to introduce alien invasive species into the project area?		
2	Will the project activity significantly enhance the use of natural resources such as water, materials or energy, particularly any resources which are nonrenewable or in short supply?		
3	Will the project activity generate significant quantities of wastewater, solid waste or sanitary waste during the construction which are likely to cause significant environmental degradation or raise public health risks?		
4	Will the implementation of project activities affect livelihoods or income generation of any individuals, families or groups (e.g. loss of land use, assets or access to assets, including those that lead to loss of income sources or other means of livelihood)?		
5	<p>(a) Are there any ethnic groups/ community that meet the ESS-7 requirement present in the project area? If yes, proceed to Q-(b)</p> <p>(b) Are they likely to be affected by the project activity negatively or positively?</p> <p><input type="checkbox"/> Negatively <input type="checkbox"/> Positively</p>		
6	<p>Will the project activity include involvement of staff with enforcement functions (i.e. PA Rangers, Forest Guards, Community Rangers, Patrol Staffs, etc.)?</p> <p>Is the presence of these staff likely to pose risks or unintended impacts to the project workers or the local communities?</p>		
7	Will the project activities be performed in or near the areas of unique historic, archaeological, includes national historical landmarks, geological monuments, and paleontological and anthropological reservations as may be designated or determined by relevant governmental institutions or recognized as intangible cultural heritages for local or ethnic minority populations?		

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No	Screening Questions	Yes	No
8	Is there history or potential risk of unexploded ordinance or land mines in or near the construction site?		
9	Will the project activity include the use of labour?		
<p><b>If any answer to Questions No. 1-2 is “Yes”, prepare ESMP that contains measures on the relevant impacts. If “No”, follow the relevant ECOP.</b></p> <p><b>If the Question 3 is “Yes”, apply measures in Waste Management Plan, Annex 7 of the ESMF.</b></p> <p><b>If the Question 4 is “Yes”, apply measures in RPF, Annex 11 of the ESMF. Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 5 is “Yes” and “negatively”, apply measures in CPPF, Annex 13 of the ESMF and ensure to apply Free, Prior and Informed Consent (FPIC). Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 5 is “Yes” and “positively”, apply measures in CPPF, Annex 13 of the ESMF. Also, apply measures in TOR for SSSA, Annex 15 to the ESMF.</b></p> <p><b>If the Question 6 is “Yes”, apply measures in Security Management Plan, Annex 9 of the ESMF.</b></p> <p><b>If the Question 7 is “Yes”, apply measures in the Cultural Heritage Management Plan, Annex 14 of the ESMF.</b></p> <p><b>If the Question 8 is “Yes”, apply measures in SOP for UXO/Landmine Risk, Annex 5 of the ESMF.</b></p> <p><b>If the Question 9 is “Yes”, apply measures in LMP, Annex 8 of the ESMF.</b></p>			



**IV. Risk Assessment of Proposed Project activities and Required E&S Instruments**

The proposed project activity is categorized as:

<input type="checkbox"/> <b>Low Risk</b>	<input type="checkbox"/> <b>Moderate Risk</b>	<input type="checkbox"/> <b>Substantial Risk</b>	<input type="checkbox"/> <b>High Risk</b>
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Due to the following reasons –

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**If the proposed project activity is categorized as High Risk, the proposed project activity will not be eligible to be financed under FREDIP.**

*Reference for Risk Identification:*

A Project activity is classified as **High Risk** if the activity is likely to generate a wide range of significant adverse risks and impacts on human populations or the environment which are complex and irreversible. This could be because of the complex nature of the activity, the scale (large to very large) or the sensitivity of the location(s) of the activity.

A Project activity is classified as **Substantial Risk** if the activity may not be as complex as High Risk Project activities, its ES scale and impact may be smaller (large to medium) and the location may not be in such a highly sensitive area, and some risks and impacts may be significant.

A project activity is classified as **Moderate Risk** if the potential adverse risks and impacts on human populations and/or the environment are not likely to be significant. This is because the activity is not complex and/or large, does not involve activities that have a high potential for harming people or the environment, and is located away from environmentally or socially sensitive areas.

A project activity is classified as **Low Risk** if its potential adverse risks to and impacts on human populations and/or the environment are likely to be minimal or negligible.

**Risk Assessment of Proposed Project activities and Required Safeguard Instruments is proposed by –**

Name: (District Level FD Officer)	Signature:	[date]
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**Risk Assessment of Proposed Project activities and Required Safeguard Instruments is confirmed by –**

Name: (PMU E&S Officer)	Signature:	[date]
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Forest Restoration, Development and Investment Project

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 2: Environmental Code of Practices (ECoPs)**

**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Introduction

This Annex describes basic Environmental Codes of Practice (ECoPs) which will be used for small-scale civil works activities; activities related to community based ecotourism; and activities under provision of community forestry revolving fund supported by the Project. The ECoPs are intended to be used for project activities of Moderate to Low environmental risk which can be readily managed by using standard operating procedures. Activities which are determined through screening to be of Substantial or High Risk will also use ECoPs but are also likely to require site-specific management and mitigation measures which cannot be anticipated in advance. The ECoPs described herein are expected to be used in conjunction with activity screening form presented in ESMF Annex 1. The results of screening will indicate whether activity risks can be managed using ECoPs or whether a supplementary ESMP will be required.

As a minimum, relevant project activities as described in Table A2-1 will apply ECoPs outlined in this document. The ECoPs contain specific, detailed and tangible measures that would mitigate the potential impacts of each type of eligible/specified activity under the project. The ECoPs are developed to ensure that all potential impacts on the community and the environment arising during the construction and operation stages of a project activity are adequately managed.

The ECoPs are intended to be used in a flexible manner as not all requirements may be relevant to all project activities. The FD implementing divisions and the World Bank will periodically review the use of ECoPs under the project to determine their relevance, utility, and performance at managing likely risks and impacts. The ECoPs may be modified from time to time in response to findings during project implementation and performance monitoring.

**Table A2-1 Project Activities required to follow relevant ECoPs**

No	Project Activities	Required ECoPs
1	Construction Related Activities (Extension Centres, Education Centres and Facilities, Office Buildings, Staff Accommodation, walking trails, bike paths, etc.)	i. General ECoPs for Construction Activities ii. Specific ECoPs for Construction Activities inside the Protected Area
2	Community Based Ecotourism Promotion; Development Activities in Selected Protected Area	iii. Specific ECoPs for Ecotourism Development Activities
3	Activities under provision of community forestry revolving funds	iv. Specific ECoPs for Community Forestry Revolving Funds

## RESPONSIBILITIES

The assigned FD staff/PA rangers (or technical township providers) assigned as focal points for implementing ESF responsibilities at site level, CFUGs and the contractors at site level are the key entities responsible for the implementation of ECoPs. The PMU will be responsible for supervision and monitoring of implementation of ECoPs.

### (i) PMU

The PMU is responsible for ensuring that ECoPs are effectively implemented by the assigned FD staff/PA rangers at the site level and contractors during both construction and operation stages. The FD staff at District Level will be assigned to check implementation and compliance of ESMF implementers/the contractors including the followings:

- Monitoring the contractor's compliance with the ECoPs,
- Recommending on - ground remedial actions in the event of non-compliance and/or adverse impacts,

- Monitoring and investigating complaints/grievances from the community, evaluating and identifying corrective measures and monitoring the grievances and their status
- Advising the contractors on improvement, awareness and proactive control measures to avoid/mitigate potential negative impacts to the environment and the local communities during the construction period.

**(ii) Contractors**

Contractors including sub-contractors for construction activities are responsible for carrying out environmental prevention and mitigation measures outlined in the ECOPs. The construction contractor will be responsible to fully implement the mitigation measures set in the ECoPs. The PMU will make sure that relevant ECoPs will be included as standard requirements in contract bidding documents and will be incorporated during procurement process, as relevant, into construction contracts under the Project. These ECoPs are intended to be minimum requirements and specific site-specific situations may require supplement measures depending on the complexity and context of each activity.

**(iii) Implementers**

The relevant implementers of project activities (i.e. FD township level officers, CFUGs, PA rangers) are responsible for carrying out environmental prevention and mitigation measures outlined in the ECOPs.

**Environmental Code of Practices (ECoPs)**

**(i) General ECOPs for Construction Activities**

All the construction related activities shall apply the following general ECoPs, as relevant to the activity.

**Table A2-2 General ECoPs for Construction Activities**

Issue	Environmental Prevention/Mitigation Measures
1. Dust Generation / Air Quality	a. Sprinkle water in construction sites particularly in dry season. b. Avoid burn site clearance debris (trees, undergrowth) or construction waste materials. c. Keep stockpile of aggregate/sand materials covered to avoid suspension or dispersal of fine soil particles during windy days or disturbance from stray animals. d. Reduce the operation hours of generators /machines /equipment /vehicles as much as possible. e. Regular maintenance of generators/machines/equipment/vehicles. f. Control vehicle speed when driving through community areas/protected areas is unavoidable so that dust dispersion from vehicle transport is minimized.
2. Water Quality and Availability	a. Activities should not affect the availability of water for drinking and hygienic purposes. b. No soiled materials, solid wastes, toxic or hazardous materials should be poured or thrown into water bodies for dilution or disposal. c. Provision of toilets with temporary septic tank at construction site. d. Separate as best as possible concrete works in waterways and keep concrete mixing separate from drainage leading to waterways.
3. Noise	a. Plan activities in consultation with people living in the immediate vicinity so that noisiest activities are undertaken during periods that will result in least disturbance. b. Use noise-control methods such as fences, barriers, etc. c. Minimize project transportation through community areas where possible. d. Maintain a buffer zone (such as open spaces, row of trees or vegetated areas) between the project site and residential areas to lessen the impact of noise to the living quarters. e. Avoid doing construction works at night time.
4. Soil Erosion	a. Schedule construction activities during dry season as much as possible.

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Issue	Environmental Prevention/Mitigation Measures
	<ul style="list-style-type: none"> <li>b. Contour and minimize length and steepness of slopes if any.</li> <li>c. Use mulch, grasses or compacted soil to stabilize exposed areas.</li> <li>d. Cover with topsoil and re-vegetate (plant grass, fast-growing plants/trees) construction areas quickly once work is completed.</li> </ul>
<p>5. Hazardous and Non-hazardous Waste</p>	<ul style="list-style-type: none"> <li>a. Segregate construction waste as recyclable, hazardous and non-hazardous waste.</li> <li>b. Collect, store and transport construction waste to appropriately designated/ controlled dump sites.</li> <li>c. On-site storage of wastes prior to final disposal (including earth dug for foundations) should be at least 300 metres from rivers, streams, lakes and wetlands.</li> <li>d. Use secured area for refuelling and transfer of other toxic fluids distant from settlement area (and at least 50 metres from drainage structures and 100 metres from important water bodies); ideally on a hard/non-porous surface.</li> <li>e. Store fuels, oils and chemicals safely in areas with impermeable ground with roads and surrounding banks.</li> <li>f. Train workers on correct transfer and handling of fuels and other substances and require the use of gloves, boots, aprons, eyewear and other protective equipment for protection in handling highly hazardous materials.</li> <li>g. Collect and properly dispose of small amount of maintenance materials such as oily rags, oil filters, used oil, etc. Never dispose spent oils on the ground and in water courses as it can contaminate soil and groundwater.</li> <li>h. After each construction site is decommissioned, all debris and waste shall be cleared.</li> </ul>
<p>6. Occupational Health and Safety</p>	<ul style="list-style-type: none"> <li>a. Set up the construction site with sufficient supplies of clean drinking water, power, and sanitation facilities.</li> <li>b. Mandate the use of personal protective equipment for workers as necessary (gloves, dust masks, hard hats, boots, goggles).</li> <li>c. Follow the below measures for construction involve work at height (e.g. 2 meters above ground).</li> <li>d. Do as much work as possible from the ground.</li> <li>e. Only allow people with sufficient skills, knowledge and experience to perform the task.</li> <li>f. Check that the place (e.g. a roof) where work at height is to be undertaken is safe.</li> <li>g. Take precautions when working on or near fragile surfaces.</li> <li>h. Clean up oil, grease, paint, and dirt immediately to prevent slipping.</li> <li>i. Where possible provide fall-protection measures e.g. safety harness, simple scaffolding/guard rail for works over 4 meters from ground.</li> <li>j. Keep worksite clean and free of debris on daily basis.</li> <li>k. Provision of first aid kit with bandages, alcohol or non-alcohol antiseptic wipes, dressings, etc. at construction site.</li> <li>l. Keep corrosive fluids and other toxic materials in properly sealed containers for collection and disposal in properly secured areas.</li> <li>m. Ensure adequate toilet facilities for workers, at least one toilet compartment for every 25 workers, with separate males and females.</li> <li>n. Ensure structural openings are covered/protected adequately.</li> <li>o. Secure loose or light material that is stored on roofs or open floors.</li> <li>p. During heavy rains or emergencies of any kind, suspend all work.</li> <li>q. Apply electricity good practices such as use of safe extension cords, voltage regulators and circuit breakers, labels on electrical wiring for safety measure, aware on identifying burning smell from wires, etc. at construction sites and provision of voltage detectors, clamp meters and receptacle testers as per necessary.</li> <li>r. Make sure workers are aware of GRM and can access it.</li> </ul>
<p>7. Community Health and Safety</p>	<ul style="list-style-type: none"> <li>a. Rope off construction area and secure materials stockpiles/ storage areas from the public and display warning signs including at unsafe locations.</li> <li>b. Do not allow children to play in and around construction areas.</li> <li>c. If school children are in the vicinity, include traffic safety personnel to direct traffic during school hours, if needed.</li> </ul>

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Issue	Environmental Prevention/Mitigation Measures
	<ul style="list-style-type: none"> <li>d. Control driving speed of vehicles particularly when passing through community or nearby school, health centre or other sensitive areas.</li> <li>e. Fill in all earth borrow-pits once construction is completed to avoid standing water, water-borne diseases and possible drowning.</li> <li>f. Avoid occurring labour influx around construction sites.</li> <li>g. Avoid working in night time.</li> <li>h. Recommend to hire the construction labour from nearby community</li> <li>i. Make sure community is aware of GRM and can access it.</li> </ul>
8. Cultural Heritage	<ul style="list-style-type: none"> <li>a. No disturbance of cultural or historic sites.</li> <li>b. If any archaeological site, historical site, remains and objects are found during excavation or construction, chance find procedures shall proceed immediately. (See additional requirements in Annex 14 of the ESMF report.)</li> </ul>
9. Others	<ul style="list-style-type: none"> <li>a. No cutting of trees or destruction of vegetation other than on construction site.</li> <li>b. If any cutting down of trees for land clearance of the construction site, at least the same number of trees should be compensated to plant in other available area.</li> <li>c. No hunting, fishing, capture of wildlife or collection of plants.</li> <li>d. No use of unapproved toxic materials including lead-based paints, un-bonded asbestos, etc.</li> </ul>

### (ii) Specific ECoPs for Construction of Walking Trails and Bike Paths in Protected Area

Construction of walking trails and Bike Paths in protected area shall additionally adopt the specific ECoPs as well as the general ECoPs for construction activities described in this section. The contractor shall ensure the compliance of both general and specific ECoPs.

**Table A2-3 Specific ECoPs for Construction of Walking Trails and Bike Paths in Protected Area**

Environmental Prevention/Mitigation Measures
<ul style="list-style-type: none"> <li>a) Ensure minimum disturbance to wildlife (flora and fauna).</li> <li>b) Ensure walking trails and bike paths take minimum space which leaves much of the protected area available for sensitive animals and ecosystems.</li> <li>c) Ensure appropriate trail design, location selection and ongoing management to provide sustainable trails and paths.</li> <li>d) Ensure construction activities and locations comply with the land use planning scheme of the protected area management authority.</li> <li>e) Ensure minimal native vegetation removal.</li> <li>f) Dispose construction wastes in an appropriate manner.</li> <li>g) Ensure workers associated with the construction activities not to interfere with unrelated activities such as hunting and extracting/misusing forest resources.</li> <li>h) Protect slopes from erosion and landslides by the following measures.</li> <li>i) Indigenous Species, fast-growing grass on slopes prone to erosion. These grasses help stabilise the slope and protect soil from erosion by rain and runoff. Locally available species possessing the properties of good growth, dense ground cover and deep root shall be used for stabilisation.</li> <li>j) For steep slopes if necessary, a stepped embankment (terracing) is needed for greater stability.</li> <li>k) Rocks (riprap) can be used in addition to protect the slope, if necessary.</li> <li>l) Prevent uncontrolled water discharge from the paths by sufficiently large drainage ditches and to drain water away from the down slope.</li> </ul>

**(iii) Specific ECoPs for Ecotourism Development Activities in Protected Areas**

The implementers of ecotourism development activities shall ensure that environmental mitigation measures are fully considered in implementation of the relevant project activities inside the protected areas. In additions, required instructions / restrictions shall be made to the visitors in order to prevent the possible impacts throughout the project life.

**Table A2-4 Specific ECoPs for Ecotourism Related Activities in Protected Areas**

Issues	Environmental Prevention/ Mitigation Measures
1. Natural Habitats/ Resources	<p><b><u>Mitigation Measures by Policy Makers/FD</u></b></p> <ul style="list-style-type: none"> <li>a. Encourage biodiversity and ecosystems conservation</li> <li>b. Promote green growth</li> <li>c. Minimize energy/water consumption as much as possible</li> <li>d. Restrict visitor use of core areas to conserve key species and habitats</li> <li>e. Monitor the essential habitats regularly not to disturb/degrade it</li> </ul> <p><b><u>Mitigation Measures by Visitors</u></b></p> <ul style="list-style-type: none"> <li>a. Be aware of the location of areas that have been accorded special protection and of any restrictions regarding entry and activities that can be carried out in and around the area</li> </ul>
2. Cultural Heritage	<p><b><u>Mitigation Measures by Policy Makers</u></b></p>

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	<p>a. Conduct considerable sensitivity and consultation with ethnic communities for wiliness to engage in tourism system if any spiritual/cultural values exist in PA</p> <p>b. Provide education and learning to enable hosts and visitors to understand and engage with management approaches to protect and conserve the natural and cultural assets of ecotourism areas.</p> <p><b><u>Mitigation Measures by Visitors</u></b></p> <p>a. Build environmental and cultural awareness and respect.</p> <p>b. No collection of items from cultural heritage sites (e.g. stones, pieces of cultural items)</p> <p>c. No damage to the sites</p>
<p>3. Flora and Fauna</p>	<p><b><u>Mitigation Measures by Policy Makers</u></b></p> <p>a. Set up chance find procedures for endangered species</p> <p>b. Monitor the loss or increase of flora and fauna in PA</p> <p><b><u>Mitigation Measures by Visitors</u></b></p> <p>a. Do not collect any form of fauna or flora from any locations</p> <p>b. Do not damage plants- for example by walking, driving or landing on extensive moss beds or lichen-covered areas</p> <p>c. Do not buy animal products as souvenirs</p> <p>d. Keep voice to the minimum to avoid frightening wildlife</p> <p>e. Avoid taking photographs of wild animals and respect privacy of local community and ethnic groups</p> <p>f. Avoid food consumption of wild, protected and endangered animals and plants</p>
<p>4. Waste</p>	<p><b><u>Mitigation Measures by Policy Makers</u></b></p> <p>a. Prepare simple waste management plan with proper facilities in PA</p> <p>b. Organize a team for implementation of waste management plan</p> <p><b><u>Mitigation Measures by Visitors</u></b></p> <p>a. Avoid littering in public places and ensure that waste is disposed only in bins earmarked for the purpose</p> <p>b. Avoid bringing a number of unnecessary stuffs and leaving in the areas</p>
<p>5. Community</p>	<p><b><u>Mitigation Measures by Policy Makers</u></b></p> <p>a. Promote greater involvement of communities in Ecotourism/PA management to sustain success over time</p> <p>b. Initiate behaviour change by inspiring new understandings, skills, and social relations, particularly among women and youth</p> <p>c. Economically empower communities and local institutions to build confidence in dealing with outside actors</p> <p>d. Avoid relocation of local communities in ecotourism designate places</p> <p><b><u>Mitigation Measures by Visitors</u></b></p> <p>a. Value the local customs and respect the local community</p> <p>b. Share and care the community if possible</p>
<p>6. Security and Emergency</p>	<p><b><u>Mitigation Measures by Policy Makers</u></b></p> <p>a. Arrange and Accommodate the visitors to be free from harm</p> <p>b. Prepare coherent treatment and efficient evacuation procedures for visitors in case of risk injury or illness through adventure activities such as mountain climbing, rafting, scuba diving or close-up wildlife viewing</p> <p>c. Prepare emergency response plan related to evacuation procedures for high risk PAs</p> <p><b><u>Mitigation Measures by Visitors</u></b></p>



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	<ul style="list-style-type: none"> <li>a. Follow the regulations set by ecotourism management authority</li> <li>b. Avoid camp-fires activities</li> </ul>
7. Others	<p><b><i>Mitigation Measures by Policy Makers</i></b></p> <ul style="list-style-type: none"> <li>a. Set the limits of acceptable changes for environmental changes likely to be caused by the increase in wildlife trade, forest and wildlife degradation, disturbance to nesting, breeding and core ecosystem habitats, poor solid and sewage management, etc. with the purpose of preventing irreversible damage and unacceptable changes.</li> <li>b. Plan for sustainable growth of eco-tourism.</li> <li>c. Establish good ecotourism practices</li> <li>d. Build human resource capacity in ecotourism planning and management</li> <li>e. Minimize environmental, social, physical, behavioural and psychological impacts</li> <li>f. Design, construct and operate low-impact facilities</li> <li>g. Reduce carbon footprint.</li> <li>h. Prepare control measures for over visitation</li> </ul>

### (iv) Specific ECoPs for Community Forestry Revolving Funds

The implementers of activities under community forestry revolving funds (i.e. CFUGs) shall ensure that environmental mitigation measures are fully considered in implementation of the relevant project activities described in Table A2-5.

**Table A2-5 Specific ECoPs for Community Forestry Revolving Funds**

<b>A. Agriculture/Crops</b>
Environmental Prevention/Mitigation Measures
<ul style="list-style-type: none"> <li>a) Avoid introduction of invasive species.</li> <li>b) Use sustainable agricultural practices / approaches / technologies. (e.g., Agroforestry Practices, Polycultures and Crop rotation, Integrated Pest Management (encouraging the predators of crop-eating pest insects such as birds and bats), etc.)</li> <li>c) Reduce top-soil losses from erosion and the reduction in soil fertility. (Use Cover Crops and Mulches (Establishing leguminous ground cover and applying plant residues), Grass Barriers (planting grass in strips along the contour lines), etc.)</li> <li>d) Induce conservation and efficient use of water.</li> <li>e) Reduce misuse of agrochemicals, contributing to a reduction of toxic substances in soil and water.</li> <li>f) Reduce usage of pesticides and promote integrated pest management approaches recommended by relevant department</li> <li>g) Reduce, recycle and reuse the agricultural waste (natural, animal, plant waste)</li> </ul>
<b>B. Agroforestry</b>
<ul style="list-style-type: none"> <li>a) Apply organic fertilizers and restrict use of pesticides and chemical fertilizers while green fertilizers such as natural decomposition of above ground biomass are easily available .</li> <li>b) Avoid overuse of ecosystem services.</li> <li>c) Avoid planting unsuitable tree species that require large amounts of water than native species.</li> <li>d) Avoid tree removal where possible and limit clearance.</li> <li>e) Apply appropriate land preparation and irrigation methods.</li> <li>f) Avoid extracting mangrove resources while other livelihood activities like crab fattening in mangrove are introduced.</li> </ul>

<ul style="list-style-type: none"> <li>g) Avoid areas that is valuable for costal habitats and other ecosystems.</li> <li>h) Proper selection of tree species which can harbor pest of crops or provide nesting habitats to birds and rodents due to the possibility of enhancing use of insecticides.</li> <li>i) Proper site selection for associated species while the modified agroforestry systems such as silvo-fishery or agro-silvo-fishery are introduced.</li> </ul>
<b>C. Forestry</b>
<ul style="list-style-type: none"> <li>a) Minimize the adverse impacts on flora and vegetation.</li> <li>b) Avoid disturbing the endangered plants and wildlife.</li> <li>c) Cutting of trees and vegetation outside the allowed area shall be avoided under all circumstances.</li> <li>d) Unrelated activities such as hunting, extracting other forest products shall be avoided.</li> <li>e) Avoid practices that would lead to deforestation and forest degradation.</li> <li>f) Apply sustainable logging practices such as selective logging by the natural age.</li> </ul>
<b>D. Livestock Breeding/Farming</b>
Environmental Prevention/Mitigation Measures
<ul style="list-style-type: none"> <li>a) Fence off water bodies from gazing animals.</li> <li>b) Regular cleaning of livestock sheds and feeding pens.</li> <li>c) Do not dispose animal wastes on the surroundings.</li> <li>d) Regularly collect and store manure for composting and later application to fields to reduce noxious odor and to limit spread of pathogens.</li> <li>e) Manage for proper drainage around the livestock farming areas and keep manure and urine away from water bodies and water supply sources.</li> <li>f) Avoid cattle/goats grazing inside protected areas or private owned lands.</li> </ul>
<b>E. Fisheries and Aquaculture/Polyculture</b>
Environmental Prevention/Mitigation Measures
Capture Fish
<ul style="list-style-type: none"> <li>a) Abide by local regulations regarding fishing seasons announced by Department of Fisheries, closed fishing areas, allowable equipment or methods of capture, etc.</li> <li>b) Consideration of sustainable fishery practices to reduce overfishing.</li> <li>c) Avoid disposing discarded fishing nets into the waterbody.</li> <li>d) Reduce incidental captures (Particularly non-target or protected species).</li> </ul>
Culture Fish
<ul style="list-style-type: none"> <li>a) Avoid pond construction during rainy seasons.</li> <li>b) Ensure proper siting, design and construction of pond to avoid failure.</li> <li>c) Flushing or exchange of pond water frequently enough to prevent the deterioration of water quality in pond.</li> <li>d) Prevent contamination of exogenous fish species.</li> </ul>

<p>e) Encourage regular dredging and proper disposal of waste material to avoid contamination of surrounding water and water way.</p>
<p><b>F. NTFP-based Production, including Crafts</b></p>
<p>a) Avoid over-extraction of Non-timber forest products.  b) Avoid destructive and intensive bamboo harvesting methods.  c) Avoid extraction practices that cause forest degradation or species extinction.  d) Comply sustainable harvesting practices.  e) Encourage production of sustainable value-added bamboo products  f) Follow proper waste management plan to manage solid and liquid waste from production process</p>
<p><b>G. Trading Goods</b></p>
<p>Environmental Prevention/Mitigation Measures</p>
<p>a) Avoid trading antiques and archeologically valuable items.  b) Avoid trading all kinds of narcotic drugs and psychotropic substances.  c) Avoid trading items prohibited in accordance with any laws and regulations in Myanmar.</p>
<p><b>H. Production</b></p>
<p>Environmental Prevention/Mitigation Measures</p>
<p>a) Provide personal protective gear for workers as necessary (gloves, dust, masks, hard hats, boots, goggles).  b) Do not burn debris and waste materials generated from production activities.  c) Solid Wastes, toxic or hazardous materials should not be poured or thrown into water bodies for dilution or disposal.  d) Liquid wastes generated from production processes (e.g. Wine Production, Textile, etc.) should not be disposed into waterbodies directly and should be treated with primary treatment methods.  e) Chemicals and other liquids should be stored and used undercover.</p>
<p><b>I. Services</b></p>
<p>a) Avoid burning of solid wastes.  b) Keep aware on personal safety for any risk</p>

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- c) Do not dispose used oil or oil containing wastewater into the water bodies.
- d) Dispose electronic wastes in a suitable manner and only in approved dump sites or designated areas.

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**Annex 3: Guideline for Environmental and Social Risks and  
Impacts Management in Community Forest Management  
Planning Process**

**of the Environmental and Social Management Framework ESMF**

**December 2020**

## I. Introduction

The FREDIP project will provide support to the establishment of new community forests and strengthening of existing community forests, in Myanmar, aiming to foster Myanmar Reforestation and Rehabilitation Programme (MRRP) targets for community-led forest restoration and CF enterprise establishment. Community Forestry (CF) has evolved in Myanmar since 1995, under the Community Forestry Instructions (CFI), for the purpose of sustainably managing forest areas and developing a participatory forest management system. Management of community forests is crucial for sustainable forest restoration. Community Forest Management Plans (CFMP) are required documents that justify the issuance of “Community Forestry Certificate” for establishing and operating of a Community Forest. Presently, the development of Community Forest Management Plan (CFMP) is processed in accordance with the Community Forestry Instructions (CFI) (2019) and Standard Operation Procedure for Community Forestry (2019). The CFI 2019 is available in 15 main languages in use in Myanmar. The CF Unit of Forest Department (FD) at Headquarters (NPT) is the Unit which is entirely responsible for monitoring and evaluation of the CF progress and of the performance of the staff and the Community Forest User Groups (CFUGs). The forest staff at district offices in cooperation with respective CFUGs execute monitoring and evaluation system regularly to track and evaluate progress and performance of the CFs and report to the CF Unit. Then, CF Unit reviews the performance of the CF, CFUG and also the responsible forest staff and regularly submit the performance progress to Director General of Forest Department. As necessary, the Community Forest National Working Group (CFNWG) is informed and discussed policy issues.

This guidance provides a review of the current approach and practices for development of a CFMP. It includes the following: 1) examination of gaps between current practices applying the existing CFI and SOP for CFMP in preparation of CFMP and the requirements of WB Environmental and Social Standards (ESS), 2) indicating key environmental and social considerations for CF development, and 3) proposing the outline of CFMP harmonizing with WB ESS requirements.

It is important to note that the CFMPs are prepared by the CFUGs themselves, with only guidance from the FD. Hence, the requirements need to be consistent with the capacity of community groups to identify relevant issues and prepare relevant assessments.

## II. Current Policy/Legal Framework for Development of Community Forest Management Plan in Myanmar

The CFI guides different parties (FD staff, CFUGs, facilitators (local or international organization)) to prepare the CFMP according to the outline described in Form B (Management Plan of Community Forest). Form B<sup>70</sup> within the CFI guides the outline of the CFMP report covering the chapters and sub-titles of some chapters. The Standard Operating Procedure (SOP) for CF (2019) is published mainly for the FD Staff to assist CFUGs effectively mobilise and operate from the stage of Formation CFUG to the stage of annual supervision and evaluation after the CF establishment. In addition, Community Forestry Guidelines are being prepared by the Community Forestry National Working Group (CFNWG). The guidelines are designed to assist facilitators on how to approach on-the-ground situations in the establishment of CF. Table A3-1 summarises the guidance related to the development of CFMP through the CFI (2019), SOP CF (2019) and CF Guideline.

**Table A3- 4 Guidance Related to CFMP in Existing CF Documents**

No.	Guidance	Existing CF Documents for CFMP
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<sup>70</sup> [https://www.forestdepartment.gov.mm/sites/default/files/Documents/CFI\\_2019\\_Eng\\_and\\_mya.pdf](https://www.forestdepartment.gov.mm/sites/default/files/Documents/CFI_2019_Eng_and_mya.pdf)

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		CFI (2019)	SOP for CF (2019)	CF Guidelines (Draft)
1.	Outline of CFMP	☑	☑	
2.	Target Stakeholders	☑ (For All)	☑ (For FD Staff)	☑ (For Facilitators)

### III. Review on Community Forest Management Plans

As a result of reviewing on CFMPs which were prepared in accordance with CFI (2019) and SOP of CF, it is observed that the comprehensive guidance for development of CFMP is still limited in order to meet the WB ESS requirements. The major gaps with relevant ESS are listed in Table A3-2.

**Table A3-5 Gaps between Current Practices and ESS Requirements**

No.	Current Practices as per instruction and guideline of Myanmar	Related World Bank ESS	Gaps/Findings
1	<p><b>Determination of Activities of Forest Operation in CFMP</b></p> <p>As a main part of CFMP, the activities of forest operations during the lifetime of CF are indicated as two main topics (i.e. establishment of forest plantation and conservation of natural/existing forest) with step by step activity. By conducting resources inventory/survey on the forest/intended area, only brief description of conventional activities of forest operation are typically in CFMP. The description of process of determination for site specific activities are very limited from the aspects of environmental and social considerations.</p>	ESS 1, ESS 3, ESS5, ESS 6	<p>The following gaps are observed:</p> <ul style="list-style-type: none"> <li>i. Lack of Environmental and Social Risks Screening and Impact Assessment Process for determination of forest operation activities</li> <li>ii. Weak in consideration on wildlife conservation</li> <li>iii. Lack of consideration of adverse impacts from forest operation activities such use of herbicides/agro chemicals, impacts to existing habitats, impact on local stakeholder access to resources, etc. that is tailored to specific sites.</li> </ul>
2	<p><b>Formation of CFUG and Selection of Management Committee (MC)</b></p> <p>In Section 8 (v) of CFI (2019), it is stated that “Gender Equity shall be considered in the formation of the MC” and in 3.2 of CF Guidelines (draft), it is mentioned to consider gender equity and vulnerable while forming CFUG. However, it was noticed that all or most of the MC members are men in formation of CFUGs. In CFMP reports, the names and number of households/people in</p>	ESS 7, ESS 10	<p>In formulation of CFUG, it is important to consider inclusion of gender equity, and vulnerable and ethnic groups (where appropriate). Information sharing about CF should also reach to all direct beneficiaries. The description of indicative approach and process of formation of CFUG is likely required to added in CFMP in order to be transparency for inclusion.</p>

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No.	Current Practices as per instruction and guideline of Myanmar	Related World Bank ESS	Gaps/Findings
	<p>CFUG including MC members are described. Moreover, for the CF in encroached area, mostly individual ownership is divided among the members showing the land area of each member. For MC members which have to be mentioned in section of internal regulations (bylaw) for CFUGs. For that section, the main contents include: Name of organization, Objective, organizational structure, member list (name, father name, NRC, address), qualification for committee member, qualification for users, TORs of committee, Chairperson, Secretary, Finance, members and users, then restrictions, offences and penalties.</p>		
3	<p><b>Preparation of CFMP by CFUG</b></p> <p>In SOP for CF and CF Guidelines (draft), it is stated that Management Committee (MC) and CFUG members have the overall authority to decide and propose ideas for CFMP preparation. CFMP should be the document that reflects the willingness, discussion and selection of CF activities of the CFUG members and not the opinions of FD and Facilitators. CF Guidelines (draft) covers procedures and good practices for conducting discussion and preparation works for CFMP.</p>	<p>ESS 7, ESS 10</p>	<p>It is still required to educate and practice at the field level in the development of new CFMP and revision of approved CFMP. In most case, CF MP is developed by all CFUG members, especially CF in encroached farmland because it has individual ownership. It is recommend that CFUGs ensure the inclusion of the opinions and ideas of CFUG members (women, vulnerable and ethnic groups (where appropriate) in order to manage forest conservation and usage while preparing the CFMP</p>
4.	<p><b>Extracting/Harvesting CF Products</b></p> <p>All the three documents have provided information/guidance/instruction on extraction of products. For the CF establishment in natural forest area, it is restricted not to extract/harvest CF products within 5 years for</p>	<p>ESS 3, ESS 6, ESS 7, ESS 5</p>	<p>-At the time of CFMP preparation, CFUG has to provide 30-year plan for forest operation activities, yearly schedule, yearly harvesting activities. These extraction activities should be advised by FD and external experts in order to provide balancing between sustainable harvesting and benefit gaining for CFUG. FD have regular monitoring and reporting system including evaluation of</p>



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No.	Current Practices as per instruction and guideline of Myanmar	Related World Bank ESS	Gaps/Findings
	commercial timber extraction and 3 years for commercial pole, post etc. after establishment of CF. It is not restricted for household use.		CFMP and reporting annual progress and hence, it is required to facilitate and strengthen the current system from the aspects of maintaining sustainable extraction practices. -Preparation of CFMP would be different with the purpose and use of the CF (either livelihood-oriented forest management or enterprise-oriented forest management or forest management from the aspect of conservation of forest ecosystem services) in order to attain the sustainable forest management.
5.	<p><b>Evaluation System of FD for Submitted CFMP</b></p> <p>After the submission of CFMP, the FD checks contents in accordance with the outline mentioned in CFI, and FD officer do field survey. and then, issue the approval of CFMP. The FD evaluates the CFMP reports based on the objective of CF establishment, the contents and activities to be done.</p>	ESS 1, ESS 3, ESS 6, ESS 7, ESS 10	Practically, the District Forest Officer assess management plan of CFUG based on forest resources inventory, related department guidelines and instructions. In addition to this, the specific internal evaluation system/ guidance notes from the aspects of Environmental and Social Management, Resources Efficiency, Access and Management, Biodiversity Conservation, Sustainable Management of Living Natural Resources, and benefits to various beneficiaries, is recommended to evaluate the proposed CFMP by the CFUG.
6.	<p><b>Revision of CFMP</b></p> <p>CFI (2019): Section 16: If the CFUG wishes to revise the management plan, it can do so with the advice of the Forest Department and shall submit the revised MP to the DFO for confirmation. In the CF Guidelines (draft), it is encouraged that CFMP should be revised once in five years as there may be changes in objective, number of CFUG members, activities, operation, area changes and benefit sharing system.</p>	ESS 1, ESS 3, ESS 6, ESS 7	During operation of CF, the monitoring of environmental and social risks management and living natural resources management is necessary and then the update/revision of CFMP is likely to be required as per the monitoring results.
7.	<p><b>Sustainability of Established CF</b></p> <p>In CFI (2019), it is stated that the established CF can be cancelled to operate and return to FD.</p>	ESS 1, ESS 3, ESS 6, ESS 5	Although the FD continuously evaluates CF through Monthly and Annual Progress Report and provide other assistances to CFUG, CFUG may face challenges in operating CF like

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No.	Current Practices as per instruction and guideline of Myanmar	Related World Bank ESS	Gaps/Findings
			<ul style="list-style-type: none"> <li>• limited knowledge on sustainably managing a forest,</li> <li>• low or no team-work and enthusiasm of CFUG members,</li> <li>• not enough expected benefits, encroachment from non-CFUG members and villages,</li> <li>• no or little funding and technology support and so on.</li> </ul> <p>3. Therefore, it is necessary to promote capacity of FD staffs and facilitators for awareness raising support to the CFUG, and to create monitoring and management database related to the respective CF.</p>
8.	<p>Grievance Redress / Complaints Handling</p> <p>Current CFMPs do not include provisions on how complaints are handled within the CFUG (and escalated if needed).</p>	ESS1, ESS10	<p>Even though the GRM system is not described in the CFMP, the Management Committee of CF stands as a committee which solves the initial claims. If the CF user can have a meeting and make decision based on the major consensus in case of unsatisfactory. In case, it is not resolved, the complaint can proceed to FD.</p> <p>The current GRM practicing in FD which are not appeared in the CFMP, should be described in the CFMP considering the GRM involving for CFUG members and non-CFUG members..</p>

### IV. Key Environmental and Social Considerations for CF Development

Although the main objective of CF establishment is to sustainably manage the forests and to enhance livelihoods of local communities, some negative environmental and social impacts are also possible from the operation of CF. In the process of CF development, the following key environmental and social considerations are recommended as the good practices being performed for community level forest management.

#### (i) Environment<sup>71</sup>

- Appropriate planning (selection of forest areas which have high ecosystem service values for local communities and other beneficiaries),

<sup>71</sup> Source: Draft ESMF, investing in Forests and Protected Areas for Climate Smart Development Project, Uganda, 2020

- Selection of forests that offer high climate resilience and resilience to climate change benefits for local communities.
- Selection of appropriate models for sustainable forest management and restoration by local communities, including selection of indigenous tree species.
- Selection of areas where there is realistic potential for communities to manage forests in a sustainable manner (bearing in mind other threats and trends facing these forests),
- Selection of forests of viable size and/or which provide biodiversity corridors between other forest areas.
- Safeguard mechanisms to ensure that community forest management and restoration enhances rather than depletes stocking through introduction of appropriate management and monitoring activities.
- Efficient use of agro chemicals while agroforestry activities are introduced in the CF
- Consider sufficient measures to protect forest fire

**(ii) Social**

- Ensuring thorough consultation and support from local communities, including of women, disadvantaged and vulnerable groups, and ethnic groups (as applicable).
- Ensuring appropriate institutional mechanisms that protect and enable community control of decision-making, planning and implementation.
- Ensuring appropriate benefit sharing mechanisms to ensure that local community's benefit from community forestry management in a manner consistent with the Act.
- Ensuring that all use, by all people of the area is clearly identified to assess how the management regulations will impact and what arrangements can be made to minimize and mitigate the impacts.
- Sustainable use of CF for community livelihoods, such a community nursery in developing tree seedlings, by women, disadvantaged and vulnerable groups.
- Livelihoods which value-add to sustainable CF such as ecotourism, use of forest-based products etc.
- Local CF involved communities may not always live next door or within the CF physical boundary. This must be taken into account in development of CF and CFUGs.

**V. Overall Community Organizing Approach to CFUGs**

The following are suggested Community Organising activities with the aim of developing CFUGs and CF Planning:

- a) Identify boundaries of CF and communities to be involved
- b) Identify key local interest groups and those to work as "project partners", which will lead to the CFUG development
- c) Community Advocacy – this is a critical step for initially mobilizing stakeholders (CFUG potential members) to introduce the project, define the scope of work for community actions and advocate for the need of stakeholders to participate in community actions, etc.
- d) Advocacy covers community-led approaches and methodologies in CF systems and feasibility of innovative and sustainable methodologies for the planning and delivery of CF with community involvement as a CFUG and contribute to the Forest development and benefit to associated communities.

- e) CFUG – this should automatically follow the advocacy activity, whereby the communities will be able to develop themselves into a CFUG, either from the existing group of forest users or (in a new CF area) from interested parties joining the advocacy activities.
- f) Awareness raising – with the assistance of FD, the CFUG is given some capacity building and training to build on CFUG members’ existing Forestry/afforestation capacity and understanding
- g) CF Plans – following on, or in parallel with Awareness raising is development of the Community Forestry Plans, considering community needs (socioeconomic), environmental and FD needs (i.e. CF regulations, policies, and national plans).
- h) CFMP implementation.

**VI. Proposed Outline for CFMP (Considering the Gaps with ESSs)**

The defined outline for CFMP is Form (B) attached in CFI (2019)<sup>70</sup>. However, as mentioned in Table A3-2, the current CFMP has the gaps with WB ESS requirements. Being the main document for CF establishment and operation, CFMP should cover, evaluate, assess and enhance/mitigate both positive and negative environmental and social impacts in aligned with ESS requirements. Therefore, the following outline is proposed harmonizing with WB ESS requirements, based on Form (B) of CFI (2019).

**Table A3-6 Suggested Outline of CFMP**

Original CFMP Contents from Form B of CFI (2019)	Additional Contents	Consideration Requirements
1. Introduction		Add information on the process of identification of CFUG members and the group formation process
2. Objective		To expand the objectives, but not limited to, to explicitly include making opportunities for ethnic groups, women, and other vulnerable groups
3. Allocation and Area Extent		
4. Climate (Temperature, Rainfall)		
5. Topography		
6. Soil Type		
7. Conditions of the present vegetation (Forest inventory of each forest tree species)	8. Ecology (Flora and Fauna)	To conduct data collection survey including Forest Resources Inventory and biodiversity information of existing ecology status in and around CF in order to protect endangered species and to be able to manage wildlife and living natural resources.

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Original CFMP Contents from Form B of CFI (2019)	Additional Contents	Consideration Requirements
	9. Socio-Economic Condition	To survey the socio-economic conditions (village level) which will support to evaluate the potential social impacts.
<p>10. Activities of Forest Operation</p> <p>(A) Establishment of forest plantation</p> <p>(i) Establishment of nursery</p> <p>(ii) Preparation of plantation site</p> <p>(iii) Planting</p> <p>(iv) Weeding</p> <p>(v) Fire Protection</p> <p>(vi) Tending method (thinning, pruning, coppicing etc.)</p> <p>(vii) Rotation</p> <p>(viii) Felling</p> <p>(ix) Distribution</p> <p>(B) Conservation of existing forest</p> <p>(i) Tending before rest period</p> <p>(ii) Forest establishment in remuneration area</p> <p>289. (Follow the steps for establishment of new forest plantation)</p> <p>(iii) Cultural methods</p> <p>(iv) Felling</p> <p>(v) Distribution</p>		<p>To propose the forest operation activities specifically in terms of management of sustainable extraction of CF products when the establishment of CFE is intended. It should be enterprise-oriented forest management.</p> <p>To add the activities like organic waste composting as necessary as one of the forest operation activities</p>
	11. Environmental and Social Impact Assessment for Forest Operation Activities	<p>To evaluate the potential impacts/risks using simple checklist and select the appropriate measures described in the standard list developed under the project.</p> <p>Based on the extent of impacts Environmental and Social Management Plan (ESMP) or Environmental and Social Rules for CFUG will be developed. Such Plan or Rules should cover but not limited to the measures for</p>

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Original CFMP Contents from Form B of CFI (2019)	Additional Contents	Consideration Requirements
		<p>impacts from hunting, grazing, waste/other pollution, pest control, occupational health and safety, etc. Moreover, the management of sustainable use of natural living resources should be covered.</p> <p>If screening using Annex-1 by FD identities existence of ethnic groups that meet ESS7 requirements , the appropriate measures described in CPPF (Annex-13) will be included in the CFMP)</p>
12. Rules and Regulations of User Group		
<p>13. Fund Management</p> <ul style="list-style-type: none"> <li>(a) Benefit sharing system of the user group</li> <li>(b) Benefit sharing ratio of the user group</li> <li>(c) Reinvestment ratio for the community forestry</li> <li>(d) Reinvestment ratio for community development programs</li> <li>(e) Ratio and System designated for revolving fund</li> <li>(f) Reinvestment ratio for forest-product-based enterprise</li> </ul>		<p>Fund management and benefit sharing system should be decided and accepted by all well-being group of CFUG members and prepared based on good practices along with the guidance of FD and facilitators. The approach and considerations to develop fund management and benefit sharing should also be added in CFMP for enterprise- oriented CF.</p>
	14. Grievance Redress Mechanism	<p>To strengthen the grievance redress mechanism for overall management of CF, especially including benefit sharing, fund management and other concerns and grievances of all CFUG members, as well as grievances of non-CFUG members.</p> <p>The grievance mechanism may include the following but not limited to:</p> <ul style="list-style-type: none"> <li>(a) Different ways in which users can submit their grievances, which may include submissions in</li> </ul>

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Original CFMP Contents from Form B of CFI (2019)	Additional Contents	Consideration Requirements
		<p>person, by phone or text message.</p> <p>(b) A log book where grievances are registered in writing</p> <p>(c) Publicly advertised procedures, setting out the length of time users can expect to wait for acknowledgement, response and resolution of their grievances</p> <p>(d) Transparency about the grievance procedure, governing structure, and decision-making process, and</p> <p>(e) Unsatisfied/unsolved grievances may be referred to the Project GRM system as described in ESMF when resolution of grievance has not been achieved.</p>
	15. Monitoring and Evaluation Procedure	To include the monitoring and evaluation procedures for operation of forest management activities in terms of environmental and social risks management and living natural resources management.
16. Conclusions		Current format is appropriate.
17. Annexes (a) Location Map (b) Stock Map (c) Management Map (d) Land allocation map for individual user group member (if necessary) (e) List of land allocation by individual user group member (if necessary) (f) List of activities by year (i) Planting (ii) Tending (iii) Harvesting (iv) Benefit Sharing		0. To add community resource mapping showing the location Map of CFUG adjacent to CF and their essential needs from CF  1.  To develop the location map of the areas that ethnic groups existence in the area of the proposed CF, if any present, as determined by initial screening undertaken by the FD.

**VII. Recommendations**

Preparation of community forest management plan should be more about the process, and opportunity to bring local communities together, to exchange dialogue, discuss, negotiate, and develop a locally appropriate forest management plan. The proposed outline of CFMP described in Table A3-3 is suggested to be prepared for the establishment of new CF and revitalization of existing CF under FREDIP.



**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 4: Monitoring and Reporting Template**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## INTRODUCTION

The **Forest Restoration, Development and Investment Project (FREDIP)**<sup>72</sup> is designed in support of core forest sector objectives of the Government of Myanmar (GoM) to prevent deforestation and degradation of Myanmar's forests while intensifying efforts for forest restoration and for enabling more employment and economic opportunities for local communities through the establishment of community forests and support to ecotourism around Protect Areas (PA).

This document presents sample templates for Incident Reporting, and an Environmental and Social Monitoring Report template, with some examples. Each Environmental and Social framework, procedure and plan prepared for this project will have their own specific monitoring indicators, baselines and benchmarks. The template and examples below are non-exhaustive and will have been expanded as per the other ESMF Annexes, SEP and other documents.

The presented Environmental and Social Monitoring Report shall be prepared by the FD PMU and submitted on a quarterly basis to the World Bank during the first year of project implementation and on a semi-annual basis thereafter, as per the Environmental and Social Commitment Plan.

Each such monitoring report will provide updated and reporting on commitments included in the Environmental and Social Commitment Plan.

In addition, to ensure that Myanmar regulations are fully complied, all Environmental and Social aspects of the Project may be monitored regularly by the various Ministries of the Government of the Union of Myanmar, such as the FD (Executing Agency), Ministry of Labour, Immigration and Population (for health and safety, core labour conditions being satisfactory, etc), and the Environmental Conservation Department (ECD) of MONREC. Government monitoring and reporting may occur at each Government level from the local Township administration through to National level and regularly reported, as per the normal Myanmar Government reporting schedules.

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<sup>72</sup> In this document FREDIP will be referred to as the Project. The two terms will be used inter-changeably.

## 1. INCIDENT REPORTING

This section provides the criteria and the reporting template to use in Incident reporting, in accordance with the WB ESIRT toolkit from November 2018. The Incident Reporting process mentioned in this section shall be updated accordingly in the case that the WB ESIRT toolkit is updated. Table 3.1 to Table 3-3 provides guidance on classification of incidents by severity. Table 3.4 presents an incident reporting template form that will be provided to all FD staff implementing activities as well as all service providers and contractors under the project, for completion in the case of an incident occurring. ESMF Chapter 9 provides detailed information on incident reporting, including timelines.

**Table A4-1 Indicative Incident**

<b>Environmental</b>	<b>Social</b>	<b>Occupational Health &amp; Safety</b>
Small-volume hydrocarbon or chemical spills	Small-scale crop damage or livestock deaths	Underuse of personal protective equipment (PPE) by Works Contractor
Localized dust, light, or noise pollution	Grievances due to project use of public roads	Local increase in the occurrence of communicable disease
Illegal hunting of wildlife (non-endangered)	Project interference with locally significant practices or sites	Minor job site injuries
Small volume sediment, pesticide, or fertilizer run-off into local waterways	Vehicle damage to public or private roads caused by Works Contractors	Poor “housekeeping” at site, e.g., littering and random disposal of solid waste
Minor off-site disposal of solid waste from project	Nuisance-level contact between employees and community	Lack of understandable warning or traffic control signage
Poor quality or delayed site restoration and revegetation	Minor instances of inappropriate behavior of security forces or other Contractor personnel	Almost empty first aid kit at work site
Poorly functioning erosion-control measures	Overloading of local commercial services from use by project personnel	Poorly organized or sporadic health & safety induction and training
	Minor impacts on livelihood restoration and/or access to community natural resources	Multiple “slip and trip” hazards throughout the site
	Minor impacts on cultural sites/areas	Lack of Health & Safety plan and/or training for staff
	Minor social conflict related to or affecting the project	
	Some problems with consultation/outreach about the project	
	Delays by GRM in handling/addressing grievances	

**Table A4-2 Serious Incidents**

<b>Environmental</b>	<b>Social</b>	<b>Occupational Health &amp; Safety</b>
Large-volume hydrocarbon or chemical spills, or other hazardous substances impacting the environment	Widespread crop damage or livestock deaths	Injury/ies requiring off-site medical attention
Over-exploitation of local natural resources	Cases of mistreatment of communities potentially, including vulnerable groups, by project workers or security forces, including incidents such as sexual harassment	Instances of serious communicable diseases among workforce
Large-volume or long-term sediment, pesticide, or herbicide runoff into waterways	Significant impacts to protected physical cultural resources	Presence of Unexploded Ordinance (UXO) at worksite
Medium to large-scale deforestation	Works have commenced without compensation and resettlement being completed	Consistent lack of health & safety plans and training at work site
Lack of implementation of agreed environmental restoration program	Significant and repeated community impacts from project vehicles and construction activities	Chronic non-use of PPE at project work site
	Lack of clarity about consultations with Indigenous Peoples and broad community support for the project	Repeated non-compliance or failure to remedy non-compliance
	GRM not functioning	
	Inadequate consultation and engagement of stakeholders in	
	the project leading to significant conflict and/or delays	
	Non-violent community protests against the project, or mild community unrest	

**Table A4-3 Severe Incidents**

<b>Environmental</b>	<b>Social</b>	<b>Health &amp; Safety</b>
Hydrocarbon or chemical spills, or release of other hazardous substances into the environment, causing widespread impacts, and/or requiring large-scale remediation	Forced evictions or resettlement of communities without due process or compensation	Any fatality Permanent disability
Poaching or hunting and trafficking of threatened or endangered species	Abuses of community members (including vulnerable groups e.g., women, children, youth, elderly, disabled/sick, LGBT) by site security forces or other project workers, including but not limited to GBV	Outbreak of life-threatening communicable disease
Sediment, pesticide, or herbicide runoff causing permanent damage to waterways	Significant damage to nationally protected areas or to UNESCO World Heritage sites	Criminal and political attacks at worksite
Destruction of internationally recognized critical habitat	Human trafficking and child labour	Forced labour by project's Works Contractor
Major river contamination causing decimation of fish population or other aquatic resources	Violent community protests against the project	Works Contractor is unresponsive regarding ongoing worksite risks of bodily injury
	Significant impacts on ethnic groups' land/natural resources and/or culture and there is no evidence of consultation, broad community support, mitigation of harm and/or culturally appropriate benefit-sharing	Persistent non-compliance and/or inability or unwillingness to remedy non-compliance that could result in bodily injury or harm

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Environmental	Social	Health & Safety
		Murders, kidnappings, manslaughter and assaults, while criminal matters and not safeguards incidents per se, have occurred in Bank projects and should be treated as severe incidents. These incidents would be referred to local authorities with notification to WB Security

**Table A4-4 Incident Reporting Template: Project-Related**

1	From:	
2	Title	
3	To:	
4	Title / Organisation	
5	Date of submission:	
6	Date of re-submission	
7	Details of Incidence	
8	Incident No. (month/No) e.g. first fatal in October	
9	Nature of Incident (e.g. Multiple Fatality)	
10	Severity of incident	
11	Who is the victim?	
12	Name / Occupation of Project staff involved / suspected to be involved? (if known at this stage)	
13	Date Incident Happened	
14	Location of Incident	
15	Date / Time Incident Reported to Contractor / Consultant	
16	Details of Person(s) Who Reported	
17	To Whom was incident Reported?	
18	Mode of Reporting (verbal/written report) – <i>if written attach report.</i>	
19	Details of the Incident (key facts pertaining to the incident and how it happened)	
20	Who else was informed about this incident?	
21	What Action (s) has been taken by Contractor / Consultant to address the problem? And When?	
	<b>Details of Actions By FD</b>	
	Name / position of FD staff incident was reported	
	Comments / Recommendations for FD staff for which Incident was first reported	
	2 <sup>nd</sup> Name/Position / Department for which incident was reported to in FD Comments / Follow up Action Recommended.	

\* Note: It is important that incidences of child abuse and sexual harassment and severe criminality / social risks that may involve Project staff are documented and brought to attention of FD and World Bank for information and determination if further investigation is needed to avoid any possible negative consequences on the Project.

## **2. MONITORING REPORT OUTLINE**

Each Framework and Plan have their own specific Monitoring and Evaluation reporting requirements. The following is a recommended outline for the Environmental and Social Monitoring Report to be submitted on a regular basis to the World Bank. It includes a basic table of contents with an explanation recommending what information each chapter should contain. Some tables for some of the environmental and social risk issues are presented as examples, although this is not an exhaustive set of data requirements and table formats. For details of measurements and preparation of monitoring requirements, please refer to each associated annex of this ESMF, the stand-alone SEP document, and other environmental and social risk documentation. The Monitoring Plan to be prepared (format in Section 2 above) will also assist in determining what data to collect, its source and frequency for reporting.

### **1. List of Abbreviations and Glossary**

This section shall provide a list of:

- abbreviations along with their full terms; and
- Terms with definitions – some of the terms used in Myanmar are only known in Myanmar and some technical and environmental and social risk terminology can cause confusion if not well defined.

### **2. Table of Contents**

### **3. Introduction**

This section shall provide a brief statement as to what the document is about and the document linkages to previous monitoring report (i.e. “This is the XX Quarterly Monitoring Report covering [month] to [month] [year]”)

### **4. Environment and Social Management Structure**

It is planned for a Project Steering Committee, Project Management Unit, 3-4 Consultants, contractors and key FD personnel working on the Project potentially at one time. This section is designed to provide:

- Personnel structure (organogram) of the Project and any changes to this structure
- Updates to the staffing, including consultants, and any replacements or substitutions
- New Contractors recruited on the Project

### **5. Project Progress**

This is most important, providing updates on the status of the Project Components, sub-components and activities. Furthermore, the progress on the implementation of ESCP and the performance / compliance status of the ES requirements set in the ESMF, SEP and all ES instruments should be more focused and included in this ES monitoring report

Some examples of data table formats, adapted to the project, might be included in the Monitoring Report (but not limited to) Tables A4-4.1 – 4.4.

**Table A4-4.1- Meetings, Training, Advocacy**

Date	Advocacy /Target / Awareness topic	Participant (Female)	Participant (Male)	Participant (TOTAL)

**Table A4-4.2 - Training for CFUG Members**

Date	Topic of the training	Participant (Female)	Participant (Male)	Participant (TOTAL)

**Table A4-4.3 - Preparation & Review Community Forest Management Plan**

Date	Area	Participant (Female)	Participant (Male)	Participant (TOTAL)

**Table A4-4.4- Community Level events (e.g. CF tree planting)**

Date	Area	Participant (Female)	Participant (Male)	Participant (TOTAL)

## 6. Environmental risk management

This section documents the positive environmental management issues and environmentally negative issues as well as monitoring on the ES instruments including this ESMF, the ECOP, site specific plans, SEP and milestones set in the ESCP.

- Positive issues (example) - By design, the project supports sustainable forest development and use. It is expected that forest natural resources will be improved in project target areas. Forest development, particularly improved Protected Areas management, is expected to encourage forest-based flora and fauna propagation. Table 4.5 is designed to provide a simple record of identifying flora and fauna.



**Table A4-4.5- – Template for identification of Flora/Fauna increases in Protected areas and CFs**

Category (Tree species, Amphibia, Reptiles etc)	Observation Location	Local name	The scientific name	Comment on endangered categorisation

- Management Issues (example) – Waste Management - Table 4.6 format is a recommended approach to record the actual implementation set out in the Waste Management Plan (ESMF Annex 7 Waste Management Plan), in which the 3Rs approach is promoted (reduce, recycle and reuse). It is designed to record data and information on minimized (reduced) waste generation; reusing, recycling, and recovering waste; and disposal of waste. It also includes a column to record hazardous level of waste (e.g. hazardous oils and poisons, etc.), permits required and obtained for disposal (as per Myanmar Laws) and locations of temporary storage and subsequent disposal.
- Negative issues (example) – the ESMF and SA have both identified several potential risks, or negative issues, some of which are significant risks, and many are low risks. The types of risks to be mentioned here, for example, are if dust and noise levels (currently very low risk) become an issue in a construction aspect of the Project; or problems of significant logging, despite attempts to curb illegal logging activities in CFs and PAs.

## 7. Social Risk Management

This section documents the socially positive management issues and negative issues.

For example, the Labour Management Procedures (ESMF Annex 8) and the Social Assessment provide instructions on Occupational health and Safety for all workers and labour - use of underage (child) and forced labour and aspects of equal opportunity employment associated with the Project.

The following templates / format examples include:

- Incident Report in case of incidents (refer to section 3 above)
- Personnel numbers and location (local, coming from within Myanmar, International) (Table 4.7)
- Age range of personnel of different positions and skilled/unskilled labour (Table 4.8)
- Income data for those employed to ensure that labor is paid salary above the legal Minimum salary rate in Myanmar, within the laws of Myanmar and in accordance with skill levels etc; to ensure that females and males are paid equal salary or equal work; and is one indicator of no use of forced labour (Table 4.9)

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**Table A4-4.6 – Waste Management (monthly)**

Waste Item	Hazardous Type	Location where waste was generated	Stored Amount and location (Unit: t or kg)	Recycled Amount and location (Unit: t or kg)	Reused Amount and location (Unit: t or kg)	Waste Reduced Amount and location (Unit: t or kg)	Landfill Amount and location (Unit: t or kg)	Total waste Amount location (Unit: t or kg)

**Table A4-4.7 Numbers of Personnel (no. of people)**

Contractor	Month of Record	Number of Male (no.)		Number of Female (no.)		International		List Origins of International Personnel
		Local	Other parts of Myanmar	Local	Other parts of Myanmar	Male	Female	

**Table A4-4.8 – Age of Personnel (years old)**

Month of Record	Male Age Range (years old)				Female Age Range (years old)			
	Management	Staff	Skilled	Unskilled	Management	Staff	Skilled	Unskilled

**Table A4-4.9- Monthly Average Income Records**

Position Type	Salary Range for position Male	Salary Range for position Female	Average hours worked - Male (M) per week	Average hours worked - Female (F) per week	Overtime recorded and paid M/F	Overtime rate M/F	Shifts - from/to

## 8. Health and Safety

This section will report on health and safety compliance in accordance with the Labour management Procedure (Annex 8) and Incident reporting (refer to Section 3 above). An example of data summary records of health and safety incidents is presented in table 4.10

**Table A4-4.10 – Health and Safety Incident Records Summary**

SN	Type of Incident	Near miss Yes/No	Number of injuries	Number of Fatalities
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## 9. Project Grievance Redress

There are several separate Grievance Redress Mechanisms (GRMs) associated with this Project:

- General Project Complaints and Grievances
- Resettlement – Economic and Physical displacement (Resettlement Policy Framework)
- Labour Grievance Mechanism (Labour Management Procedure)
- Ethnic groups (CPPF)

This section will summarise the Grievances on the Project, from the various GRMs and their Grievance registers, as presented in Table 4.11 and 4.16 (refer to Annex 2 of the Stakeholder Engagement Plan which details the grievance register format), and information on their resolution and those that remain unresolved.

**Table A4-4.11 – Template for Grievance Registers**

Grievance Registration #	Date	Name	address	Contact No.	Description of Grievance	Name of person taking the Grievance	Type of Grievance	Directed to whom	Status of resolution	Details of resolution
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**Table A4- 4.12 - Summary of types of Complaints and Grievances**

Category of Complaint/Grievance	Number (%)
Repair of utilities	
Environmental damage complaints	
Other	

**Table A4-4.13 - Summary status of all grievances received to date (DATE)**

Project component / State / Region	Total number of Grievances received	Total number of Grievances related to the project	Total number of Grievances not related to the project	Total number of Grievances remaining undecided if project related or not
Ayeyarwady				
Bago				
Magway				
Mandalay				
Nay Pyi Taw				
Sagaing				
<b>Total</b>				

**Table A4-4.14 - Summary status of project related grievances to date (DATE)**

Project component / State / Region	Total number of Grievances received	Total number of Grievances investigated	Total number of Grievances with required follow up action agreed <sup>1</sup>	Total number of Grievances follow up action implemented	Total number of Grievances closed <sup>2</sup>	Total number of Grievances still outstanding
Ayeyarwady						
Bago						
Magway						
Mandalay						
Nay Pyi Taw						
Sagaing						
<b>Total</b>						

<sup>1</sup> Agreement needs to be reached by involving the concerned parties, including the grievant, grievance committee, grievance investigation team and as required, the PMU.

<sup>2</sup> A grievance is closed once (i) the required actions to solve the grievance are implemented, and (ii) verified, and (iii) the status is reported to the grievant, and (iv) documented, and (v) all steps are recorded and documented in the grievance database. If **any** of these 5 steps are remaining, the grievance is not yet considered closed.

**Table A4-4.15 - Number of project related grievances received per year per project component (DATE)**

Calendar year	Total number of project related grievances received	Chin	Rakhine Phase 1.1	Rakhine Phase 1.2	Sagainé	Ayeyarwady
2021						
2022						
2023						
2024						
2025						
2026						
2027						
<b>Total</b>						

**10. Annex:**

- 1 – Maps of current Project sites
- 2 – Minutes of Consultations (including photographs and other evidence)
- 3 – Permissions (permits) obtained or ongoing during reporting period

**Attachments:**

Attachments 1 – Summary of Key Issues from Contractor’ Environmental and Social Monitoring Reports (if any)

Attachments 2 – Specialized Monitoring Reports (e.g. Resettlement Monitoring reports).

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**Annex 5: Standard Operation Procedure for UXO/Landmine Risk**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Overview

Under ESS4: Community Health and Safety of the World Bank ESF (2018), it is stated that the emergency event is an unanticipated incident, arising from both natural and man-made hazards, typically in the form of fire, explosions, leaks or spills, shall be identified. The Project activities will be screened using Annex 1 of this ESMF in order to figure out the potential environmental and social risks and impacts. Once the results of screening check list indicated the potential risk of UXO/Landmine, this standard operation procedure for UXO/Landmine risk will be applied. The risk hazard assessment is necessary to conduct in case of having past history of the previous occurrence of landmine explosion at site-specific area. As a measure for addressing UXO/landmine risk, emergency preparedness is necessary under FREDIP since Myanmar faces one of the most severe landmine problems in the world today.

## Definition of UXO/Landmines

Unexploded Ordnance (UXO) - refers to munitions (bombs, rockets, artillery shells, mortars, grenades and the like) that were used but failed to detonate as intended. UXO include artillery and tank rounds, mortar rounds, fuses, grenades, and large and small bombs including cluster munitions, sub-munitions, rockets and missiles. UXOs are usually found in areas where conflict has taken place or at military firing ranges. They are often extremely unstable and can detonate at the slightest touch. Injuries can often occur when people are farming or undertaking construction work in a contaminated area and touch, move or tamper with them. UXO accidents are often more lethal than landmines due to their higher explosive and fragmentation content.

Landmines - are victim-activated explosive traps. It can target a person and/or a vehicle. A mine comprises a quantity of explosive, normally contained within some form of casing (typically in metal, plastic or wood), and a fusing mechanism to detonate the main explosive charge. Land mines are difficult to be detected with natural eyes as they are mostly covered with vegetation and soil over time or intentionally covered to hide their tracks. Some mines are placed deep in ground for specific purposes with their own methods of detonation and the land mines are created and planted by many categories according to their targeted person or things or number of casualties. They can be activated by a range of mechanisms including pressure, trip wire, electrical command or magnetic influence. Some modern mines can be initiated using other forms such as electronic sensor.

Landmines are generally classified into two types: anti-tank (or anti-vehicle) and anti-personnel. Anti-personnel mines are also commonly further divided into four categories based on their primary method of causing injury: blast; fragmentation; bounding fragmentation; and directional fragmentation.

There are many types of landmines used in Myanmar that include improvised explosive devices (IED) other than the conventional military use types that include copies of Russian PMNs (locally designated MM-2), POMZ fragmentation mines (designated MM-1), and United States' M14s. LTM-76 bounding fragmentation mines based on British or Indian designs have been found around electrical pylons according to landmine & cluster munition monitor 2018 country report for Myanmar/Burma.

## UXO/Landmine Contamination in Myanmar

In general, the Union of the Republic of Myanmar is heavily contaminated with mines resulting from the conflicts between the Tatmadaw (Government Forces) and numerous non-state armed groups affiliated with ethnic groups. The mine-affected areas are mainly the border areas of Myanmar adjacent to Bangladesh, China, Lao, and Thailand, and pose a particular threat in northern and eastern parts of the country. According to the information from the Myanmar Information Management Unit (MIMU), Kayin State is the highest ranked with the number of casualties within the period of 2007 to 2017, and it is

followed by Kachin, Bago and Shan State. Other states and regions with landmines contaminations are Kayah, Tanintharyi, Mon, Chin, Rakhine and Sagaing region.

## Status of Landmine Clearance in Myanmar

Myanmar is neither a signatory to the anti-personnel mine-ban treaty nor to the Convention on Certain Conventional Weapons. Land Release, a process that includes non-technical survey, technical survey and clearance activities, has not occurred in Myanmar yet as NGO mine action operators are not permitted to conduct clearance by either the government or ethnic authorities. Myanmar does not have national mine action legislation or standards. Mine survey and clearance operators of the Government (Tatmadaw Engineers) follow International Mine Action Standard (IMAS) and their own standard operating procedures.

## Risk Hazard Assessment

The site-specific activities will be screened out via available site data for requirement of risk hazard assessment in term of potential risk of UXO/Landmine. In case of any history of previous conflict affected area consider the alternatives to avoid the contaminated area.

**Table A5-1 Preliminary risk assessment form**

Details		
Name of assessor		
Date of assessment		
Site Address		
Development Proposed		
(e.g., Community Forest, Ecotourism Activities in PA, etc.)		
Historical findings		
	Name of interviewee	Detail
Findings from Interviews		
Threat potential / Probability <sup>73</sup>	Probability and risk of UXO encounter	Rating

<sup>73</sup> The threat probability rating is extracted from CIRIA C681: Unexploded Ordnance (UXO)



## Details



Recommendation

Other Notes

Note: Attach site plan and map of area assessed.

## Emergency Preparedness

Even after going through the primary risk screening and avoiding the landmine contaminated areas during preparing process, there are possibilities for installation workers to encounter suspected ordnances during their work in target sites. In order to minimize the risk of such encounters, the mitigation measures and chance find procedure are prepared to perform during project implementation by taking into account the prevention for not only the community but also the project workers.

## Mitigation Measures

### Selection of routes

To select the common and safe routes used by many local people; avoid using routes not commonly traveled at early morning and night when visibility is poor; don't use highly vegetated roads or trails;

Don't go to unknown places, abandoned areas where troops previously sheltered or where battles have occurred, or where landmine explosion have occurred;

To inquire the local signs of landmines and strictly follow the rules;

To select another route in case of uncertain information of landmines on the selected route;

Do not touch objects that are not familiar or appear out of place in a given environment;

### Information Gathering and Sharing

FD Team at township level for CF related activities or PA Field Staff/Ranger for PA related activities should always inquiry the information of landmine prone places/dangerous places from the local villagers and always avoid these places/routes;

E&S Consultants of PMU provides proper UXO awareness for all personnel working or visiting the site (to be provided by HSE officer of PMU);

Awareness raising to the all personnel working or visiting the site as well as nearby community by Safeguard Officer at township level;

### Signs of landmines

To be aware of the following signs of the landmines:

The international sign for the existence of landmine in a specific area is a skull with two crossed bones beneath it;

Locals also warn about the landmines by using branches/sticks to form crosses, piling some stones and paint red, marking some crosses on the tree trunks, and erecting a stick in the ground and tie a cloth at the top;

### **Preparedness**

Prepare a medical response plan and communities in UXO/Landmine risk areas should have information on location and contact details of nearby clinics or health facilities that can treat serious laceration and avulsion. This information should also be maintained by contractors and be notified to all workers;

### **Mitigation actions**

Implement a 'Chance Find Procedure' (see below) which clearly defines safe actions to be taken in the event that mines or any other suspected ordnances are encountered during project implementation;

Once any landmine or UXO found in chance at the project site, the FD will avoid continuing project implementation activities at the site.

### **Chance Find Procedure**

FREDIP prepare and implement a 'Chance Find' procedure that clearly defines safe actions to be taken if mines or any other suspected ordnances are encountered during any works. The following indicated the detail procedure.

In case of finding the suspected objects during any works,

- (i) Immediately stop all works and move out using the same path use;
- (ii) Immediately restrict the entry of all the persons including the workers, in any case;
- (iii) Cordon the area off appropriately;
- (iv) Put the physical measures in place to avoid unauthorized tampering of the landmine/UXO find
- (v) Immediately inform about the existence of landmine in a specific area to the community nearby and have to make sure no one enter those areas until the authorities arrive and the landmines are cleared;
- (vi) Set highly visible signs such as the signs and markings with the use of yellow, red and blue ropes in the landmine existence (high risk area) to warn the public;
- (vii) After that the information about the landmine including time and location of suspected encounter must be informed to the township FD or PA Field Staff/Ranger by CFUGs/Contractors as well as to the village tract GAD and all other relevant government agencies;
- (viii) Evacuation from the encountered site should be initiated immediately
- (viii) Then the information is immediately step by step reported via township FD or PA Field Staff/Ranger to the regional or union FD (PMU);
- (ix) Then, all project activities will be terminated from the project site with the particular instruction of FD.

The chance find should be ultimately reported to the Union FD (PMU) who will then report to the World Bank immediately. And the further proposed actions will be informed to the Bank too.

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**Annex 6: Generic Integrated Pest Management Plan**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Overview

The FREDIP project is designed to implement forest restoration and enabling activities for the community which include the establishment of new community forests, strengthening of existing community forests, and re-/afforestation activities through facilities and support for the implementation.

The project itself will not support intensified crop agriculture involving substantially increased agrochemical use. However, use of agrochemicals including pesticide, insecticide, herbicide, chemical fertilizer, hormones, etc. may involve in the implementation of supporting activities such as plant nursery operations, agroforestry establishment inside the community forest, and weed controlling activities, etc. Therefore, a generic Integrated Pest Management Plan (IPMP), is prepared as a precautionary measure particularly for the component 1.1 of FREDIP; Community Forestry, including Community Forestry Enterprises.

During the consultations with different stakeholders through virtual meetings, it was observed that insecticide is occasionally used in the nurseries of forest department for the purposes of keeping seedlings (e.g. Eucalyptus Seeds, etc.) and young plants (e.g. young teak plants) from various kinds of insects and pests. In agroforest plantations which are established in the community forests, use of pesticides, insecticides or herbicides may be depending on the types of pests attracted by the varieties of crops grown. The amount and diversities of pesticide use in agroforest management could be more significant than in nurseries.

In order to ensure effective and environmentally sensitive approach, integrated pest management practices are considered as a first option. This plan will also be implemented in a manner to ensure that the world bank ESF objectives (Resource efficiency and pollution prevention and management (ESS3)) is well addressed during the project implementation.

## Integrated Pest Management

Integrated pest management is not a single pest control method and it is composed of a series of pest management procedures.

### Identifying and Monitoring Pests

Not all insects, weeds and other living organisms required control and many of those are innocuous, and some are even beneficial. Classification of pests and effective monitoring will enable the understanding of the pests in the target area to avoid unnecessary pesticides applications. This will also ensure that appropriate control decisions can be made and the right pesticides are applied only when required.

### Setting Action Threshold

Pest Application threshold should be established for every relevant activity. This will provide an indication for the need for commencement of pesticide application.

### Pest Prevention

As a first line of pest control, pest preventive methods including habit modification and adapting operating procedures shall be implemented so that pest damage is reduced and natural control is enhanced. Cultural control methods such as selecting pest-resistant varieties which are resistant to pest injury, planting pest-free rootstock, adjusting planting time, fertilization, changing irrigation practices, etc. can be effective, cost-efficient and present little or no risk to people or the environment.

### Managing Pests by Integrating Multiple Methods

Once identification, the results of monitoring and action threshold indicate that pest control is required, and preventive methods are no longer effective then it is necessary to follow a control method based on the type of pest. Choosing appropriate is not straightforward and requires significant understanding of the interactions between the environment, plant, pest and predator. The scientific basis for decision-making in integrated pest control depends on detailed knowledge of the life histories of pest and their enemies, crop ecology and interactions within the agro-ecosystem. The following integrated pest controls methods shall be considered before choosing pesticide application method.

Mechanical Control: simple hand-picking method, using traps and barriers, etc.

Biological control: using natural enemies such as predators, parasites, pathogens and competitors to control pest and damage.

Physical Control: blocking pest out or make the environment unsuitable for it by using control methods such as mulches for weed management, steam sterilization of the soil for disease management, etc.

### Chemical Control

In an incidence that alternative pest control methods are not effective, then additional pest control methods would be employed, such as targeted spraying of pesticides. Pesticides shall be used only when needed and in combination with other approaches for more effective, long-term control. Pesticides shall be selected and applied in a way that minimizes their possible harm to the people, nontarget organisms and the environment. Pesticide application should be efficiently managed at every stage in order to avoid the adverse impacts on both human and the environment.

### Selecting pesticides

Receive recommendations from Plant Protection Department (PPD), section of the regional DOA for proper management method for specific plant.

Using of banned pesticides by Pesticide Registration Board (PRB) as shown in the table (1) is prohibited.

**Table A6-1 Banned Pesticides in Myanmar**

Type of Name of Agrochemical  
Agrochemical

Banned Pesticides in Myanmar with Notification No (06 / 2019), dated on 16-10-2019.

Insecticides: Aldrin, Aldicarb, Alpha Hexachlorocyclohexane, Beta Hexachlorocyclohexane (BHC), Chlordimeform, Chlordane, Chlordecone, Chlorobenzilate, Dieldrin, DNOC, Ethylene Dibromide (EDB), Ethylene Dichloride, Endosulfan, Endrin, EPN, Heptachlor, Lindane (Gamma Hexachlorocyclohexane), Methomyl, Methamidophos, Methyl Parathion, Monocrotophos, Mirex, Parathion Ethyl, Pentachlorophenol (PCP), Phosphamidon, Strobane (Polychloroterpenes), Toxaphene, Trichlorfon, D.D.T (Dichloro diphenyl-trichloroethane), Diafenthuron, Terbufos, Borax Decahydrate, Hydramethylnon, Metaflumizone, Mineral Oil, Boric acid.

Herbicides: Alachlor, Dinoseb, 2,4,5 – T and 2,4,5-TP

Rodenticides: Arsenic Compound, Fluoroacetamide

Fungicides: Binapacryl, Captafol, Hexachlorobenzene (HCB), Mercury Compounds, Tributyltin, Tridemorph, Triflumizole

Acaricides: Cyhexatin

Type of Name of Agrochemical  
Agrochemical

Co Formulant: Ethylene Oxide

### **General precautions**

The pesticide to be used must have registration number under Pesticide Registration Board (PRB).

Only choose the pesticides labelled with Myanmar Language and do not use the pesticides without any label or with foreign language labels.

Select the pesticide which is suitable for specific pests and target plants as described on the label.

Do not mix any two or more pesticides at the same time.

Follow the instructions for use and the pre-harvest interval (PHI) as prescribed on the label.

Use appropriate and correct application techniques to ensure safety for the health of humans, animals and the environment.

### **Label Reading**

Check the pesticide registration number on your product.

Review the date of manufacture and date of expiry.

Read the active ingredient and pesticide group on your product.

Read the target pests, dosage of product.

Read the pre-harvest interval (PHI).

Read the storage and disposal procedure for the product.

Read the first aid procedure.

Follow the instructions and safety precautions precisely written on the label.

### **Storage and Transport**

Store pesticides in a certain place that can be locked and not accessible to unauthorized people or children, and put a warning sign where clearly visible

Never be kept in a place where they might be mistaken for food or drink.

Keep them dry but away from fires and out of direct sunlight.

Store away from water sources.

Should be transported in well-sealed and labelled containers.

Do not carry them in a vehicle that is also used to transport food.

### **Handling / Applying Pesticides**

From Environmental Safety Aspect –

Application rates must not exceed the manufacturer's recommendations.

Avoid application of pesticides in wet and windy conditions.

Pesticides must not be directly applied to streams, ponds, lakes, or other surface bodies.

Maintain a buffer zone (area where pesticides will not be applied) around water bodies, residential areas, livestock housing areas and food storage areas.

From Health and Safety of User Aspect –

Use suitable equipment for measuring out, mixing and transferring pesticides.

Do not stir liquids or scoop pesticides with bare hands.

Do not spray pesticides at the down-stream direction and during the strong wind.

Do not spray pesticides at the high temperature of the day (noon).

Do not suck or blow the blocked nozzle.

Do not assign pregnant women, lactating mother and children under 18 for handling and use of pesticides.

Protective gloves, shoes, long-sleeved shirt and full trousers shall always be worn when mixing or applying pesticides.

Respiratory devices (nose mask) shall be used to avoid accidental inhaling.

In case if any exposure/body contact with the pesticide, wash-off and seek medical aid.

### **Disposal of Pesticides**

From Environmental Safety Aspect –

Dispose any left-over pesticide by pouring it into a pit latrine.

It should not be disposed of where it may enter water used for dinking or washing, fish ponds, creeks or rivers.

Do not dispose any empty containers into river, creek, fish ponds and water way.

Do not burn any empty containers.

Decontaminate the pesticide containers by triple rinsing and use for next application. i.e. part-filling the empty container with water three times and emptying into a bucket or sprayer for next application.

All empty package and containers should be returned to the designated organization / individual for safe disposal.

If safe disposal is not available, bury the empty package and containers at least 50cm (20 inches) from ground level as much as possible.

The hole / disposal site must be at least 100 meters (~300 ft) away from the streams, wells and houses.

Do not reuse empty pesticide containers for any purposes.

### **Personal Hygiene**

Never eat, drink or smoke while handling pesticides.

Change clothes immediately after spraying pesticides.

Wash hands, face, body and clothes with plenty of water using soap after pesticides handling.

### **Emergency Measures**

#### **Indications of Pesticide Poisoning**

General: extreme weakness and fatigue.

Skin: irritation, burning sensation, excessive sweating, staining.

Eyes: itching, burning sensation, watering, difficult or blurred vision, narrowed or widened pupils.

Digestive system: burning sensation in mouth and throat, excessive salivation, nausea, vomiting, abdominal pain, diarrhea.

Nervous system: headaches, dizziness, confusion, restlessness, muscle twitching, staggering gait, slurred speech, fits, unconsciousness.

Respiratory system: cough, chest pain and tightness, difficulty with breathing, wheezing.

#### **Responsiveness**

##### **General:**

If pesticide poisoning is suspected, first aid must be given immediately and medical advice and help must be sought at the earliest opportunity. If possible, the patient should be taken to the nearest medical facility.

##### **First Aid Treatment:**

If breathing has stopped: Give artificial respiration (i.e. mouth to mouth resuscitation if no pesticide has been swallowed.)

If there is pesticide on the skin: Remove contaminated clothing from the patient and remove the patient from the contaminated area. Wash the body completely for at least 10 minutes, using soap if possible. If no water is available, wipe the skin gently with cloths or paper to soak up the pesticide. Avoid harsh rubbing or scrubbing.

If there is pesticide in the eyes: Rinse the eyes with large quantities of clean water for at least five minutes.

If there is ingestion: Rinse mouth, give water to drink. Never induce vomiting in unconscious or confused persons, seek medical advice immediately.

#### **Training**

Training of different stakeholders in the integrated pest management methods, handling and use of pesticides/herbicides as well as their hazards is the key. Trainings will encompass all the relevant stakeholders who are likely to implement the activities using the pesticides. Stakeholders to be trained include responsible FD officers from nurseries and targeted new and existing CFUGs who will particularly implement agroforest activities in CF. Trainings about integrated pest management controls for each



specific area and the procedures for storage, handling, usage of pesticide and disposal of pesticides residues or empty containers without affecting the health and safety of user, nearby community and the environment shall be included in the training program. FD will coordinate with the Department of Agriculture for organizing such training services. The trainings should be provided by FD and relevant contracted entities will deliver trainings to CFUGs

**Monitoring and reporting:**

Periodic report on the progress of pest management for nursery plantation and agroforestry activities will be prepared by the responsible person from FD and CFUGs, as applicable. This will form part of the environmental and social reporting framework for this project. The report will include common pests identified or declared in the project areas, common pesticides used by the planters, sources of pesticides, level of success of treatment of pests, the amount and type of pesticides used, and IPM knowledge and practices among planters, etc.

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**Annex 7: Waste Management Plan**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Overview

Project activities under FREDIP will involve construction activities for development of infrastructures, establishment of community forest, value added product production (timber and non-timber product) under community forest enterprise and community-based ecotourism promotion activities. The various forms of solid waste and wastewater could be generated from such activities in direct or indirect manner. In accordance with WB ESS 3, where waste generation of hazardous and nonhazardous waste cannot be avoided, it is required to minimize the generation of waste, and reuse, recycle and recover waste in a manner that is safe for human health and the environment and where it is not possible, waste should be treated, destroyed or disposed in an environmentally sound and safe manner that includes the appropriate control of emissions and residues resulting from the handling and processing of the waste material.

Hence, a waste management plan is prepared considering waste generated from above mentioned activities to avoid or minimize the impacts through the implementation of good practices including compliance with WBG Environmental, Health and Safety Guidelines (EHSGs).<sup>74</sup> This plan will serve as a primary guidance plan for implementers to consider about waste management before commencement of any activities generating waste.

## Waste Management Procedure for Value Added Processing (i.e. Wood Processing) Activities

Solid wastes resulting from the wood processing may include the bark, sawdust, solid pieces such as offcuts/dockings from the milling processes and wood shavings. Other potential types of solid waste include yard waste, solids from log washings, and general rubbish.

Wastewater might be generated from runoff from log yards and storm water can be contaminated with pollutants such as sawdust, litter, petroleum products, solvents, detergents and sediment. Waste management practices for wood processing activities are as follow.

**Table A7-1 Waste Management Procedure for Value Added Processing Activities**

Sr. No	Impact Management Category	Management Practices
1	Solid Waste General Management	<p>Maximize sawn timber production to minimize the generation of wood wastes.</p> <p>Reuse and recycle waste material by incorporating waste into other processes such as using the waste material as an input for products in other industries or by using it as a source of fuel for power generation. For example, timber off cuts can be converted to wood chips, firewood or furnace fuel while sawdust can be used for furnace fuel, animal litter, pellet production or in composting.</p> <p>Avoid accumulating processing residues, disused equipment, and general rubbish.</p>

<sup>74</sup> Considering the waste management for ecotourism activities in protected area, it will be addressed through project activity of FREDIP known as the feasibility study on ecotourism potential in each potential PA.

Sr. No	Impact Management Category	Management Practices
		<p>Ensure all wastes, including general domestic wastes, are managed before disposal, in a way that reduces the risk of creating a hazard or nuisance.</p> <p>Wastes that are unsuitable for reuse should be removed to a proper/municipal waste disposal site at regular intervals, if such disposal site is available.</p> <p>If not, wastes should be buried at a designated area for waste disposal.</p> <p>Avoid open burning of wastes not to have any impact on the ambient air quality due to smoke generation.</p>
2	Storm water Management	<p>Prevent storm water from mixing with wastewater with pollutants such as sediment, or oil or grease which will degrade the quality of any receiving waters.</p> <p>Use a suitably designed storm water drainage system to direct storm water away from such polluted areas.</p>
3	Wastewater Management	<p>Treat wastewater from the operation, such as log wash runoff prior to discharge from the premises via settling ponds.</p> <p>Have sufficient in size and well-designed settling ponds to hold water long enough to allow sediments to settle out.</p> <p>Reuse water from settling ponds for purposes where low quality water is suitable, such as for log yard sprinkling.</p>

## Waste Management Procedure for Non-Timber Forest Product (NTFP) Processing Activities

The NTFPs used by the local communities include 22 types of non-timber forest products<sup>75</sup> known as bamboo, cane, Cutch, Barks, Shaw, Karamat, Indwe-Pwenyet, Thanakha, Kanyin Resin, Pine resin, Sal seed, Dani/Thetkye, Honey, Beeswax, Bat guano, Orchids, Resin, Bonmayazar, Edible Birds' nest, Lac and Thinpaung. Among them, only a few NTFP products such as bamboo are processed and widely used for application in diversified products, for example, flooring, chopsticks, charcoal, and construction materials, etc. Other common NTFPs are consumable products such as elephant food yarn, medical and aromatic plants, agar aromatic oil, ornamental plants, are etc. which are grown in different agroecological zones of Myanmar and mostly traded as raw materials.

Generally, wastes generated from NTFP processing activities are organic materials and have values to use as raw materials in the production of other products. For example, wastes of bamboos generated from making chopsticks are reused in papermaking industry.

<sup>75</sup> National Forest Sector Master Plan (2001-2002 to 2030-2031), Ministry of Forest, 2001

**Table A7-2 Waste Management Procedure for Non-Timber Forest Product (NTFP) Processing Activities**

Sr. No	Impact Management Category	Management Practices
1	Solid Waste General Management	<p>Promote waste reduction in every different stage such as harvesting, processing and distribution processes.</p> <p>Handle wastes from processing properly by collecting, segregating, storing and disposing at designated disposal area in an environmentally friendly manner.</p> <p>Investigate the potential use of NTFP processing wastes or by-products integrated with other commercial activities.</p>

## **Waste Management Procedure for Community Based Ecotourism Activities**

Typically, wastes generated from community-based ecotourism activities are domestic wastes such as garbage from restaurant, temporary stay facilities, hotels, etc. and other related wastes. The following waste management practices address the needs for collecting and safely disposing of solid waste generated including reduction of wastes at source, composting, recycling, collection and landfill or incineration. Solid garbage waste requires landfill disposal either inside or outside the protected area, so plans to reduce waste generation are highly desirable.

**Table A7-3 Waste Management Procedure for Community Based Ecotourism Activities**

Sr. No	Impact Management Category	Management Practices
1	Solid Waste General Management	<p>Determine the volumes of waste materials by category (e.g. organics, hazardous materials, recyclable, etc.) and design the management system to deal with each waste category separately as required.</p> <p>Provide the attention on reducing of single-used plastic and foam</p> <p>Adopt waste management hierarchical practices;</p> <p>Reduce: Avoid producing waste in the first place.</p> <p>Reuse: Consider where certain items can be reused, sold or donated to others that can use them.</p> <p>Sort: Have a system in place for sorting daily waste items such as bottles, cans, cardboards and paper for recycling.</p> <p>Recycle: Recycling the sorted waste.</p> <p>Provide separated waste collection facilities/waste bins and ensure that there is a clear procedure for waste separation.</p>

Sr. No	Impact Management Category	Management Practices
		<p>Contract available relevant recycling services at least for glass, paper, cardboard, plastics and metals. Where there are no recycling services, such collected recyclable waste are sent to the recyclers in nearest towns/cities.</p> <p>Provision of additional waste management facilities (Sufficient Waste Bins, Toilets, Temporary Waste Storage, etc.) for large events (Pagoda Festivals, Religious Festivals, etc.)</p> <p>If community-based facilities such as guest houses, markets, etc. are located in relevant areas, ensure them to have own specific waste management plan and submit to relevant authority.</p> <p>Reduce the waste</p> <p>Develop visitor guidelines including dos and don'ts regarding to waste management (e.g. no littering, no feeding of animals, etc.) as described in ECoPs in order to avoid impacts unknowingly caused by the visitors.</p> <p>Consider a community awareness program for tourists and the local peoples on the importance of a healthy environment and on the principles and values of waste reduction, recovery and recycling to reduce waste disposal requirements and extend the life of disposal sites.</p>
2	Final Disposal Site Management	<p>Avoid choosing final disposal sites near sensitive locations such as protected natural sites, wilderness areas, critical habitats or areas with significant biodiversity (e.g. wetlands)</p> <p>Properly dispose the organic and biodegradable waste at the designated areas by township municipals.</p> <p>Ensure to send the non-biodegradable waste official landfill sites managed by township municipals.</p>
3	Wastewater / Sewage Management	<p>Having self-composting toilets to reduce sewage disposal problems.</p> <p>Ensure toilets/wastewater treatment facilities of sufficient capacity to cope with peak loads in tourist season.</p>

## Participants in Waste Management Planning Process

The involvement of the various stakeholders and the public in the planning process aims at ensuring acceptance of the waste policy in general and contribution to the attainment of its objectives. This is to be done in accordance with the various levels of administration concerned by reflecting social and cultural traditions. Stakeholders may include:

Representatives from administrative level (government departments, regional authorities, municipalities, etc.)

Waste experts

Representatives from waste management sector (collection, recycling, composting, incineration and landfill, etc.)

Commercial organizations (Hotels, Recreation Centres, Restaurants, etc.)

Relevant associations (Myanmar Tourism Federation, Myanmar Hotelier Association, Board of Trustees, etc.)

NGOs

Local People and Other interested parties shall be involved in the planning process as well.

## **Public Awareness**

In order to have efficient and properly functioning waste management system, it is important for the public and visitors (tourists) to understand the system and to support it. There are several ways of raising public awareness of waste issues and providing information on how to deal with waste. In setting up a public awareness campaign, the following steps should be considered:

Choice of target groups (age, gender, demographic data, etc.)

Choice of objectives to be achieved (public awareness, motivation, reducing environmental impact, etc.)

Choice of communication Content (emotional, rational, ethical, fear-inducing, appealing, etc.)

Choice of Media (TV, radio, internet, newspapers, magazines, leaflets, brochures, etc.)

Monitoring and feedback

Evaluation and adjustments.

## **Institutional Arrangement for Implementation of Waste Management Plan**

The PMU led by Forest Department (FD) under the Ministry of Natural Resources and Environmental Conservation (MoNREC) is responsible for monitoring compliance of the relevant waste management plan in respective project activities mentioned above. The assigned Forest Department staff/PA rangers are responsible for site - based monitoring and enforcement on the implementation of relevant waste management procedure in respective project activities. The assigned FD staff/PA rangers will also coordinate with the relevant government departments under relevant Regional Government including Environmental Conservation Department, relevant Municipality, General Administration Department, Department of Hotel and Tourism (MoHT) and other relevant departments in planning and enforcement of proper waste management in respective target areas or protected areas.

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 8: Labour Management Procedures**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**



## **Introduction**

These labour management procedures (LMP) set out the way in which project workers will be managed, in accordance with the requirements of national law and World Bank's Environmental and Social Framework, specifically the objectives of Environmental and Social Standard 2 (ESS2): Labour and Working Conditions. The LMP seeks to ensure that measures are in place to manage risks associated with employment under the project and help to determine the resources necessary for labour planning and management. These procedures will be applied to different categories of workers, including the project direct workers, contracted workers, and primary supply workers. This LMP is applicable to all project workers, whether full time, part time or temporary.

The Labour Management Procedures (LMP) are used to determine labour requirements, identify risks associated with the use of labour for the Project, and assess the resources needed to handle any labour problems that may arise. The LMP describes how the different types of workers of the Project will be managed in accordance with the requirements of national law, applicable collective agreements and the provisions of ESS 2. Thus, this document defines the obligations of third parties involved in the implementation of the Project towards their employees. Its objective is to set up an adequate labour management system for the project.

The estimate number of workers employed by the project will be known after the project activities are costed in detail and institutional arrangement of project finalized.

## **1. OVERVIEW OF LABOUR USE ON THE PROJECT**

Under the project, there may be different types of workers: (i) direct project workers such as consultants and support staff hired on the contract basis throughout the project implementation, (ii) contracted workers, which include consultants under contracted consulting firms, including technical service providers; consultants for environmental and social assessments and supervision on environmental and social management plans; and contracted workers / workers employed under civil work contractors, (iii) primary supply workers, and (iv) Government Civil Servants.

Direct project workers: In all of the components, the project will employ consultants and support staff (such as the environmental and social specialists, procurement specialists, administrative assistants, and so on) on a contract basis according to the requirement of project in Project Management Unit at the Forest Department (FD) Headquarter and at local level (Regional/District/Township) .

Contracted workers: There will be contracted workers engaged or employed via a third party. In such engagement or employment, two broad based categories of contract workers are expected to join in FREDIP project – (i) private or NGO/ CSO service providers who will provide the capacity building services to FD staff and Community Forest User Groups (CFUG) as well as the environmental and social consulting firms that will provide the service for environmental and social assessment, implementation of the environmental and social management plans (ESMP), the environmental and social monitoring and reporting as well as the service providers who will assess the value chain and value chain products and manage the revolving grants scheme and (ii) those who work under the civil works contractors who will be engaged for small infrastructure developments such as CF extension centres, water provision infrastructure, park staff accommodation for Protected Areas (PA) management strengthening, PA education centres, and small ecotourism infrastructure such as bird hides and walking trails etc.

Contracted workers may be engaged in community forest enterprises (CFE) for processing of wood/timber and non–timber forest product value–added products, and PA management strengthening and ecotourism activities.

Primary supply workers: There will be primary supply workers employed under the suppliers who provide directly project goods or materials essential for the project activities, example provision of construction materials (including bricks, sand and quarries etc.), and transport of such materials to the project sites.

Government Civil Servants: government civil servants (FD staff) working in connection with the project, whether full time or part time, will remain subject to the terms and conditions of their existing public sector employment agreement.

The project is not expected to engage migrant workers.

The project will not have community workers.<sup>76</sup> Community forestry groups members would not be considered 'community workers' in the context of FREDIP, and hence ESS2 would not apply for CF members.

Use of the labour is expected in implementing the following activities of FREDIP project.

**Table A8-1 : Project activities and type of labour required**

Component	Sub-Component	Activities	Sub Activities	Type of labour <sup>77</sup>
1.Productive Forests	CF, including CFEs	Facilitation and support to the establishment of new Community Forest User Groups	Strengthening capacity of FD staff and technical service providers in community outreach, sensitization and communication	Contracted workers as private or NGO/ CSO service providers
			Capacity building for local technical service providers	Contracted workers as private or NGO/ CSO service providers
			Support to strengthening existing CFs	Technical support to CFUGs through technical service providers in implementation of approved CFMPs
		Support to incubating new or strengthening existing CFEs	Identification and mapping of value chains and value-added products	Contracted workers as private or NGO/ CSO service providers

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<sup>77</sup> The type of labour will be confirmed by the FD where the FD can use their own staff and where TSP/contractors will be needed after the project costing and project's institutional arrangement are finalized.

Component	Sub-Component	Activities	Sub Activities	Type of labour <sup>77</sup>
			training for small CFEs on market orientation, processing and product marketing, business skill development, product certification,	Contracted workers as private or NGO/ CSO service providers
			Establishment of community forest enterprise/ private sector clusters	Contracted workers as private or NGO/ CSO service providers
	1.2 Sustainable private sector plantations development	Setting up national plantation information system to improve plantation management	Hiring the consultants for designing, plantation information database and provide the training, testing design of data collection and maintain the system	Contracted workers as private or NGO/ CSO service providers
			Contract service providers for data collection and surveying in nine districts	Contracted workers as private or NGO/ CSO service providers
			Provision of the necessary training on information and data management for the staffs	Contracted workers as private or NGO/ CSO service providers
2. Community Forestry for Livelihoods		Revolving grants scheme and related extension support by technical service providers	Support establishment, and provide grants for, initial replenishment of community revolving funds that the communities can use to finance their livelihoods activities	Contracted workers of the technical service provider/s
			Finance consulting firm/company required	Contracted workers as private or NGO/ CSO

Component	Sub-Component	Activities	Sub Activities	Type of labour <sup>77</sup>
			for administration of the revolving fund scheme	service providers
			Provision of marketing trainings of livelihood products to CFUGs in support of existing CFs	Contracted workers as private or NGO/ CSO service providers
3. Forest Protection	3.1 Protected Areas and Ecotourism Development	Strengthening PA management	Construction of park offices, education centre	Contracted workers for civil works
		Strengthening PA management	Community guards for PA patrolling	Individual direct workers
		Eco tourism development for selected PAs	Enhancing capacity of FD staff to plan and manage the eco-tourism	Contracted workers as private or NGO/ CSO service providers
		Community Based Eco tourism promotion	Supply chain study and value chain development (note: TOR for this study should include screening for harmful child labour, sometimes found in supply chains)	Contracted workers as private or NGO/ CSO service providers
			Construction of bird hides, cycle paths, washrooms.	Contracted workers for civil works
			Capacity building activities regarding with tour guide, hospitality management, language training, waste management, recycling	Contracted workers as private or NGO/ CSO service providers
	3.2 Detection and prevention of illegal forest activities		Consultancy for scoping illegal logging, transport typology and strategy formulation	Contracted workers as private or NGO/ CSO

Component	Sub-Component	Activities	Sub Activities	Type of labour <sup>77</sup> service providers
			Consultancy for intelligence system development and follow up annual visit for review	Contracted workers as private or NGO/ CSO service providers
			Training of relevant staffs	Contracted workers as private or NGO/ CSO service providers
			Remote sensing application development for near real time detection	Contracted workers as private or NGO/ CSO service providers
			procurement, operation, and maintenance of required logistics and equipment	Project direct workers
4. Institutional Strengthening and Project Management, Monitoring and Evaluation	4.1 Institutional Strengthening of FD's Delivery Efficiency		Consultancy to undertake FD capacity needs assessment Strengthening of the capacity of FD according to identified needs through provision of training and equipment	Contracted workers as private or NGO/ CSO service providers
	4.2 Project Management, Monitoring and Evaluation		Hiring of outside technical expertise for institutional support and capacity development for project management, coordination, safeguards compliance, implementation, and monitoring and evaluation,	Project direct workers

Component	Sub-Component	Activities	Sub Activities	Type of labour <sup>77</sup>
			information & communication	

## 2. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The above table shows the activities that envisage labour engagement. As the FD will be directly implementing the project, FD civil servants will be involved in all project activities. Based on these activities, labour risks are expected to be minimal in general.

Specifically, occupational health and safety risk is low though the project involve some physical development activities such as construction of community extension centres, and infrastructure developments in selected PAs such as bird hides and cycle paths. These physical activities are very small in scale and site specific, and the risk is anticipated to be temporary and minimal. However, risk remains that some accidents may occur that lead to injuries e.g. the risk of accidents with the unsafe and inappropriate use of motor bikes on the PA roads. Motor vehicles can be potentially diverted to non-project related activities or operated in an inappropriate way, which can lead to accidents involving the driver or 3rd parties. All contractors will be required to develop and implement written labour management procedures, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors will be required to prepare the Environmental and Social Management Plan (ESMP) and implement their respective plan to ensure workers use basic safety gears, receive basic safety training and other preventive actions as provided in the Project’s Environmental and Social Management Framework (ESMF) to which this Labour Management Plan is annexed. All the management measures will be incorporated in environmental and social management plan (ESMP). Each ESMP will clearly define mitigation measures for construction and operational phases, roles and responsibilities, time plans, costs and implementation procedures for each mitigation measures recommended. The Contractors will be required, as a condition of their contracts with the Project, to prepare, to implement and to comply with their own ESMPs, including Labour Management Procedures and Occupational Health and Safety measures outlined in the ESMPs. Contractors and their workers will also be subject to and trained on codes of conduct which includes GBV/SEA measures, interacting with local communities and security provisions.

Other labour risks such as discrimination, transparency, gender-based violence, child labour use<sup>78</sup>, overtime, forced labour use will be assessed at each workplace.

If the COVID-19 pandemic continues during project implementation, there are likely to be risks related to COVID-19 transmission during community labour activities and implementation of the civil works.

### Table A8-2 Mitigation measures to address the potential risks

Risk	Mitigation Measures
Child Labour use	Sensitization of workers and communities on issues of child labour No employment for underage children (under 18 years).

<sup>78</sup> There may be occasions where children above 14 may help their parents or accompanied with their parents in carrying out activities related to community forestry, including collection of NFTP or planting of trees, as part of broader family task sharing outside school hours. This is not considered child labour when occurring outside school hours and not interfering with education.

Risk	Mitigation Measures
Forced Labour <sup>79</sup>	<p>Registering the age of the employed labour</p> <p>Sensitization of workers and communities on issue of forced labour</p> <p>No use of forced labour as per ILO Forced Labour Convention (No. 29).</p>
Gender Based violence	<p>Sensitization on dangers and prevention of Gender Based Violence for direct project and contracted workers.</p> <p>Ensure a respectful workplace</p> <p>Raising awareness about zero harassment policy to all of the workers</p> <p>Following of the Code of Conduct for contractors and for project workers (see Appendix 1 and Appendix 2 respectively)</p> <p>The project will have a GBV sensitive GRM, SEA/SH requirements and costs in bid documents</p> <p>During the work phase, separate facilities for women &amp; men, GBV-free zone signage should be installed.</p>
Sexual Exploitation and Abuse	<p>Community Sensitization &amp; workers sensitization</p> <p>Implement code of conduct that contains the measures to protect sexual exploitation and abuse (see Appendix 1 and Appendix 2).</p>
Discrimination	<p>Provide equal employment opportunities to men, women, youth and the disabled</p> <p>Develop the appropriate measures to protect the vulnerable persons and to give equal consideration for employment in the project</p> <p>Provide due consideration to employment of ethnic groups' members, consistent with the project Community Participation Planning Framework prepared for the project (Annex 13 of the ESMF)</p>
COVID-19	<p>Ensure that relevant COVID-19 standard operating procedures<sup>80</sup> are included in the contractor agreements</p> <p>Provide direct workers with required PPEs and ensure that contracted workers are provided with PPE by their employers</p>
<p>Labour influx – risk assessed low / negligible. Most of activities will be done by community groups themselves (for CF) or with involvement of local workers.</p> <p>Accidents – risk assessed as low. The Community Health and Safety Plan (annex 10 of the ESMF) includes relevant provisions.</p> <p>Exposure to hazardous materials – risk assessed as low / negligible.</p>	

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<sup>79</sup> *Forced labour had disappeared from the cities in Myanmar, but in the rural areas are regularly forced to work as carriers or construction workers for infrastructure development*

<sup>80</sup> *Refer to World Bank ESF/Safeguards Interim Note: Covid-19 Considerations In Construction/Civil Works Projects dated April 7, 2020 or the latest available guidance.*

### **3. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS**

The below laws apply to direct, contracted and primary supply workers.

#### **The Worker's Compensation Act (1923)**

It stipulates that employer is required to make payments to employees who become injured or who die in any accidents arising during and in consequence of their employment. Such compensation also must be made for diseases which arise as a direct consequence of employment, such as carpal tunnel syndrome.

#### **The Payment of Wages Act (2016)**

The Payment of Wages Law (2016) replaces the Payment of Wage Act (1937). It defines the payment obligation to the workers employed in the factories or railway administration. This Law encompasses the payment method, the time of the payment, deduction of wages, rights of the workers to benefit overtime wages, authorities of inspectors to inspect and supervise the working place for payment, prosecution to the employer. It stipulates the method of payment stating that the payment should be made in cash on a regular payday and allows legal action against delayed payment or un-agreeable deduction. This Law protects the workers from violation of the employers.

#### **The Leave and Holidays Act (1951, partially revised in 2014)**

This act has been used as the basic framework for leaves and holidays for workers with minor amendment in 2006 and 2014. This defines the public holidays that every employee shall be granted with full payment. It also defines the rules of leaves for workers including medical leave, earned leave and maternity leave. According to this law, pregnant women would be able to get entitled the benefit of taking rest in both time of before and after giving a birth with the respective wage or salary. In this Law, weekend holidays and public holidays are defined as close days.

#### **The Labour Dispute Settlement Law (2012)**

This law was enacted for safeguarding the right of workers or having good relationship between employer and workers and making peaceful workplace or obtaining the rights fairly, rightfully and quickly by settling the dispute of employer and worker justly. It stipulates that employer in which more than 30 workers are employed shall form the workplace coordinating committee consisting of the representatives of workers and the representatives of employer.

#### **The Minimum Wage Law (2013)**

The minimum wage law, passed in March 2013, has replaced the 1949 Minimum Wage Act. The law provides a framework for minimum wage determination: the presidential office establishing a tripartite minimum wage committee shall decide minimum wage with industrial variation.

#### **Social Security Law (2012)**

This law includes provisions pertaining to the social security system and benefits; employment injury benefit insurance system of employment injury benefit fund and benefits; provisions relating to both social security fund and employment injury benefit fund; and aspects related to taking administrative action, settlement of disputes, and appeal.

#### **Employment and Skill Development Law (2013)**

This law includes provisions related to seeking employment (such as arrangements for advertising employment opportunities). It covers the employees that work for remuneration in a job requiring skills, some skills or no skills, in a government department or organization, a co-operative society, a private or a joint-venture business, an organization, or a company.



#### Signing Employment Agreement (Section 5a & e)

- If the employer has made an appointment for an employee, the employment agreement shall be made within 30 days. This does not apply to government departments and organizations for a permanent employment.
- Also includes provisions related to employment agreements, including detailed requirements on the provisions that should be included in such agreements.

#### Compensation to the Employee for Termination of Employment (Section 5,d)

- According to the employment agreement, the Ministry shall issue the notification for paying the stipulated compensation to the employee by the employer, if the work is completed earlier than the stipulated period or the whole work or any part of it have to be terminated due to unexpected condition or the work has to be terminated due to various conditions.

#### viii. The Rights of Persons with Disabilities Law (2015)

The law provides for non-discrimination of persons with disabilities who are defined as the persons who have one or more of the long-term physical, vision, speaking, hearing, mental, intellectual or sensory impairments from birth or not.

The law requires, among others, that the employer shall (a) obey and implement the policies and plans set up by the National Committee on the Right of Disabled people regarding the job opportunities of persons with disabilities; (b) employ the persons with disabilities with employability for appropriate work; and (c) make appropriate arrangements including interviewing, the equal rights for interviewing, salaries and opportunities, promotion, job security, and so on for persons with disabilities.

## **4. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY**

The below law applies to direct, contracted and primary supply workers.

#### Occupational Health and Safety Law (2019)

This law aims to implement measures for occupational health and safety across every industry, and it sets out the responsibilities of employers and employees.

The law requires employers to appoint occupational health and safety officers and form occupational health and safety committees subject to a minimum number of workers' representatives set by the Ministry of Labour, Immigration and Population. General obligations on employers include conducting risk assessments on the use of equipment and machinery, arranging medical checkups by a certified doctor for workers, enforcing the wearing of appropriate safety uniforms/overalls, and appointing registered doctors and nurses for workplaces with minimum thresholds of employees prescribed by the Ministry.

Under this law, the employer is responsible to make the assessment of potential health and safety risks regarding the workplace, project operation and materials as well as preparation of mitigation measures. This law highlights the required support of the employer such as provision of medical checkup opportunities, sufficient number of protective personal equipment, prescription of precautionary plans from emergency cases, support of medical staffs and medical facilities. This Law applies to the participation of the managers and trainers in the trainings of Occupational Health and Safety.

According to this law, protection and prevention measures such as display of occupational health and safety instructions, danger signs, release of the precautions when entering restricted hazardous

workplaces, preparation of safety plans and performing the fire drillings shall be implemented in the work sites.

Under the law, if an occupational accident is about to occur, it is necessary to stop the process immediately, evacuate the workers, and conduct necessary rescue plans. Immediate reporting is also required to inform the occupational health and safety manager. The employer shall have to incur for the expenses for occupational health and safety matters. *A comparison of the national law on labour and occupational health and safety and the World Bank requirements was conducted for the project and included in the Environmental and Social Management Framework.*

## **5. RESPONSIBLE STAFF**

The FD staff responsible for project implementation at the township level unit will monitor labour responsibilities for all of the project activities including the direct employees, the local contractors on a regular basis. As required, coordination will be assured with the Township Labour Office.

The PMU at the FD Headquarter is responsible to monitor procured contractors (including those procured by FD Headquarter and those locally procured) through the FD staff/consultants assigned at Township level. The HQ PMU will be also responsible for the following:

Ensuring that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it;

Have a system for regular monitoring and reporting on labour and occupational safety and health performance.

The project coordinator and safeguard accountable officer from township Level FD office will be responsible for the following within their responsibility area:

- Implementing these labour management procedures;
- Ensuring that contractors comply with this labour management procedure
- Monitoring contractors and subcontractors' implementation of labour management procedures;
- Monitoring on the compliance with occupational health and safety standards at all workplaces in line with the national occupational health and safety legislation and WB's ESS2
- Ensuring that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it;
- Have a system for regular monitoring and reporting on labour and occupational
- Safety and health performance; and
- Monitoring implementation of the Worker Code of Conduct.

The procurement officer, jointly with the responsible environmental and social staff, from PMU will be responsible for the following:

- Maintain records of recruitment and employment process of direct workers (consultants)
- Communicate clearly job description and employment conditions to direct workers (consultants)
- Regular review and reporting on labour, and occupational safety and health performance of direct

and contracted workers (consultants)

Supervise the implementation of contractors on labour management procedures and OHS requirements

On the contractor site, Project Manager and field supervisors employed by the contractor will be responsible to ensure compliance with labour management procedures and Occupational Health and Safety Requirements for contracted workers and for establishing an appropriate contractor's GRM.

Training of workers in environmental and social standards and OHS will be the responsibility of the contractor. Training on the Code of Conduct will be conducted by the Project Manager with assistance from the project township safeguards officer.

When contractor(s) are known, this labour management procedure can be updated to include additional details about companies, hired workforce and etc., as necessary.

## **6. POLICIES AND PROCEDURES**

Applicable national legislation that protects workers employed under the project has been identified in section 3 above. In this regard, the project will apply the following key principles for all workers categories the project will have:

Written contracts. All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contracts.

Preference for use of local labour. Unskilled labour will be preferentially recruited from the surrounding communities.

Equal Opportunity: All project workers will be employed on the basis of equal opportunity and there will be no discrimination based on race, birth, religion, official position, status, culture, sex and wealth. This policy is also consistent for entitlement of the same salary by the women in the similar work with the men as well as for receiving of the trainings equally among all workers for similar expertise.

Deliberate effort shall be directed to providing gender balance with specific attention to women in the area of project. Females shall be encouraged to apply and where deemed appropriate affirmative actions will be applied.

The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.

Transparency : The information and documentation describing the rights of the workers related to hours of works, wages, rest, overtime, compensation, benefits as well as those arising from ESS(2) of world bank requirements will be transparent and openly accessible to all of the project workers.

In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

Zero tolerance to Gender Based violence, Sexual harassment and Sexual Exploitation: Gender Based violence, sexual harassment and sexual exploitation are strictly prohibited in the project. This policy will be propagated through simple message that will be translated in the languages of workers and for those who cannot read, the posters with images will be prepare and all of these documents will be made easily accessible to all of the workers. Awareness programs about this policy and how to prevent and protect these and how to raise the issues will be delivered to all of the project workers. All contractors and project workers will sign and be required to comply with Codes of Conduct (see Appendix 1 and Appendix 2 of this LMP).

No forced labour will be used in the project. Primary suppliers will be required to provide information to the FD regarding measures they have in place to prevent and control use of forced labour.

The worker will receive the compensation if the work is completed earlier than the stipulated period or the whole work or any part of it have to be terminated due to unexpected reasons.

The Project will address occupational health and safety (OHS) risks by providing safety gear and through provision of sanitary and waste disposal facilities at each activity site, regular sensitization of workers and communities on such risks and mitigation measures, development and signing of workers' codes of conducted, etc. Adequate OHS provisions will be included in all civil works contracts.

To avoid the risk of accidents at workplaces, the sites will be planned to have description of all important areas including Emergency Assembly Point; additionally, the site will have Sign Boards located in appropriate places, providing information on precautions and appropriate actions to be taken to avoid accidents, including a mandatory requirement to wear protective gears.

To avoid road accidents with project vehicles, drivers will be informed about this risk during initial training and subsequent routine training. The project will ensure that FD staff will adhere to safety regulations regarding the use of project vehicles. These are also detailed in the ESMF Annex 10, Community Health and Safety Plan.

The FD regulation for project worker employment will be also applied. In addition, recruitment, mobilization, implementation including engagement will be applied in consideration of the prevailing national standard operational procedures on preventing COVID-19.

## **7. AGE OF EMPLOYMENT**

The project will only employ workers 18 years and older. Age of participants will be verified during the employment process using tools like National ID Card, Labour Registration Card, or Household Registration List. In case of doubt and/or inconsistencies, it may be useful to request additional documents such as: Birth certificate; Recommendation of the Township Immigration Office; Certificate of Health and Age from Social Security Board (SSB); Age confirmation document from Township Health Centre; Signed Letter from Village/Township School Master for the date of birth if the child went to school.

In case there is suspicion that the applicant is underage, it is advised to also call and interview the candidates' parents and/or other family members in order to cross-check the candidate's age.

Awareness raising sessions will be regularly conducted to the communities to sensitize on prohibition and negative impacts of Child and forced Labour as well as procedures for preventing abuse of child Labour.

If a minor under the minimum labour eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

There may be occasions where children above 14 may help their parents or accompany their parents in carrying out activities related to community forestry, including collection of non-timber forest products or planting of trees, as part of broader family task sharing outside school hours. This is not considered child labour when occurring outside school hours and not interfering with education.

## **8. TERMS AND CONDITIONS**

The employment terms and conditions applying to full time consultants, part time consultants and support staff employees will be set out in the respective contract agreements.

All consultants and support staff will be provided with the written contracts outlining the terms and conditions of the particular works that they have been contracted for. This terms and conditions may include type of employment, probation period, wage, salary, location of employment, terms of agreement, working hours, days off, holidays and leave, overtime, maternity, meal arrangement, accommodation, medical treatment, shuttling to work site and travels, regulations to be followed by the employees, resignation and termination of the service, termination of agreement, the obligations in accordance with the stipulations of the agreement; cancellation of the employment agreement by mutual consent of the employer and the employee, other matters, specifying the regulations of the agreement, amendments and supplements,

The working hours for FREDIP workers, consistent with national law, are 8 hours in a day and 48 hours in a week. Overtime is allowed of maximum 12 hours in a week.

Pursuant to Myanmar labour law, at least one (1) day per week shall be granted as a paid rest day. Ordinarily, Sunday of each week shall be designated as the rest day. If necessary (e.g. due to the nature of the activities), the employer and employee may mutually agree on any other day of the week as the rest day.

Leave is governed by the Leave and Holidays Act (1951), but additional rules may apply in accordance with other laws, such as the Social Security Law (2012) for employees contributing to the Social Security Fund.

Under the Leave and Holidays Act (1951), every employee shall be granted paid public holidays as announced by the Government in the Myanmar Gazette. On average, Myanmar has 25 public holidays per year, depending on the date of the variable holidays.

For community workers, the CFMPs will include information on conditions for their voluntary labour contribution as part of the community activities, including hours of work, days when no activities shall be organized, and so on.

## **9. GRIEVANCE MECHANISM**

A grievance mechanism is a procedure that provides a clear and transparent framework for addressing grievances related to the recruitment process and in the workplace.

A grievance mechanism (GM) will be provided for all direct workers and contracted workers to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use.

GRM procedures for CFUG members / community workers will be described in the CFMP, following standard template promoted by the project (see Annex 3 of the ESMF).

Communities and individuals who believe that they are adversely affected as a result of a Bank supported operation, as defined by the applicable policy and procedures, may submit complaints to the existing program grievance redress mechanism or the WB's Grievance Redress Service (GRS).

The GRS ensures that complaints received are promptly reviewed in order to address pertinent concerns. Affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures.

Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. Complaints can be submitted

either of written letter (mail) or phone communication or email to PMU as well as email to World Bank's Grievance Redress Service.

Grievance logbooks will be maintained in all relevant FD township offices and a summary of logs will be filed with the PMU office.

In every township, there is a Township Labour Office, and an officer from the Department of Labour is in charge of advising and receiving complaints on matter related to labour law irregularities.

For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

A Grievance Redress Mechanism will be established to respond to any potential complaints and conflicts that may arise during project implementation.

### GRM structures

The project will have 3 distinct GRMs - one for Consultants and Support Staff, one for the overall project workers, and one for ethnic groups - that meet the 4 criteria under ESS7 (and covered in the CPPF). GRM provisions for community workers will be included in their CFMPs.

#### GRM structure for Consultants and Support Staff

First level. Safeguard and Social Accountability Officer from township level FREDIP office will be responsible to receive, consider and address in a timely manner the grievances, including the concerns on unaccounted working hours and lack of compensation for overtime, delay in/non- payment of salaries. If the issue cannot be resolved at first level within 7 working days, then it will be escalated to the next level – District level FREDIP project office

Second level. Safeguard and Social Accountability Officer from District level FREDIP project office is a second level GM for direct workers if there is a situation in which there is no response from township level procurement officer. If the response is not satisfactory in the district level, then complainants and feedback providers have the option to appeal directly to the project Director of FREDIP to follow up on the issue.

The complaints should be considered, and feedback provided within next 7 working days.

Complaints by national level consultants and support staff will be received by ES officer of PMU, then reported to Project director. The Project Director is responsible for handling them.

#### Contracted worker's GM structure (third party contracted workers)

Contractor's level. Contractors should develop their own GRM and to resolve the grievances of contracted workers. Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If the issue cannot be resolved at contractor's level within 7 working days, then it will be escalated to the FD.

Local level. FD township level will assign an officer as Grievance Focal Point (GFP) to file the grievances and appeals of the project workers at the local level. He/ She will be responsible to coordinate with the contractors' Grievance Focal Points and township level Safeguard and Social Accountability Officer to facilitate addressing these grievances. If the issue cannot be resolved at the local/ township level within 7 working days, then it will be forwarded to the District level.

District level. If there is a situation in which there is no response from the local/ township level, District level FREDIP office will solve the complaints/ grievances. If the response is not satisfactory from District

level FREDIP project, then complainants and feedback providers have the option to contact the Focal Person in PMU (here, he/she may be Social Specialist of PMU) directly to follow up on the issue.

## **10. CONTRACTOR MANAGEMENT**

Employment through contracts calls for sound contractor management which shall be realized through proper agreement signing, agreement on key performance indicators and ensuring that worker related aspects of the project are embedded in contracts. Effort shall be made to ensure that all contractors in the project are compliant with the requirements in this LMP and existing FD regulations for contractors.

The FD will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labour management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labour management records and reports compiled by contractors. Contractors' labour management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

### *COVID-19 Guidance*

Contractors should develop specific procedures or plans so that:

- adequate precautions are in place to prevent or minimize an outbreak of COVID-19
- it is clear what should be done if a worker gets sick.

Contractors should assign a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues, and liaising with other relevant parties.

Details of issues to consider are set out in Section 5 of the World Bank's *Interim Note: COVID-19 Considerations in Construction/Civil Works Projects*. (placeholder – to include a link if available publicly)  
All contractors must comply with the Government COVID-19 protocols.

## **11. PRIMARY SUPPLY WORKERS**

Primary suppliers will be required to follow OHS measures, safe working conditions, and provision of personal protected equipment. They will also be required to provide information to the FD regarding measures they have in place to prevent and control use of child and forced labour. Unsafe and improper transport are commonly issues posing road accident risks to the primary supply workers involved and to the communities along the route. Discharge of raw materials at the project civil work sites should be done as per the OHS measures.

## **Appendix 1: Contractor's Code of Conduct**

Implementing Environmental, Social Health and Safety (ESHS) and Occupational Health and Safety (OHS) Standards & Preventing Gender-Based Violence (GBV) and Violence Against Children (VAC)

(Name of contractor) acknowledges that adhering to environmental, social health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable, be it on the work site, the work site surroundings, at worker's camps, or the surrounding communities.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

(Name of contractor) agrees that while working on the project every employee will:

Attend and actively participate in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by employer.

Shall wear personal protective equipment (PPE), in the correct prescribed manner, at all times when at the work site or engaged in project related activities.

Take all practical steps to implement the organization's environmental and social management plan (C-ESMP).

Adhere to a zero-alcohol policy during work activities, and refrain from the use of illegal substances at all times.

Consent to a police background check.

Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.

Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behaviour (e.g., looking somebody up and down; kissing, howling or smacking sounds, hanging around somebody, whistling and catcalls, giving personal gifts, making comments about somebody's sex life, etc.).

Not engage in sexual favours—for instance, making promises or favourable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour.

Unless there is the full consent by all parties involved, every worker shall not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.



Consider reporting through the GRM (Grievance Redress Mechanism) or to the manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my employer or not, or any breaches of this Code of Conduct.

Consent is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

#### Health and Safety

(Name of the contractor) is dedicated to providing safe, injury-free working conditions and a healthy work environment. Compliance with this commitment is a condition of any sub- Contractor engagement with (Name of the contractor).

#### Workplace safety

Each Sub-Contractor is responsible for ensuring that its Representatives complete all necessary safety training and per formwork in conformance with all applicable safety rules, laws, standards and procedures and for complying with and enforcing any additional (Name of the contractor) safety policies and procedures communicated to Sub-Contractor.

#### Reporting injuries, damage and unsafe conditions

In addition to any other legal reporting requirements, (Name of the contractor) and each Contractor must immediately report any occupational injuries, unsafe conditions or practices and damage to property occurring as a result of the (Name of the contractor)/Sub-Contractor or its Representative's activities to FD or any deserved entity.

#### Alcohol and drug use

(Name of the contractor)'s commitment to providing a healthy and safe working environment is compromised by the consumption of alcohol and illegal drugs. While performing work for (Name of the contractor), Employees, Sub-Contractors and Representatives must not consume, use or be impaired by alcohol or illegal drugs or be under the influence of prescription drugs that impair a person's ability to perform work in a safe and efficient manner.

#### Workplace violence

Acts or threats of physical violence, intimidation and harassment will not be tolerated. Engaging in violence or threatening or intimidating behaviour may result in termination of the contract with (Name of the contractor) or removal of the Representative from (Name of the contractor) property, as deemed appropriate by (Name of the contractor).

#### The Environment

(Name of Contractor) is committed to conducting its business in an environmentally responsible manner. (Name of Contractor) and its Representatives will comply with all applicable environmental laws and regulations and operate in a way that minimize the negative environmental impact of the products and services.

#### Ethics

(Name of Contractor) must operate within the highest standards of ethical conduct when dealing with the FD employees, customers and the public. (Name of Contractor) will ensure that its actions, and those of its Representatives, comply with the letter and spirit of this Code.

#### Anti-corruption

(Name of contractor) and its Representatives are committed to zero tolerance against corruption and shall not engage in any form of bribery, extortion, embezzlement or other corrupt practices.

#### Fair competition

When conducting works (Name of Contractor) and Representatives shall uphold fair standards in recruiting and competition.

#### Confidentiality

Confidential information includes information that is not known by the public and that may be harmful to the organization, its employees or its customers if disclosed. (Name of the Contractor) is committed to safeguarding and protecting its own confidential information and the personal information of its customers and employees. Sub-Contractor must maintain the confidentiality of information entrusted to it in accordance with its agreements with (Name of the Company) and applicable law. The obligation to protect (Name of the Company)'s confidential information continues even after the business relationship with (Name of the Company) ends.

#### Updates to Code and Disclaimer

(Name of the Contractor) reserves the right to amend and modify this Contractor Code of Conduct at its discretion. The provisions of the Code are not intended to change any obligations set forth in the Contractor's agreement with FD and in the event of any conflict, the terms in the agreement with FD will prevail.

## Appendix 2: Individual Code of Conduct for Contracted Workers

Implementing Environmental, Social Health and Safety (ESHS) and Occupational Health and Safety (OHS) Standards & Preventing Gender -Based Violence (GBV) and Violence Against Children (VAC)

I \_\_\_\_\_ acknowledge that adhering to environmental, social health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable, be it on the work site, the work site surroundings, at worker's camps, or the surrounding communities.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

Attend and actively participate in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.

Shall wear my personal protective equipment (PPE), in the correct prescribed manner, at all times when at the work site or engaged in project related activities.

Take all practical steps to implement the contractor's environmental and social management plan (C-ESMP).

Adhere to the OHS Management Plan.

Adhere to a zero-alcohol policy during work activities, and refrain from the use of illegal substances at all times.

Consent to a police background check.

Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.

Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behaviour (e.g., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.).

Not engage in sexual favours—for instance, making promises or favourable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour.

Unless there is the full consent by all parties involved, I shall not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.

Consider reporting through the GRM (Grievance Redress Mechanism) or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my employer or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

Wherever possible, ensure that another adult is present when working in the proximity of children.

Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.

Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.

Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also “Use of children's images for work related purposes” below).

Refrain from physical punishment or discipline of children.

Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

Comply with all relevant local legislation, including labour laws in relation to child labour.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.

Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film shall be used.

Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.

Ensure images are honest representations of the context and the facts.

Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer shall take disciplinary action which could include:

Informal warning.

Formal warning.

Additional Training.

Loss of up to one week's salary.

Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.

Termination of employment.

Report to the police if wanted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I shall adhere to the occupational health and safety management plan. That I shall avoid actions or behaviours that could be construed as GBV or VAC. Any such actions shall be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read this Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature:                      / Printed Name:                      / Title:                      / Date:

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 9: Security Risk Assessment and Management Plan**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## **INTRODUCTION**

The purpose of the Security Risk Assessment and Management Plan is to describe the material measures which will be followed by the Forest Restoration, Development and Investment Project (FREDIP) in situations which require the use of security personnel in various forms. This annex also provides guidance for project implementing entities regarding applicable policies, recommended procedures, and practical measures to be implemented during the course of the (FREDIP). The measures defined in this Annex are intended to be consistent with the requirements of the World Bank ESS4 (Community Health and Safety) addressing the use of security personnel.

The objectives of this security management plan are: (i) to ensure that security personnel are deployed in a manner which promotes public safety and which is applied in a way which is proportionate to the context; (ii) to ensure that security personnel are provided adequate training in all aspects of their duties and responsibilities; (iii) to ensure that security personnel are aware of and follow professional codes of conduct to avoid and minimize conflict with local communities or other intended project beneficiaries; (iv) ensure that any individuals responsible for enforcement of regulations, banned activities or other restrictions, understand and act within applicable law.

## **METHODOLOGY**

This Annex was prepared was prepared on the basis of desk review of available FD documentation (2018 Forest Law, 1995 Forest Rules, New Forest Rules (draft), 2018 Conservation of Biodiversity and Protected Areas Law<sup>81</sup>, Standard Operation Procedure for Seizure of illegal Timber (of the Forest Department), and FD Manual for PA patrolling<sup>82</sup>), published literature on PA management issues in Myanmar, interviews with FD staff familiar with security and enforcement issues, as well as select PA management plans for sites in Myanmar. The review also included a review of Good International Industry Practice (GIIP) reports and guidance materials. A list of reports reviewed for this annex is provided in Attachment 2 to this Annex.

<sup>83</sup>

## **FREDIP ACTIVITIES WITH SECURITY IMPLICATIONS**

The Project activities involving forest law enforcement (including in protected areas) will be those under Component 3 Forest Protection. In addition to supporting measures to strengthen protected areas management for biodiversity conservation, for improved community engagement, and development of nature-based tourism to create job opportunities and revenue generation. It will further finance governance-related activities to strengthen capacity to curb unauthorized timber extraction from high value natural forest areas and strengthen mechanisms that assure legal timber supply chains.

Subcomponent 3.1. Protected Areas Management and Ecotourism Development aims to improve management of existing PAs and create enabling conditions to realize economic opportunities from the PA system by pursuing ecotourism development, including community-based ecotourism, and promoting forest restoration and reforestation activities in CPAs/PAs. The project will support activities aimed at

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<sup>81</sup> Forest Law unofficial English translation (2018) and the Forest Rules (1995) in English language are available. The Forest Law (2018), the new Rules (draft under development), and the Conservation of Biodiversity and Protected Areas Law are available in Burmese language at <https://www.forestdepartment.gov.mm/law>.

<sup>82</sup> Standard Operation Procedure for Seizure of illegal Timber, and Manual for PA patrolling are available as departmental instructions in Burmese language.

<sup>83</sup> While the authors of this report were able to read media and other published accounts of conflicts between local communities and the FD, especially in the context of PA, such accounts usually described instances where local communities did not agree with the process for establishing national parks or protected areas, local rules and restrictions. They did not provide direct accounts of abuse or unlawful acts by FD staff in the conduct of their duties.

strengthening PA management systems, including zoning, monitoring, boundary demarcation and signage together with community awareness and livelihood support in and around identified priority PAs. It will also provide equipment in the form of vehicles and generators as well as buildings such as park offices, staff accommodation, and education centres.

Subcomponent 3.2. Detection and Prevention of Illegal Forest Activities will contribute to reducing illegal activities in key provinces in the Project Area and increase legality of valuable timber. This subcomponent (i) will secure strategic and valuable natural forest areas from exploitation by non-authorized actors, thereby reducing future revenue losses while conserving biodiversity; (ii) will establish a detection and prevention model at subnational level in cooperation with the FD and local stakeholders that can be replicated in other areas in Myanmar; and will strengthen control mechanisms in legal timber supply chains to assure markets that only legally-produced timber products are being traded.

The Project will finance the needed investments and capacity enhancement to detect illegal timber extraction hotspots early on and establish local operational capacity (technology, mobility and stakeholder collaboration) to prevent illegal activities, focusing on forest areas of high commercial and biodiversity value in the Project Area. Under Sub-component 3.2 the Project will invest in (i) equipment for law enforcement, including smart patrolling tools, uniforms and communication devices; (ii) drones, video traps and other local detection technology; (iii) increase mobility of FD staff, including vehicles and their operational costs; and (iv) training of FD staff in community cooperation, smart patrolling management and information management on how to receive, manage and interact with FD intelligence. The Project will furthermore implement a train-the-trainer program with the objective that further training will be conducted in priority areas by this group.

#### **USE OF SECURITY PERSONNEL UNDER FREDIP**

In the context of the FREDIP operation, the term “security personnel” refers to any individuals or organizations used to protect project assets or enforce regulations and legal requirements of the Forest Department. This may include, but is not limited to, security guards used to limit or control access to Forest Department (FD) facilities, offices, other field-sites, or seized illegal forest products and vehicles related to illegal activities; FD personnel used to enforce FD regulations such as forest or PA rangers, forest guards, community rangers (community eco-guards), or other community-based groups or individuals used for surveillance, reporting or enforcement.

In some situations, security personnel may also be hired by private sector entities involved in the implementation of project activities. Such entities include private contractors and sub-contractors responsible for protecting contractor’s equipment, permanent or temporary construction sites, control of access to land or natural resources owned by private sector forest processing or other value-added production facilities.

Under FREDIP, no private security firms will be hired or mobilized by the FD to protect people, land or assets. Rarely have CF or PA activities required the use of such professional security services. In practice, CF activities mainly depend upon individuals from the community to monitor and report on any violations of agreed management rules. Within Protected Areas, the FD uses government forest rangers to implement a variety of PA management tasks, including regular patrolling and causal inspection for the enforcement of applicable Forest Law, Forest Rules and the Conservation of Biodiversity and Protected Areas Law, and legal restrictions within specific PA management plans. In some cases, rangers and patrol staff are supplemented by local community monitoring groups.

Under subcomponent 3.1., the PA activities under the project will only involve small scale construction of office building, education centres (on the FD owned land or inside PA) etc. which do not usually need any security workers in Myanmar context. In the majority of situations, forest rangers are unarmed and are



not mobilized specifically for the protection of project property. However, the PA staff can now carry weapons when patrolling PAs.

Under subcomponent 3.2., the project will support the inspection and surveillance activities, and these activities on the ground often call for armed police force to come along, particularly for safety of FD staff. In such conditions, the FD staff needs to submit official request letter to Myanmar Police Force to get such assistance. The police force are not allowed to intervene in the arrest of illegal forest products though. Their function is protecting the FD staff.

The overall security risk for FREDIP is considered Moderate given the decision to avoid active conflict zones and townships with presence of ethnic armed groups during implementation and the reported low incidence of social conflict between FD security personnel and communities participating in CF and PA management activities. However, since the provision of security is likely through a variety of mechanisms such as the use of unarmed forest rangers in PAs and Permanent Forest Estate (PFE) it was agreed at the Project Concept Stage that a Security Management Plan would be put in place for screening, training and capacity building of security providers in compliance with national requirements and conformance with provisions under ESS4 for retaining direct or contracted workers to provide security. The project will also support required equipment, vehicles and operating costs for improved performance of FD/PA staff in doing inspection, surveillance and patrolling.

## **SECURITY RISK ASSESSMENT FOR FREDIP**

### **OVERVIEW OF SECURITY SITUATION IN THE PROJECT AREA**

FREDIP will be implemented in six regions of Myanmar – Ayeyarwady, Bago, Magway, Mandalay, Sagaing Regions, and Nay Pyi Taw, Union Territory. Given the diversity of social conditions, the existence of social and ethnic tensions, and the wide range of activities supported under the project, it is reasonable to expect that the project activities could require the use of security personnel to assist with the management, control and enforcement of FD regulations and procedures, especially as it relates to inspection and surveillance of illegal logging activities and illegal activities carried out in Protected Areas.

The following sections provide a brief overview of the national security context for FREDIP.

#### *Civil conflict, ethnic violence and Social Stability.*

While civil conflict and ethnic violence continue to persist in some parts of the country, FREDIP will not support activities in areas where safety of project stakeholders and/or implementing entities cannot be assured. At the time of appraisal, the Project does not intend to operate within geographic areas that have ongoing conflict, are affected by conflict or that are controlled by the Ethnic Armed Organizations (EAOs). The project will be implemented in the areas with the greatest Community Forest potential and, within these areas, the project will only operate in townships with safe access.

The project will be implemented in six Regions of Myanmar, including **Ayeyarwady, Bago, Magway, Mandalay, Sagaing Regions, and Nay Pyi Taw Union Territory**. The six project target areas were selected based on greatest CF potential (i.e. the existing CF areas and the MRRP target on new CF), with an additional prioritization filter of poverty as determined by the multidimensional poverty index. Considering sensitivities around land and forest stewardship, only townships with safe access were included within the project target Regions. The project will not work in townships with ongoing conflicts or affected by conflicts, or with or with EAO presence. This excludes Taungoo, Htantabin, Kyaukkyi, Shwegyin and Nyaunglebin townships of Bago Region; and Lay Shi, Lahe, Nanyun, and Hkamti townships of Sagaing Region.

Geographic roll-out of project activities will be progressive taking into account implementation capacity. All safely accessible townships within the six target regions will be covered by the end of project implementation. Subject to the project performance, availability of financing, and assessment of risks, to be reviewed during the Mid-Term Review (MTR), additional target areas may be considered for addition to the project scope. Considering the above design criteria, the overall security risks that could lead to civil conflict, ethnic violence and social stability as a result of project activities are considered to be moderate in nature, although contextual situations in the project area could change over time.

#### **POTENTIAL SECURITY RISKS RELATED TO FREDIP ACTIVITIES**

According to the World Bank's draft Project Appraisal Document (PAD) for FREDIP, "Forests are intrinsically linked with social inclusion and peace reflecting Myanmar's history of forest resources overexploitation and mismanagement that has been part of the dynamics of exclusion, contested governance, and unshared benefits flowing mainly to those who have been controlling land. Across Myanmar, informal community-based forest tenure remains the dominant form of de facto access to forest and the basis for use of forest land and resources. However, there is no process in place to recognize customary tenure rights in Myanmar, and a lack of uniform land and land-use classification systems adds additional challenges to forest governance. Community forest and community-managed protected areas arrangements currently provide the only opportunity for achieving community tenure of forests."

While the overall security risks in the FREDIP operational areas are not considered to be significant, the following security risks could be associated with the FREDIP operations.

##### *Enforcement of forest, protected areas, and natural resources regulations.*

The potential for negative interactions between FD security personnel and individuals or local communities engaged in illegal actions such as illegal logging, wildlife trade, land or resource use could be significant in some situations. The government has initiated policy actions to address forest loss and degradation and encourage greater community involvement in forest conservation and potentially more private sector investments in plantation forestry, ***including a series of logging bans and other legislative and regulatory reforms***. The government is also working towards a Voluntary Partnership Agreement (VPA) with the European Union under its Forest Law Enforcement Governance and Trade (FLEGT) Action Plan.<sup>84</sup>

By its nature, the enforcement of forest regulations, protected areas management laws, or other restrictions will lead to tension and potential conflict between those carrying out illegal activities and those responsible for enforcement. Law enforcement is inherently confrontational and will vary from context to context. The range of scenarios involving law enforcement include the interventions and operations to stop illegal logging operations (often carried out by well organized criminal conspirators) to the enforcement of small-scale local wildlife poaching or other prohibited activities carried out within protected areas.

Given that the FD is a well-established government department with a long history, there are procedures and protocols for forest officers and rangers to follow when making interventions against illegal activities. The Myanmar Forest Rules (1995) includes a chapter XI prescribing Search, Arrest and Administrative Actions, and that detailed the steps to follow for the FD staff. Para 96 of it mentioned such actions should be carried out in accordance with the provisions of the Code of Criminal Procedure. Chapter XI also describes the range of measures which are within the jurisdiction of forest officers. FD staff are obligated

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<sup>84</sup> Excerpted from the World Bank draft PAD.

to follow the existing forest law, procedures and protocols. Chapter XII of the Forest Rules specifies Offences and Penalties that apply to various infractions.

The FD and PA staff are to comply with departmental instructions (i.e. the Standard Operating Procedures for Seizure of illegal Timber and the Manual for PA patrolling) that provide technical guidance for operating inspection/patrolling activities, including on team composition and facilities/resources; awareness needed from administrative and technical point of view; awareness needed from staff safety aspect; coordination needed with other line agencies and local authorities; registering seized properties and reporting etc., and some specific guidance on dealing with/treating arrested persons, including women, child and elderly and local communities to avoid any social implications.

In practice, there are numerous situations where FD officers may be placed in harm's way especially when dealing with organized illegal logging operators who may be well armed. There are also cases of complaints and negative reactions from suspected smugglers when they are inspected by the FD but found with no illegal forest products during the inspection. FD officers face challenges with respect to lack of manpower to adequately respond, little or no training in tactics for fighting back against illegal loggers, inadequate logistical support such as vehicles, transport, equipment, fuel, support for daily expense, treatment for injuries sustained during field operations and so on.

Under Forest Law, forest officers and protected areas rangers are authorized to protect forest and PA resources and these officials have many of the same rights as police to make arrests, confiscate property, and to take preventative measures. However, in general, forest department officials do not carry weapons in their daily work. In certain circumstances, FD staff may be accompanied by armed local police or forest police, when FD staff carry out inspections of illegal logging activities or when there is a need to make arrests in the forest. In practice, this approach faces many challenges due to lack of sufficient manpower, inability to reach field sites and logistical support.

While national laws, regulations and rules do provide a useful framework for enforcement and protection of forest resources, there is great scope for improvement in how these tasks are carried out in field situations. It is generally understood that there are often shortages of patrol staff, especially in more remote areas. Training is available but is sporadic in nature and may not be sufficient to cover all.

#### *Illegal Logging and major Forest Crimes.*

The Forest Law (2018) clearly references illegal logging and other types of illegal activities on the Forest Lands. Extraction, transport and sale of timber and non-timber forest products without legal permit are considered as illegal except for domestic or subsistence uses at a scale authorized by the Forest Law (2018). Other illegal activities on forest land (PFE) also include any unauthorized encroachment to Forest Land, and activities such as fishing, poaching, mining of gold and other minerals, livestock farming, allowing cattle and livestock for grazing, clearing, digging, destruction to water channel, transport of forest products without getting inspection, putting forests on fire, charcoal making, destroying government plantations.

In an effort to stem the flow of illegal timber from the country, the Government enacted a ban on the export of raw logs, which took effect on April 1, 2014. Despite the ban, it has been reported that illegal timber trade continues. Some illegal logging and trade are carried out by organized illegal logging operators who may be well armed.

Estimates put the value of unlicensed or illegal timber exports at four times the documented value (Raitzer et al 2015; UNODC 2015). Conversion timber and so-called 'salvage logging' from infrastructure development and land conversion has also not always been accurately monitored (various sources).

#### *Potential for social conflict among project CF stakeholders.*

FREDIP initiatives could lead to social conflict at the local levels between stakeholders who may feel that decision processes may not be valid or that benefits are not fairly or equitably distributed – although field consultations so far did not flag any such issues. Such conflict could arise within formal stakeholder meetings, consultation events, disruptions during implementation. In extreme cases, this may require interventions by FD staff, FD security personnel or even local police.

Land use and land ownership issues can be highly sensitive issues in Myanmar and may need intervention by FD or other local authority (such Township administrators and Department of Agriculture Land Management and Statistics.) The establishment of new CF areas planned under the project may face such conflicts over land use and ownership in some sites even though the main project target areas are in FD's PFE. In 2013, the FD, with the support of local land management committee (that include FD, GAD, DALMS and other two departments), surveyed encroachment in the Forest Land (PFE) and excluded human residence and paddy fields from the Forest Land category (PFE). Other type of annual farms, gardens and perennial plantations are still kept under the category of Forest Land with an intention to convert them into community forests; and these become basis for setting CF establishment target under MRRP. The proposed CF areas already have individual ownership, and hence there is less likelihood of conflict or dispute over land. The vast majority of infractions -- such as stopping the grazing of cattle in CF lands -- are self-policed by the responsible CFUG. The FD reports a low incidence of such types of interactions and they rarely require intervention by FD or non-FD security personnel to stop such disagreements.

The CF Standard Operation Procedure (SOP) is available only in Burmese; it provides some guidance to FD staff (CF Unit staff, Extension Staff) working on CF activities how to interact with the communities in such situations. In brief the SOP mentions that CF establishment should not be top down, rather it should be based on facilitation and advocacy work that requires community participation and engagement. The concept of CF is to help rural communities and hence the staff need to respect people and their tradition, local practices and culture, and create environment where communities are encouraged to speak and raise their concerns. The SOP provides “Dos and Don'ts” for FD staff to follow awareness raising events; to be humble, be patience and to listen etc.

#### Civil disobedience against project activities.

Opposition to controversial infrastructure projects that pose environmental concerns has become better publicized, increasing reputational risks for foreign firms associated with those projects. According to the website Garda, “...frequent protests are likely against hydropower, mining, special economic zones, and other infrastructure projects where compensation and land rights are disputed, or where projects pose risks to the environment. Such protests range from the relatively peaceful to belligerent demonstrations, involving fighting with security personnel. These protests are likely to disrupt operations, and in the case of particularly controversial projects.”<sup>85</sup>

Some biodiversity conservation projects particularly in ethnic areas (e.g. Kachin and Tanintharyi Region) that gradually aim to designate the areas into heritage sites or nature reserves for legal protection, have faced protests/strong civil disagreement. However, FREDIP **will not support/involve designation of new PAs** and will work within existing PAs with management plans. The overall risks of civil disobedience against FREDIP activities are considered **Low to Moderate** at the time of appraisal. According to the World Bank's draft PAD, there is a significant alignment of views regarding the need to support improved PA management, including improved enforcement, across a range of stakeholders.<sup>86</sup>

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<sup>85</sup> <https://www.garda.com/crisis24/country-reports/myanmar>

<sup>86</sup> Note: For a more complete treatment of the security risks in the forest sector see, International Alert (2017) “Forest Law Enforcement Governance: A Conflict Risks Analysis”.

Threats against forest department staff in field situations (including transport to and from sites).

Social disagreement and local conflict may lead to situations where FD staff (including security personnel) may come under direct threat requiring the intervention of security personnel. FD staff may be accompanied in the field from time to time by security detail, bodyguards, specially trained drivers etc. The FD shall ensure that any individuals or staff engaged in such roles will receive appropriate training in de-escalation, non-violent interventions, avoidance, and other such techniques required to manage such risks.

Under the Ministry of Home Affairs, the forest police force is called upon to protect the lives of forest staff. Their role is to ensure the safety of the FD staff and they are not directly involved with enforcement of illegal logging. The potential risks of such interactions are considered **Low** based on the self-reporting by the FD on the low incidence of reported interactions.

Community Monitoring and Reporting.

In some situations, community or citizen-based initiatives may be undertaken to slow or stop illegal forest actions and used as gap filling where FD capacity is weak or non-existent. Community Monitoring and Reporting System – CMRS is often used by forming groups of communities to monitor illegal activities in their locality and report to the Forest Department. In many cases, such citizen patrols and/or monitoring checkpoints rely on voluntary participation from individuals from local communities with little or no formal training in forest law enforcement. In general, the use of CMRS lacks a systematic approach to identifying and selecting local people to carry out community monitoring tasks. They are not legally tasked for inspection, arrest or seizure of illegal products, but just for informing the FD in case of any suspected activities. This can lead to significant risks and dangers to those individuals when doing monitoring, and reporting and may find themselves in harm's way when confronting violators and those engaged in illegal activities. In some cases, community-led or community supported arrangements are established as a formal part of CF management planning. Such community actions may be undertaken in the context of monitoring CF areas or CFE to ensure that CF management plans are adhered to and respected. There may be challenges with respect to such community – based monitoring when there is no sufficient enforcement by the FD staff upon reporting of encroachment to or illegal harvest of their CF products, and may prone to local conflicts or tensions between CFUG members and those engaged in illegal activities.

Exposure to infectious disease (COVID-19).

Given the current concerns relating to the spread of the coronavirus and potential increase in the cases of COVID-19, the project will take reasonable efforts to insure that both project staff and project beneficiaries and other stakeholders are not un-necessarily exposed to adverse health risks. From time to time, it may be necessary to enforce agreed management methods such as mandatory mask-wearing, social distancing, and other hygiene practices. In some rare instances it may be necessary for security personnel or FD staff to physically remove individuals from project sponsored meetings or consultation events which could lead to local skirmishes or confrontations. The security risks from such interactions are considered **Low to Moderate**. Staff involved in such enforcement of health safety provisions will receive appropriate training in establishing and enforcing public health safety measures.

**APPROACH TO SECURITY MANAGEMENT UNDER FREDIP**

**LEGISLATION, STANDARDS AND GOOD INTERNATIONAL PRACTICE**

***National Security Legislation***

Forest Department Policy on Security Personnel and Law Enforcement (Myanmar, Forest Law 2018, CBPA Law 2018 and Forest Rules 1995)

MONREC and the Forest Department have issued the Forest Law (2018) and the Conservation of Biodiversity and Protected Areas Law (2018) which authorize legal mandate and power to FD/PA staff to enforce illegal activities and conduct inspection, arrest and confiscation of illegal products in their respective duty areas.

MONREC and the Forest Department have issued the Myanmar Forest Rules (1995) which includes Chapter XII describing forest offences and penalties. New Forest Rules are currently in draft but the new provisions/steps to follow will not be changed substantially from the existing ones. At this time, the draft Rules are not available in English. Enforcement of these rules is left to the FD staff although the FD can call for additional police support in arrest, confiscation of illegally acquired materials, and inspection and investigations.

***The PA patrolling manual***

The PA patrolling manual for PA staff is available only in Burmese language. It provides technical guidance to the PA patrol teams, including things to be aware of to avoid any social implications. For instance, when the patrol teams do overnight camping in PAs, they are strictly guided not to disturb local residents, not to take crops and livestock for food from communities without payment or without permission, to respect local culture and practices, not to leave the overnight stay sites with trash, and not to have any argument with locals/or within patrol team.

Para 53 (a) of the manual states procedures to follow in case of arrest of illegal activities and persons: to take systematic record of arrested persons with the seized tools and properties; to tie them with ropes or keep in handcuffs (after careful explanation) so to prevent the persons from trying to run away, counter-attack, injure themselves, or commit suicide; to maintain women, child and elderly persons in sight of others (without letting them alone with one staff); not to harass (or tease) these persons; not to ask questions, or do recording by only one staff to ensure no bias.

Para 53 (f) of the manual states a particular code of conduct in treating the arrested persons: to treat fairly as human being; acknowledgment that the arrested persons have rights to protect themselves by law; not to torture or harass; not use force; not to take bribes from the arrested persons and to feed them properly and regularly; to take record of their properties and keep them in register.

***SOP for inspection of illegal activities***

The SOP provides guidance to avoid social implications: Do inspection of presumed illegal timber in front of at least two persons for witness (local authority) and in front of informers (if not anonymous) and get their co-sign.

***World Bank Standard on Security Personnel (ESS4 Community Health and Safety)***

The need to address the assessment and mitigation of risks to, and impacts from, the use of security personnel on project-affected communities and project workers is set out in various Environmental and Social Standards (ESSs). The World Bank's stipulations related to security are outlined in its ESS4 (Community Health and Safety) and to a lesser extent in ESS1 (Environment and Social Assessment).

ESS4 requires project implementing authorities to take steps to avoid or minimize the health, safety and security risks and impacts, with particular attention to project affected communities that may result from security and law enforcement actions. Specifically, the security related objectives of ESS4 require projects

authorities *“To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities.”*

ESS4 addresses the health, safety, and security risks to and impacts on project-affected communities and the corresponding responsibility of Borrowers to avoid or minimize such risks and impacts, with particular attention to people who, because of their particular circumstances, may be vulnerable. The implementing agency is responsible for providing the security to safeguard its personnel and property. According to ESS4, it would be necessary to assess the risks that may be caused by these security managements within and outside of project sites.

Appropriate conduct of security personnel towards workers and affected communities is required in ESS4. Prevention of abuse act of security personal and action taking for recurrence are described in this standard. Project entities are further required to disclose security arrangements to public authorities and prohibition of any use of force. ESS4trongly promotes the limiting the use of force except for preventive and defensive purposes.

The project-level grievance mechanism is required by ESS10 related to security and the use of security forces. Project-affected communities should be made aware of the grievance mechanism and the types of issues that can be brought to its attention. Complaints related to security personnel should be registered as is required for any other complaint, and worker and community concerns related to security personnel should be addressed promptly.

## **SECURITY MEASURES TO BE IMPLEMENTED UNDER FREDIP**

The purpose of this section is to describe the implementation responsibilities for ensuring that the provisions of this plan are implemented and monitored. The Forest Department, through its various implementing entities at national, regional and township level, will be responsible for the assessment and ongoing monitoring of security risks for the project, including security risks to project beneficiaries and stakeholders, project workers, assets, and activities. The actions and material measures to be followed will, as relevant, be consistent with the requirements of the Good Practice Note (GPN) on the Use of Security Personnel prepared by the World Bank to the extent that such measures are consistent with national law and FD regulations. The following sections provide a description of the measures which will be adopted and applied by project entities with enforcement or security responsibilities.

### Forest Department Law Enforcement Staff

The Director of the FREDIP PMU will have overall responsibility for overseeing all security management activities to ensure that the assessment and proposed prevention /mitigation measures are respected and enforced.

The PMU Director will ensure that all staff with enforcement responsibilities under FREDIP will be provided adequate orientation and briefings on the requirements and expectations spelled out in this Annex.

The FD will introduce measures to ensure that any FD staff (permanent or temporary) with law enforcement, security duties and responsibilities will receive adequate training (including baseline training and periodic refresher training) in all aspects of Forest Law enforcement relevant to their duties

and responsibilities; appropriate codes of conduct; legal rights and obligations; terms of engagement with offenders and non-offenders; community relations; limitations on use of force; arrests; confiscation of assets or personal belongings from offenders, among other topics.

The Forest Department shall develop, implement and periodically update policies and procedures on use of security personnel in all aspects of FREDIP project implementation. Applicable policies and procedures should be described in a Project Implementation Manual (PIM) or other relevant departmental technical reference document applicable to FREDIP.

As relevant, the FD will assign staff to provide guidance and oversight to any contractors requiring the use of security personnel for implementing measures described in the contract-specific security plans.

FD shall issue periodic summary reports on Project security incidents including, but not limited to maintenance of records on forest and PA crimes, registers of confiscated illegal logs; arrest records; records of confiscation of property; police reports associated with forest crimes

As part of the Project GRM, the FD will ensure that all grievance channels established for FREDIP will measures to allow for grievances relating to the use of security personnel Especially as it relates to abusive or unlawful behaviours.

Similarly, the incident and accident reporting logs established for the project will include reference to any security related issues.<sup>87</sup>

#### Protected Areas Staff

FD will ensure that all staff with enforcement responsibilities will receive regular training and orientation on aspects of their jobs which involve the enforcement of rules, regulations, prohibitions, etc. that are established through national regulations and/or legally binding provisions of PA Management Plans that have been endorsed and approved by the FD

FD will ensure that enforcement officials receive training in key aspects of their jobs including engagement with individuals or groups engaged in illegal activities such as wildlife poaching or illegal timber extraction; confiscation and/or destruction of property such as wildlife snares or other traps; use of force if confronted by violent or armed individuals or groups.

FD will ensure that all staff conducting field patrols will have adequate equipment to carry out their responsibilities and will be readily identifiable as PA staff uniforms, identification.

#### Contractors

Where relevant, all construction contractors and sub-contractors hired under the project will be required to implement contract provisions for the use of security personnel.

Since the vast majority of works contracted under FREDIP will be of a small-scale nature, security provisions will, in general, be limited to ensuring that there are adequate measures for limiting site access to authorized personal only, guarding against trespassing on sites; theft or damage to contractor's equipment or property, ensuring that any hazardous or dangerous materials are adequately stored and locked to prevent unauthorized access. In most cases, security will not be provided by professional firms but rather by individual night-watchmen or security guards.

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<sup>87</sup> Please refer to Chapter 8 of the ESMF on GRM, the LMP and the SEP for additional details on the use of GRM and incident and accident reporting tools.



Contract provisions and management measures shall include the adoption of appropriate Codes of Conduct for Security Personnel; requirements for incident reporting; regular monitoring and reporting on performance; provision of basic mandatory training and periodic supplemental training of security personnel.

Contractors will clearly indicate to security personnel that the use of force by security personnel contracted for the providing security should be only when used for preventive and defensive purposes in proportion to the nature and extent of the threat.

The Contractor shall operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Any person found to have sexually harassed another person shall face disciplinary action, up to and including dismissal from employment.

The actions and behaviours of security personal regarding with power abuse, gender-based violence including rape and sexual harassment, disrespectful manner shall be strictly prohibited and clearly proscribed in contracts.

As per the requirements for GRM, (See Chapter 8 of the ESMF and as further detailed in the Project's LMP), all Contractors shall adopt specific complaints procedures to deal with sexual harassment to respond better to the needs of victims and to ensure that investigations are carried out properly.

Where relevant, contractors shall appoint a security focal point to ensure that construction sites have adequate levels of protection and security

The security focal point employed or designated by the contractor will be responsible for interacting with FD and/or local law enforcement on an as-needed basis.

Contractors will maintain a log of security incidents at the project constructions sites.

#### Community Based Monitoring and Reporting.

FD will work closely with citizen led monitoring or patrolling groups by providing training in information gathering, surveillance and reporting to ensure coordination of activities.

FD should agree with such community groups on the boundaries of their authority and their mandate vis-a-vis the FD and other security staff, and ensure there is no such bias or in-transparency favouring local elite or discriminating poor and marginalized groups causing tensions between such informers and communities or among informers themselves.

#### Collaboration with Non-FD enforcement (National, State or Local Police; other government enforcement agencies with jurisdiction in the broader project area)

FD shall establish and implement protocols for informing non-FD law enforcement for incidents outside of their jurisdiction (e.g., local police forces).

FD shall not engage in security or enforcement activities outside of their legal mandate and jurisdictions.

## **MONITORING AND REPORTING**

The FD will establish and maintain an incident reporting and tracking system to ensure that all security actions are systematically recorded and well documented.

In addition, the incident tracking and reporting will track and report all allegations of unlawful or abusive acts by security personnel under FREDIP.

FD will document all security and monitoring as well as training provided under FREDIP including participants; type of training provided.

FD will complete a revised Security Risk Assessments (SRA) and Security Monitoring Reports on a bi-annual (i.e., every six months) which will be submitted to the World Bank.

## **KEY RELATED FREDIP OPERATIONAL DOCUMENTS**

Several of the other FREDIP E&S reference documents include supplementary or related measures that are relevant to security, community safety and grievance redress. These include the project's SEP, the Community Health and Management Plan, as well as the project's grievance redress mechanisms (Chapter 8 of the ESMF) as well as all grievance mechanisms established for other project purposes such as the Labour Management Procedures (LMP), the Process Framework (PF), the Resettlement Planning Framework (RPF) and the Community Participation Planning Framework (Annex of the ESMF).

### Stakeholder Engagement Plan

Engagement with communities about the project's impacts on community safety and security, awareness raising concerning the Code of Conduct commitment and project grievance mechanism shall be carried out as outlined in the Stakeholder Engagement Plan (SEP) and this Annex 9 of the ESMF so that the tension of the project affected communities can be reduced and the communication between the security personnel and the project communities can be enhanced.

### Grievance Redress Mechanisms

The Project will utilize and make available all project level GRM to receive and handle complaints or reporting of security incidents to the FD. (See Chapter 8 of the ESMF on Grievance Redress). Training and awareness raising about the availability and use of project grievance mechanism will be provided to project affected communities and project workers with the clear and understandable explanations of concept of power abuse, gender-based violence and complaint mechanisms. In such training and awareness sessions, the importance of maintaining the confidentiality of the identification persons raising the concerns will be a priority. For raising complaints or grievances about the incidents, complaint forms will be disseminated at the time of awareness provision.

Provisions for GBV related incidents involving law enforcement or security personnel will be included with the overall Project handling of GBV related incidents. Adequate protections of identify, nature of complaint, referrals and resolution shall respect the need for confidentiality of information of the survivors, personnel involved, etc. Existing GRM channels established for GBV related incidents will be used for the raising of GBV issues.

As a further protection for complainants and to ensure confidentiality of informants, concerned parties may also utilize the grievance and complaint channels established by the World Bank to address reports

of abusive or unlawful behaviour on the part of security personnel. Incidents may be reported directly through the Grievance Redress Service. All such complaints and grievances will be reviewed by the World Bank

#### **REVIEWING ALLEGATIONS OF UNLAWFUL OR ABUSIVE ACTS BY SECURITY PERSONNEL**

Once after the complaints are received, the accepted case of incidents shall be reporting to the respective complaint solving bodies including the contractor, PMU and/or the World Bank depending on the extent of the incidents and the capacity to address complaints as they are raised. The FD will report all allegations against security personnel to the World Bank within 72 hours of becoming aware of the complaint.

All incidents and allegations shall be recorded in a register or log and all such allegations of abusive or unlawful actions will be investigated. The findings and conclusions of these investigations will be documented and shared with FD and World Bank authorities upon completion. If required, the FD will facilitate any due diligence or information gathering, site visits etc. required by the World Bank.

## **Attachment 1 REFERENCE DOCUMENTS REVIEWED**

### **NATIONAL LEGAL FRAMEWORK AND DEPARTMENTAL INSTRUCTIONS**

Government of the Union of Myanmar Ministry of Natural Resources and Environmental Conservation (2018). The Forest Law.

Government of the Union of Myanmar Ministry of Forestry (1995). The Forest Rules.

Government of the Union of Myanmar Ministry of Natural Resources and Environmental Conservation (2018). The Conservation of Biodiversity and Protected Areas Law.

Forest Department. Standard Operation Procedure for Seizure of illegal Timber.

Forest Department. Manual for PA patrolling

### **GOOD INTERNATIONAL INDUSTRY PRACTICE**

International Finance Corporation (IFC) Handbook on the Use of Security Forces: Assessing and Managing Risks and Impacts, 2017 (available in English, French, Spanish) [https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/sustainabilityat-ifc/publications/publications\\_handbook\\_securityforces](https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainabilityat-ifc/publications/publications_handbook_securityforces)

IUCN (2008). Management Planning for Natural World Heritage Properties A Resource Manual for Practitioners.

UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:

[www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx)

UN Code of Conduct for Law Enforcement Officials: [www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx)

Voluntary Principles (VPs) on Security and Human Rights: <http://www.voluntaryprinciples.org/what-arethe-voluntary-principles/>

Voluntary Principles Implementation Guidance Tool: [http://www.voluntaryprinciples.org/wpcontent/uploads/2013/03/VPs\\_IGT\\_Final\\_13-09-11.pdf](http://www.voluntaryprinciples.org/wpcontent/uploads/2013/03/VPs_IGT_Final_13-09-11.pdf) (English);

World Bank (October 2018). Environmental and Social Framework (ESF). ESS 4 Community Health and Safety

World Bank (October 2018), Assessing and Managing the Risks and Impacts of the Use of Security Personnel. Good Practice Note

### **PROTECTED AREAS MANAGEMENT IN MYANMAR**

The Republic of the Union of Myanmar. (July 2020). Htamanthi Wildlife Sanctuary Management Plan (From 2020-21 to 2024-25)

UNDP (2018). Mid-term Review of the UNDP-GEF Project: Strengthening Sustainability of Protected Area Management in Myanmar February – June 2018

## **Attachment 2 Provisional Code of Conduct for FD Law Enforcement Staff**

The following principles are taken from the UN publication “Code of Conduct for Law Enforcement Officials Adopted by General Assembly resolution 34/169 of 17 December 1979”. These 8 articles define the broad expectations for any staff engaged in law enforcement. At a minimum, all FD staff with law enforcement duties under the FREDIP will be encouraged to read and accept, where relevant, these broad principles governing their conduct in the execution of enforcement tasks. FD will review these principles and work towards adopting a departmental-wide set of guidelines for FD staff.

**Article 1.** Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

**Article 2.** In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

**Article 3.** Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

**Article 4.** Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

**Article 5.** No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

**Article 6.** Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

**Article 7.** Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

**Article 8** Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 10: Community Health and Safety Plan**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Introduction

The purpose of this Annex is to describe the material measures that will be used under FREDIP to avoid, reduce or mitigate the potential adverse risks and impacts on community health and safety that could arise during project implementation. This Plan describes potential risks and impacts on communities that may be affected by project activities and spells out institutional roles and responsibilities for implementing such measures. The principle community health and safety issues associated with FREDIP include those risks associated with: (i) civil works and construction activities; (ii) the collection, handling, transport and disposal of waste materials including hazardous substances; (iii) the handling, storage, transport and application of pesticides; (iv) forest management including harvesting and silvicultural practices; (v) emergency events such as traffic accidents, forest fires, extreme weather events, flooding, among others.

The Annex is prepared in accordance with World Bank Environmental and Social Standard 4 (ESS 4) Community Health and Safety Plan. ESS 4 calls on project sponsors to be prepared to address the health, safety, and security risks and impacts on project-affected communities and to avoid or minimize such risks and impacts, with particular attention.

This Plan x should be read in conjunction with other relevant ESMF Annexes and Plans which address different aspects of community health and safety concerns such as Annex 8 on Labour and Working Conditions; Annex 9 on Security Risk Management; Annex 5 on Landmine Risks; and Annex 6 on Pest Management. Additional requirements for Occupational Health and Safety (OHS) for project workers are set out in the Annex 8 Labour Management Plan, and measures to avoid or minimize impacts on human health and the environment due to existing or potential pollution are set out in Annex 2 Environmental Code of Practice (ECOP). Basic screening of project activities is described in Annex 1 which includes basic screening for community safety concerns.

**Table A10-1 Key reference documents addressing health and safety**

Annex of ESMF	Title	Relevant Measures Included for Community Health and Safety Issues
Annex 1	Screening Form for Potential Environmental and Social Risks and Impacts	Screening potential risks and impacts for community health and safety concerns
Annex 2	Environmental Codes of Practices	Measures to minimize environmental pollution impacts to the community (dust, waste, etc.) resulting from construction activities and community-based ecotourism activities
Annex 5	Standard Operation Procedures for UXO/Landmine Risk	Measures to avoid/minimize the risks of UXO/landmine to the community including chance find procedure
Annex 6	Generic Integrated Pest Management Plan	Measures to mitigate the risks and impacts resulting from the handling, storage, transport, disposal and application of pesticides to the community
Annex 7	Waste Management Plan	Measures to manage solid waste, wastewater, and storm water likely discharged from value added

Annex of ESMF	Title	Relevant Measures Included for Community Health and Safety Issues
		processing activities and community-based ecotourism activities with the purpose of reducing the health and safety impacts to the community
Annex 8	Labour Management Procedure	Takes into account potential workplace related safety issues for workers
Annex 9	Security Management Plan	Includes measures to avoid excessive use of force and adoption of codes of practice for security management measures related to enforcement of forest law and protected areas regulations

## Community Health and Safety Risk Assessment

### Infrastructure and equipment design and safety

FREDIP will involve activities such as construction of a variety of small-scale buildings, supporting infrastructure and equipping of project facilities. Examples of such infrastructure could include: Community Forest extension centres at district level, community infrastructure development activities, bird hide/viewing platforms, construction of tourist entry posts and tourism information centres, construction of walkways inside the protected areas, excursion, s. Some project infrastructure such as construction of public buildings and facilities will need to be designed with the principle of universal access to ensure safe access for people with disabilities.

Given the relatively small scale and somewhat routine nature of these works, Community Health and Safety Risks are considered to be Low but it is not possible to rule out that a small number of activities which could be considered of Moderate risk in a given context. FD will ensure that all civil works contracts will include health and safety measures consistent with ECOP of this ESMF and principles of ESS 4. All contractors will be responsible for complying with contract requirements and will be required to monitor and report on health and safety incidents on a regular basis. Some project infrastructure such as construction of public buildings and facilities will need to be designed with the principle of universal access to ensure safe access for people with disabilities. The structural design of buildings will follow the requirements of Myanmar National Building Codes and the relevant guidelines/laws from relevant departments or ministries (e.g., Forest Department, Development Committee), if any. After construction is complete, owners and operators of all project supported facilities will ensure that such facilities will be operated in a safe manner.

### Traffic and road safety

The project will also involve the access to construction sites by construction vehicles and vehicles operated by FD staff or any service provider under the project. It is possible that road traffic problems and traffic accidents involving the community members can happen during the pre-construction and construction periods. All construction projects will be assessed for their potential safety effects and contractors will be required to include traffic management measures and good road safety practices within their contracts (e.g. ensuring proper signage, establishing speed limits, directing traffic, ensuring drivers and other equipment operators are adequately trained, etc.). Contractors will be required to maintain incident logs and other forms of documentation to track and monitor compliance and performance related to road safety. FD management responsible for oversight of contractor performance will ensure that proper monitoring is carried out and that contract requirements are



enforced. Such measures will be included in the Contractor's ESMP<sup>88</sup> as relevant. FD staff and other service providers used under the Project will also be expected to adhere to good safety practices in the operations of vehicles or equipment. This includes establishing policy requirements that drivers and operators will adhere to safety measures including but not limited to operating vehicles at safe speeds, ensuring the use of seatbelts, not operating vehicles under the influence of alcohol or other substances, overloading of vehicles, and so on. The FD will establish policies for applying sanctions and penalties for vehicle operators who fail to adhere to established safety standards.

### **Community exposure to health risks (including infectious communicable disease)**

The construction activities associated with civil works are likely to generate suspended materials, dust and noise, which can lead to harmful effects on the health and safety of local communities. Some individuals with pre-existing or chronic respiratory diseases like lung diseases may reside within the nearby community and in severe situations their health conditions may be exacerbated. However, overall health risks and impacts due to air pollution, water contamination, dust, noise etc. from the project are expected to be Moderate due to the small-scale nature of the likely works. All contractors will be required comply with relevant aspects of the ECOP regarding health and safety measures. In some cases, additional site-specific measures may be required.

It is possible that infectious respiratory diseases such as COVID-19, TB, and other vector borne diseases and communicable diseases like hepatitis B & HIV/AIDS can be spread from the workers and employed staff to the community members during the construction period. The vulnerable people including the elderly persons and children may have to potential to suffer easily from diseases when there is loud noise from construction activity, and they are not able to get adequate rest. All contractors will be required to comply with provisions included in the ECOP and any other site-specific measures included in contractor's management plans.

Contractors will ensure that workers adhere to personal/professional Codes of Conduct designed to minimize their interactions with local communities. This will be especially important when considering the possible risks of spreading of the novel coronavirus. Contractors will be required to demonstrate that they have established prevention methods consistent with good international practice such as social distancing, preventive hygiene, and mask wearing to the greatest extent possible. Contractors shall keep update and apply in a timely the orders and instructions related to Covid-19 issued from Ministry of Health and Sport (MOHS).<sup>89</sup> Contractors will also be required to establish policies, guidelines, informational materials and training and awareness raising for employees to ensure that any worker who has contracted COVID-19 is required to quarantine for period of at least 14 days before returning to work. Such policies, guidelines and materials will, as needed, be revised from time to time to reflect changes in GoM requirements and good practice.

Given current concerns over the spread of COVID-19, the risks of community exposure to health problems is considered Substantial.

The following hygienic/ precautionary COVID-19 response measures will be applied to the activity under FREDIP to avoid/ minimize virus transmission and getting infected to be applied/ enforced by the project:

- Keep distance of at least 1-2 m between persons (social distancing);
- Cough, sneeze in crook of elbow, or sneeze, cough in tissue and immediately through tissue away, avoid spitting;
- Regularly wash hands with soap and water or use alcohol-based hand rub – many times per

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<sup>88</sup> C-ESMP refers to specific contractual responsibilities whereas a site-specific ESMP may refer to responsibilities of FD implementing entities or other non-contracted entities.

<sup>89</sup> <https://www.mohs.gov.mm/Main/content/publication/2019-ncov> .

day;

- Self-isolate if somebody think that she/ he may have come in contact with the virus;
- Self-isolate if somebody display any symptoms, seek medical advice and support (e.g. testing);
- Clean keyboards, door handles and other used items regularly with a supply of clean water, liquid soap and paper towels (for hand drying);
- Clean/ disinfect toilets regularly, and wash towels frequently;
- Dispose used materials for cleaning in waste bins (for used paper towels) that is regularly emptied.

Moreover, a number of community engagement activities will be involved throughout the project life cycle. Hence, the COVID-19 precaution measures and protocols have been fully cooperated in Stakeholder Engagement Plan (SEP).

### **Management and safety of hazardous materials**

Some project construction activities may involve the mixing, application, transport, storage, and disposal of materials which may be hazardous to human or environmental health. As relevant, all contractor site-specific management plans will include measures to strictly control exposure of the materials to people and the environment. From the leakage of the hazardous oil used in machines and vehicles (e.g., oils, lubricants, solvents, paints etc.) accidental spills and improper management can lead to problems in the community leading to various health acute or chronic health and environmental outcomes.

It is not expected that the project civil works would require the widespread use of hazardous materials but given the possible severe impacts associated with improper use or accidental exposure the risks are considered Moderate to Substantial. Contractors will be required to adopt measures defined in the ECOP as well as any additional site-specific issues that may be warranted. Contractors and the FD will agree on appropriate mechanisms to alert nearby communities in the event of accidental spills, emergency incidents and so on.

Other potential health risks relate to the storage, handling, transport and application of pesticides and other agricultural chemicals as well as health risks associated with waste collection and disposal. Health risks may affect workers as well as community members living nearby to areas where pesticides may be applied. The detailed discussion of pest management procedures is described in Annex 6 of the ESMF (Generic Integrated Pest Management Plan). Detailed descriptions of waste management measures can be found in Annex 7 of the ESMF (Waste Management Plan).

### **Emergency preparedness and response**

Closely related to the issue of management of hazardous materials are concerns relating to emergencies and accidents. Some community forestry management activities may involve the use of fire and could have the potential to create fire emergencies if the site workers do not take care to manage the use of fire properly. Fire use associated with agricultural practices in many areas may contribute to the fire risks in community forest areas. All contractors and CFUGs, as part of any new or revised CF Management Plan, will be required to establish emergency preparedness plans in a manner consistent with ESS 4, the project's ECOP and/or good international practice. Additional details on Occupational Health and Safety issues are referenced in the Annex 8 of the ESMF, Labour Management Procedures (LMP).

All contractors will designate lead safety individuals and/or emergency response teams who can function as first responders in the event of an accident or emergency incident at any project site. Emergency preparedness plans at project sites may require coordination with local safety officials from outside the FD or Project jurisdictions. All emergency events and incidents related to FREDIP

activities will be recorded and documented. Emergency planning will consider the need for coordination with other local safety officials as relevant, for example if a fire were to spread beyond the immediate construction site or if worker injury were too severe to be addressed by contractor first-aid.

### **Climate change risks to health and safety**

It is recognized that climate change can pose risks to community health by contributing to the incidence and spread of disease or disease vectors. However, FREDIP is designed, in part, with an objective to reduce climate change risks through improved forest management and reduction in deforestation and forest degradation on a landscape scale. In this sense the project is intended to have important climate benefits. While climate change is an important contextual factor none of the project activities are expected to create or contribute to climate risks which would pose threats to community safety and health. Threats and impacts from climate change on the health and safety of project beneficiaries in the project area are considered to pose a Low to Moderate risk.

At the same time, climate change could, over time, increase risks from forest fires as a result in changes in precipitation, temperatures, dominant wind patterns, as well as the composition, structure and distribution of forest types and increases in fuel at different layers of the canopy. Fire prevention and management could therefore become a more difficult challenge in the future which may pose additional requirements on managing emergency events such as wildfires.

### **Ecosystem services**

Project activities which focus on restoring forest ecosystems at the landscape level are intended to improve the quality and sustainability of ecosystem services associated with forested landscapes. Under FREDIP, it is not expected that activities would degrade the quality of existing services and thus the risks of community health and safety from such degradations is considered Low.

### **Safety of services**

FREDIP will support the provision of planning support, technical advisory services to Community Forest groups, and possible delivery of extension services to individuals and Community Forest Enterprise (CFE). None of these activities are expected to lead to any significant community health or safety issues but will be screened in any case to ensure that possible risks are identified.

### **Security personnel**

The FD will not employ private security personnel for FREDIP operations. The CF activities mainly depend on the community labour and inputs for small scale project facilities and assets. The PA activities under the project only involve small scale construction of office buildings, and education centres on the FD owned land outside PAs or inside PAs, which do not usually need any security personnel in Myanmar context. There may be mostly unarmed forest rangers come to check in operation of such activities, but not for purpose of security of project facilities and assets. The FD staff are not authorized to hold guns but the FD inspection and surveillance activities are often accompanied by armed police force in carrying out arrests, detention, confiscation of property associated with forest crimes and illegal activities (e.g., illegal logging, hunting, etc.). Similarly, the PA staff in some PAs can ask for weapon when patrolling PAs.

Annex 9 of this ESMF (Security Management Plan) provides a more detailed assessment of the risks and proposed mitigation measures associated with such conditions involving armed personnel.

## **Community Health and Safety Procedures**

### **Screening for potential community health and safety impacts**

All proposed activities under FREDIP will be screened at inception for any potential risks and impacts on community health and safety. Screening will be carried out by the responsible units at the FD Township level or by staff responsible for PA management initiatives using the screening form in Annex 1 of this ESMF.

For those activities which may involve substantial community health risks, sub-project proponents will be required to conduct an environmental and social impact assessment (ESIA) which would include assessment of health risks. Once the social assessment of activities and collection of social baseline information has been conducted, the potential impacts to community health and safety at each site would be clearer and appropriate mitigation measures would be defined.

### **Possible Mitigation Measures**

After the identification of the potential health and safety risks and impacts of sub-projects, the project proponents will use both the ECOPs for managing commonplace and recurring issues and, in addition, they may identify sub-project or site-specific measures which address specific contextual challenges. All ESMPs will include measures, as relevant, to address the specific requirements of the World Bank's ESS 4 with respect to health and safety concerns. Mitigation and management measures to address health and safety risks will be included in the sub-project environmental and social management plan (ESMP) and will be legally binding as contract requirements for construction contractors. Costs associated with applying agreed management measures will be included in all civil works contracts.

The following is an indicative list of potential mitigation measures that could be used to avoid, minimize or mitigate the potential risks regarding with the community health and safety aspects. The list is not meant to be exhaustive and other additional provisions and approaches may be relevant in a specific context.

Inform the community about the construction activities and schedules in advance.

Limit public access to the construction area by the community and post clear warning signs (precautions) around the construction areas and the transport access routes.

All construction materials will be stored in a safe and orderly manner such as by separating materials from public access<sup>90</sup> and in secure locations, covering materials well with tarpaulins or nets.

Vehicles transporting solid waste shall be covered with tarps or nets to prevent spilling waste along the route.

The operation of construction vehicles will be done in a manner consistent with public safety measures such as enforcing speed limit controls, limiting transport time of such vehicles to non-peak hours, posting and enforcing signage, enforcing penalties on workers who disregard safety measures

The operation of construction vehicles will avoid passing by sensitive locations such as schools, health centres, or locations where children may be walking to or from school. All drivers will be prohibited strictly not to drink alcohol or other intoxicating substance during the working hours as well as avoid taking part in distracting activities while operating vehicles such as use of cell phones without appropriate hands-free devices.

The maintenance activities of the transporting vehicles and construction machineries such as generators will be conducted regularly to avoid or reduce the noise levels and to abate the offensive odor that may be released from the vehicles and machines.

The noisy equipment will be operated in a manner consistent with applicable national or local regulations or standard on noise. Loud equipment will be operated in designated times only and will,

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<sup>90</sup> Please see the Security Management Plan included in this ESMF for additional details on protection of construction sites.

to the extent possible, be operated at safe distances from the residential areas where the community reside.

The implementation time of construction activities will be limited to avoid night-time hours.

Malaria prevention measures such as the provision of the bed nets and the malaria prevention pills to the workers on site will be undertaken.

Educational materials about the vector borne diseases, communicable diseases and the sexually transmitted diseases will be developed and made visible to community members and the workers at the visible places.

Contractors will establish clear provisions on the avoidance and minimization of risks associated with the spread of the novel coronavirus. This includes promoting and enforcing provisions for social distancing, wearing of masks, hand washing and other measures to avoid congregating in large crowds or interacting with individuals outside of construction areas.

Temporary sanitation facilities, toilets and the garbage facilities will be placed at all sites for controlling the vector borne diseases transmission through the throwing of the rubbishes and the unsystematic disposal of the sewage by the workers and the employed staff

Clean and safe drinking water will be provided on all construction sites to prevent the occurrence and transmission of the water related diseases to the community

Construction workers will undergo period health check to ensure their health and well-being and avoid possible transfer of disease including respiratory diseases such as tuberculosis, or STDs such as HIV/AIDS and COVID-19

Contractors will require all workers to adhere to professional and personal code of conduct which will require strict adherence to measures intended to limit and minimize workers interactions with local communities

Contractors will establish grievance / complaint redress mechanisms to allow affected individuals or communities to raise complaints related to workplace and community safety concerns.

### **Capacity Building and Staff Training**

Improving the management of risks and adverse impacts on community health and safety is a long-term and multi-dimensional problem. The FD and its implementing entities, community partners and private sectors contractors would benefit significantly from a program of targeted training, awareness building and skills development. Table A10-1 provides a brief summary of the possible training initiatives which could be included under the ESMF to improve management's capacity to anticipate, assess, manage, and monitor health and safety risks.

**Table A10-2 Summary of Community Health and Safety Training Recommendations**

Health and Safety Issues	Possible Training and Capacity Building
Infrastructure and equipment design and safety	Use of ECOPs for construction contract contracts
	Use of GIIP for managing construction site safety
	Elements of construction site safety planning
	Supervision of compliance and performance
	Monitoring and reporting workplace incidents and accidents
	GRM
Traffic and road safety	Use of ECOPs in civil works contracts

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		Use of good practice for managing road safety in construction zones
		Supervision of compliance and performance
		Monitoring and reporting of incidents and accidents
		Grievance Redress Mechanisms (GRM)
Community exposure to infectious disease	to communicable disease	Training related to hygiene, sanitation and communicable diseases will be provided to the project workers and the project employed staffs from the contractor side to avoid or minimize the potential health impacts on the surrounding community.
		The trainings may include the following:
		HIV/ AIDS prevention and awareness trainings for the workers and employees
		Sanitation awareness and good hygiene practices considering COVID-19 precaution requirements
		Respiratory illness and infectious diseases management including TB
		Benefit of Vaccination and disease prevention measures
		Awareness about the impacts of alcohol and drug usage
		Sensitization training on Sexual Exploitation and Abuse (SEA) and Gender Based Violence (GBV)
Management and safety of hazardous materials		Technical training for contractor environmental staff on GIIP for managing hazardous materials
		Health, safety and ecological impacts of hazardous materials
		Grievance Redress Mechanisms (GRM)
Emergency and response	preparedness	Planning for emergencies
		Public information campaigns
		Designing early warning systems
		Emergency response:
		Evacuating a site
		First responders
		Assigning designated first aid specialist
		Establish adequately supplied first aid stations
		Train staff on emergency protocols and conduct periodic drills and exercises
Climate change risks to health and safety.		General awareness raising on climate impacts on health and safety
		Incorporating climate change into management plans
Ecosystem services		General awareness raising on the value of ecosystem services

	Protecting and promoting ecosystem services through management techniques
Security personnel	See Annex 9 on Security Risks Management for additional training recommendations

## Monitoring and Reporting

Regular day-to-day monitoring will be conducted to follow up on the effectiveness of, and compliance with, mitigation measures for community health and safety. Regular periodic reporting systems will be established by contractors and contracting parties. Among other issues, the following aspects will be checked in monitoring such as waste management, follow up of the sanitation measures and fire safety measures, roadway safety measures, the condition of the machines and vehicles, noise level arose from the construction activities.

Contractors, FD field staff and PMU E&S units will maintain a comprehensive register of all incidents and accidents that occur during the project. This includes both worker and workplace accidents as well as safety incidents in affected communities. The ESMF include requirements and criteria for incident notification. As a minimum the Incident Register should indicate:

time, date and location of accident or incident

name of person(s), date of birth, address and contact information for those involved

incident type (vehicle accident, workplace injury or death, emergency such as fire, burns, chemical spill or exposure)

description of injuries including the extent and severity of injury (death, broken bones, cuts and abrasions, asphyxiation etc.)

emergency notification protocols followed (report to first responders, notification of family or relatives)

status of any ongoing situations etc. (e.g., patient(s) transferred to hospital or medical facility for further treatment)

It is very important to keep in mind that GBV related incidents will need less information as it needs to be survivor centred and confidential. Treatment of SEA/GBV complaints will be exempt from these detailed reporting requirements.

The project ESMF (Chapter 9) includes information regarding notification to the World Bank for incidents, including those involving serious injury, death or other severe impact on communities. ESMF Annex 4, Monitoring and Reporting Template, includes classification of incidents according to the degree of their severity. Any community health, safety or security incidents which meet the requirements for incident notification must be reported as described in the ESMF Chapter 9. Any disease outbreak identified through the community health surveillance systems will also be reported internally, and externally as appropriate.

An essential part of the community health and safety management system are the Grievance Redress Mechanisms (GRM). Contractors and FD sponsors will use GRM to gather complaints and address them in a timely manner (see description of GRM in Chapter 10 of the ESMF). The GRM system will

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include specific complaint forms related to health and safety concerns especially in cases of ongoing risks of illness, injury or death as a result of project activities. These forms will also be distributed and readily available to the community to report on any project related issues including the environmental and safety aspects. Any community health and safety grievances submitted by community members will be directed to the contractor ESHS officer and Project Management Unit within 24 hours after receiving the complaints and will be solved as fast as possible.



Forest Restoration, Development and Investment Project

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 11: Resettlement Policy Framework**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

**ABBREVIATIONS AND ACRONYMS**

CERC	Contingency Emergency Response Component
CF	Community Forest
CFE	Community Forest Enterprise
CFI	Community Forestry Instructions
CFUG	Community Forest User Group
CFWG	Community Forestry Working Group
COVID-19	Novel coronavirus
DALMS	Department of Agricultural Land Management and Statistics
DP	Displaced Person
FD	Forest Department
GDP	Gross Domestic Product
GoM	Government of Myanmar
MONREC	Ministry of Natural Resources and Environmental Conservation
MRRP	Myanmar Restoration and Rehabilitation Program
NFMP	National Forest Master Plan
NTFP	Non-Timber Forest Product
PA	Protected Area
PF	Process Framework
PFE	Protected Forest Estate
REDD+	Reduced Emissions from Deforestation and Forest Degradation and the Role of Conservation, Sustainable Management of Forests, and Enhancement of Forest Carbon Stocks in Developing Countries
RPF	Resettlement Policy Framework
VFV	Vacant, Fellow and Virgin (lands)
VSLA	Voluntary Savings and Loans Association
WS	Wildlife Sanctuary

## 1. INTRODUCTION

The **Forest Restoration, Development and Investment Project (FREDIP)**<sup>91</sup> is designed in support of core forest sector objectives of the Government of Myanmar (GoM) to prevent deforestation and degradation of Myanmar's forests while intensifying efforts for forest restoration and for enabling more employment and economic opportunities for local communities through the establishment of community forestry plantations and support to ecotourism around Protected Areas (PA).

This Document presents a framework to help mitigate any economic displacement that might occur in the context of implementing community forest and forest management activities in accordance with the legal framework of the Union of Myanmar and the World Bank Environmental and Social Framework (ESF) Environmental and Social Standard 5 (ESS 5): Land Acquisition, Restrictions on Land Use and Involuntary Resettlement requirements related to involuntary land use resulting in economic displacement -

The risk of involuntary resettlement and economic displacement is low, given that the FREDIP is designed to be voluntary, community based, developed through consultation with local stakeholders, where land assets or land-use areas are voluntarily availed by the project beneficiaries themselves to develop under the Project. It is expected that actual sites for the project implementation will be selected during implementation of the Project, but the FD considers, and gives their assurance, that physical impact will be a part of the negative list for project locations. Therefore, to ensure compliance with the ESF, especially ESS 5, this Resettlement Policy Framework (RPF) has been prepared.

There will be no physical displacement on any activity of this Project. In case that a potential physical displacement risk is identified on any potential location, the site will not be included under the project and a new site will be identified. There may be cases of economic displacement. In this case, there will be no financial compensation provided, but the FD will use a process of negotiated settlement to realise a resolution that is of benefit to the affected person. If the negotiated settlement for the economically displaced person(s) cannot reach an amicable resolution, then the project will not go ahead in the said location.

## 2. BRIEF PROJECT DESCRIPTION

The project design includes five components, of which this RPF will potentially apply to Components 1 and 3:

Component 1. **Productive Forests** will accelerate the increase of community forest area through supporting establishment of up to 1,000 new CFUGs and revitalizing up to 2,000 existing CFUGs, investing in implementation of their management plans, and support to CF enterprises, including support for improved market access and potential partnerships with commercial enterprises. This component will also support activities aimed at creating enabling conditions for private investments in sustainable forest plantations.

Component 2. **Community Forestry for Livelihoods** will support existing and new CFUGs targeted under Component 1 (up to 3,000 CFUGs in total), to start and expand their traditional and new sustainable livelihoods activities through set up of CFUG-managed revolving funds that provide small livelihood loans to CFUG members; the project will also provide related technical assistance and institutional support.

Component 3. **Forest Protection** will strengthen protected areas management for biodiversity conservation, for improved community engagement, and development of nature-based tourism to create job opportunities and revenue generation. The project will support up to 10 existing protected

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<sup>91</sup> In this document FREDIP will be referred to as the Project. The two terms will be used inter-changeably.

areas (PAs) in the project target regions, with nature-based tourism investments limited to 4 PAs. This component will also support detection and prevention of illegal forest activities in order to contribute to reducing illegal activities in key regions (Bago and Sagaing have been identified as initial priority areas).

Component 4: **Institutional Strengthening and Project Management** will invest in strengthening the efficiency and capacity of the FD as an apex body in the forestry sector, based on priority needs that will be identified through an institutional assessment of the FD, and will finance project management activities, including E&S risk management, communications, short-term technical assistance, training, grievance management, financial management, procurement, project management and support staff services, and required goods and incremental operating costs.

Component 5. **A Contingency Emergency Response Component (CERC)** with zero allocation will be created and made implementation-ready to allow the government respond quickly in case of an eligible emergency (such as a natural disaster or a pandemic).

Project activities will be undertaken only on land defined as Forest Land under the Forest Law 2018.

**Forest Land** - means land including reserved forest and protected public forest

**Reserved Forest** means land constituted as a reserved forest under this Law

**Protected Public Forest** means land declared to be protected public forest under this Law

*Source: Forest Law 2018*

### 3. SCOPE OF PHYSICAL AND ECONOMIC DISPLACEMENT ( ) IMPACTS

This Project is expected to have generally positive social benefits, given that the project particularly supports reforestation/afforestation, forest-based livelihoods, and ecotourism, which will be community-based activities; and supports strengthening of Protected Forest Areas, through community participatory approaches in existing protected areas.<sup>92</sup> Therefore, most activities under the Project are not expected to involve involuntary economic or physical displacement (temporary or permanent).

The Project Social Assessment identified that there may potentially be a minor risk related to loss of income/business because of changes in land use or conditions of land use. There are certain scenarios identified that may trigger this RPF implementation due to the potential risk of economic displacement:

- i) Component 1 will be conducted on forest lands already managed by the FD. Therefore, involuntary land acquisition or relocation is not expected. However, in the case of an affected person being prevented from harvesting forest products from community or other forest designated areas to be included in the Project, and not being included as part of the CF project, then a negotiated settlement for economic losses shall be required, triggering the process in this RPF.
- ii) Component 3 – focusses on a pre-selected group of existing Protected Areas (refer also to ESMF Annex 12 “Process Framework”). Economic displacement may also occur in the case of protected areas management development and of ecotourism development. This will also lead to a negotiated settlement for economic losses, triggering the process in this RPF

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<sup>92</sup> Protected area forests are already existing or will be gazetted prior to the start of project implementation.

The FD has resolved to not cause involuntary resettlement and trigger cash compensation, but to avoid the risk of physical resettlement and remain in compliance with World Bank ESF requirements the FD makes the following assurances:

- a) The FD considers physical displacement impact will be a part of the “negative list” of locations for project site selection and implementation.
- b) The FD have their own regulatory framework, internal policies and screening procedures that are designed to avoid social risks such as potential of land-use and other conflicts with local communities and their livelihoods. These internal mandatory procedures will be implemented as part of this project and will ensure that existing land use and potential conflicts with communities over their livelihoods will be avoided during project site selections.
- c) The FD will adopt a “negotiated settlement” approach that will include free, non-coercive consultation and informed, mutually negotiated, and transparent agreements with displaced persons. They will not involve financial compensation. If a negotiated agreement cannot be finalized, the said location will not be included in the Project

If the case arises that an economic displacement situation is triggered, this RPF will serve as guidance to each potential case of displacement to follow the above three assurance processes, especially (c) and comply with the World bank ESS 5. It serves as guidance to prepare a World Bank approved site-specific livelihood plan<sup>93</sup> covering each case of specific economic displacement.

#### **4. OBJECTIVES OF THIS RESETTLEMENT POLICY FRAMEWORK**

##### **4.1 Objectives of Resettlement Policy Framework**

This RPF aims to achieve the following objectives, in compliance with the World Bank ESF:

- Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring all options of alternative project designs.
- Forced evictions shall be avoided.
- Use transparent, free and informed negotiated settlement in potential economic displacement cases.
- Ensure that unavoidable adverse social and economic impacts from economic resettlement / restrictions on land use are mitigated by producing a site-specific Livelihood Plan (based on a WB-approved RPF) that will provide for timely in-kind compensation for loss of assets at fair value.
- Ensure displaced persons are assisted to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels prior to the beginning of project implementation
- To improve living conditions of poor or vulnerable persons who are economically displaced, through negotiation of secure livelihoods.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

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<sup>93</sup> An equivalent of a resettlement plan under ESS5. As per ESS5, where a project involves only economic displacement, the resettlement plan may be called a “livelihood plan”.

Any project activity that may have direct or indirect link to land that has been identified to have legacy issues will be avoided. A legacy issue in this case relates to resettlement issues that are historical, non-compliant with ESF and/or national legal framework, ongoing from before project implementation. For example: this may involve land areas made available for the project that are under land dispute; involved in legal action the courts; forced eviction pre-project; physical or economic displacement which was conducted previously and is incomplete; or physical or economic displacement that occurred prior to project implementation, for the purposes of the Project, but does not comply with ESF etc. There may also be cases where existing CF and plantation areas, to be included under Components 1 or 2 of the Project, change their “rules” of community forest management, impacting on livelihoods of some forest users.

#### **4.2 Amendments Policy to the RPF**

This RPF has been prepared in order to clarify involuntary resettlement safeguard principles and requirements governing screening and categorization, social impact assessment, and formulation of the Site-specific Livelihood Plans and due diligence documents of sub-projects that will be finalised after Loan approval, during project implementation.

In addition to the objectives above, this RPF is not a static document. In the context of this investment project (FREDIP), the need for an updated or amended RPF shall arise in the cases that:

- There are changes to the resettlement and land acquisition Entitlement Matrix, Myanmar laws, policies and processes and/or updated World Bank safeguards policies and processes.
- There are additional resettlement issues arising that are not reflected in the existing RPF.

Any updates or amendments to this, of future editions, of the RPF shall need to be approved by the World Bank, prior to its disclosure and implementation.

### **5. LEGAL FRAMEWORK AND GAP ANALYSIS**

Myanmar is a country in transition and a relatively new recipient of development assistance. The regulatory and policy environment covering development, resettlement and land acquisition can also be said to be in a transitional stage in relation to social risks, including the updating and drafting of laws towards compliance with International standards. However, this is still in the development stage. Where there are gaps or inconsistencies between the government laws, regulations and procedures relating to land acquisition and involuntary resettlement and the World Bank ESF, the ESF would normally prevail, that is, the policy offering the affected person the most optimum compensation and/or conditions at least the same with the pre-project situation, will be selected above all.

#### **5.1 Legal Framework of the Government of Myanmar**

Significant social and environmental impacts are not anticipated from the activities. However, if activities require unavoidable involuntary economic displacement, these will be guided by environmental and social risk documents that will consider applicable national laws and the World Bank ESF. Sites with Physical displacement risks shall not be included in the Project.

The Government of Myanmar’s relevant National Laws and Policies include:

- Constitution of Myanmar, 2008;
- Land Acquisition Act, 1894;
- Law safeguarding Peasant Rights (1963);
- Tenancy Act (1963) and Tenancy Amendment Act (1965);
- Farmland Law, 2012;

- National Land Use Policy, 2016;
- Law Amending the Vacant, Fallow and Virgin Lands Management Law, 2018;
- Land Acquisition, Resettlement and Rehabilitation Law, 2019 (Draft – in process of Myanmar Government approval potentially within the Project implementation period).

#### **5.1.1 Constitution of Myanmar (2008)**

The Constitution of Myanmar identifies that the State is the owner of all land and natural resources above and below ground, above and beneath the water and in the Union's atmosphere. Land is not owned, but citizens and entities are allocated resource use rights such as for land use rights.

*"The Union is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union" (Section 37, Subsection (a), Chapter 1 Basic Principle of the Union, State Constitution 2008)*

In this context Myanmar individuals and organizations do not have proprietary rights to land but only land use/occupancy rights, which in some situations allow for inheritance and transfer of such rights.

#### **5.1.2 Land Acquisition Act, 1894**

The Land Acquisition Act (LAA) of 1894 establishes the basis for the state to acquire land for public use and is yet to be superseded by more recent legislation. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates actions related to notifications, surveys, acquisition, compensation, and entitlements, along with disputes resolution, penalties and exemptions. The LAA also provides for disclosure of information on surveys to affected persons.

The Land Acquisition, Resettlement and Rehabilitation Law 2019 is currently in processes of Government approval and, when passed and implemented, is designed to supersede the LAA of 1894.

#### **5.1.3 Land Acquisition, Resettlement and Rehabilitation Law, 2019 (Draft)**

This law was initially enacted by the Union Parliament of Myanmar to replace the Land Acquisition Act (1894) enacted in colonial-era for the first time and this will come into effect after it has been approved by the President with official notification. The new law seeks to protect the interests of people by land acquisition, promote a transparent and inclusive approach for land acquisition and prevent adverse social and environmental impacts due to land acquisition. In accordance with the new law, government departments need to submit proposal to the Central Committee in case of any land acquisition issue. As of the date of the preparation of this RPF, this law is not yet ratified by the Government of Myanmar but may be approved within the implementation period on this Project.

#### **5.1.4 Law Safeguarding Peasant Rights (1963)**

This law protects peasants from confiscation of agricultural lands, livestock, all kinds of farm implements, and agricultural produce. The civil courts cannot prohibit work upon or entry into agricultural land. Movement or sale of livestock, all kinds of farm implements, and agriculture produce is also protected. Peasants cannot be arrested or detained in connection with any matter mentioned above. It stipulates, however, that such protections do not apply in the case of (i) non-payment of dues owed to the state, (ii) disputes arising from inheritance cases, or (iii) actions taken by the state to maintain law and order. The Act empowers the state to confiscate land in lieu of debts or if "state security" is threatened

#### **5.1.5 Tenancy Act (1963) and Tenancy Amendment Act (1965)**

These laws took control of land from agriculturists and placed it into the hands of the state. The Tenancy Act provided that the government may order any land to be leased to tenants, usurping the right of landowners to lease their land. The subsequent Tenancy (Amendment) Act further strengthened the hold on land by the state and provided the government with authority to issue regulations for tenants working on lands leased from the state. The cultivators who, under the Land Nationalization Act, possessed the right to own land now become lessees under these laws. Both the Land Act and the Tenancy Act empowered the state to determine which crops agriculturalists could grow. Non-compliance with this and other conditions could result in confiscation of land, fines and imprisonment.

#### **5.1.6 The Forest Law (2018)**

The new Forest Law (2018) gives flexibility to the forest-dependent communities to determine the composition of forest tree species they might grow and harvest in CF areas and the pattern of planting. In the past, the selection of species was rather limited, and that restriction was a barrier for forest-dependent communities intending to raise income from CF through a mix of short-term and long-term species. Given the absence of regulations that recognize customary practices, communities may not be able to protect their land holdings, though section 7(d) of the new Forest Law (2018) and Chapter (II) of the Forest Rules recognize natural forests and mangroves conserved by local communities under customary arrangements.

#### **5.1.7 Farmland Law (2012) and the Vacant, Fallow and Virgin Lands management Law of 2012**

These laws do not apply to the project as it will only undertake activities on Forest Land. Information is provided for completeness.

The Farmland Law puts into place a system for securing rural land tenure through a land use certificate and registration system. In creating this system, the legislative branch of government has created a private land use property right. Included in this land property right are the rights to sell, exchange access credit (encumber land with debt), inherit, and lease.<sup>8</sup> It provides for Allows for freedom of selling, mortgage, handling and leasing of the land

The Vacant, Fallow and Virgin Lands management Law (2012), provides for allocation of vacant and fallow land (abandoned by a tenant). The law outlines that the Central Committee may repossess lands from the land use certificate holder for an investment benefitting the State, after payment of compensation, based on the investment cost.

The farmland Law of 2012 and the Vacant, Fallow and Virgin Lands management Law (2012), provides that:

- A Citizen has the right to use the farmland in their possession and enjoy the benefit from the right, as long as there is no breach of conditions per the land use certification.
- Farmland may be indivial land use right, common certification with investment of a village cooperative or with private investor.
- Land registration at the time of land use title issuance.
- Advises that annual re-registration of land use certificate is no longer necessary, except for if the land is sold or if inherited.
- If an organization or firm is using a part of the land, they shall pay compensation or rent for the land.
- Foreigners, including individuals' organizations and Governments may not have land use title



without permission from the Central Administrative body of the Government of the Union of Myanmar, except for in the case of cooperation as per the Foreign Investment Law of Myanmar.

- In case of complaints, the law does expressly describe the Grievance Redress systems, although the farmland law only commences its description from the Township Level, while there is a community village level of complaints prior to this.

#### **5.1.8 Law Amending the Vacant, Fallow and Virgin Lands Management Law. 2018**

This law determines the conditions and frameworks for usage of vacant, fallow and virgin lands. According to the law, vacant, fallow and virgin lands can be claimed and utilized by willing individuals/organizations including foreigners mainly for production activities such as agriculture, livestock, aquaculture, mining and others permitted by the government. The law determines the formation as well as the roles/responsibilities of the central committee for the management of vacant, fallow and virgin lands. The law stipulates that the people using the lands categorized as vacant, fallow or virgin, will have to get registered to use these lands within 6 months from implementation of the law. Otherwise, the land may be allotted to others for use. Lands under customary tenure is excluded from this law.

#### **5.1.9 National Land Use Policy, 2016**

National land use policy is associated with conservation, utilization and allocation of land resources and defined as the official notification of a government's objectives and plans. In the policy, land related benefits, political choice and forms in relation to allocation of authorities, and user rights of land and related natural resources that exist between the government and original landowners i.e. people of the country are clearly described.

### **5.2 World Bank Environmental and Social Framework (ESF) and Gap Analysis**

Resettlement and Land Acquisition (Physical and/or Economic Displacement) are covered by the World Banks Environment and Social Framework (ESF), which has superseded the OP 4.12 requirements since October 2018. The ESF is split into 10 Environmental and Social Standards (ESS) and which the World Bank will only invest in Projects that comply with the 10 ESS's and national laws.

#### **5.2.1 ESS 5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

ESS 5 is the most important standard and focus for Resettlement, Land Acquisition and/or access to resources. It recognizes that land acquisition and restrictions on land use can have negative effects on communities and people. Involuntary resettlement involves physical displacement (displacement or loss of shelter) and economic displacement (loss of assets or access to assets leading to loss of income sources or livelihoods) due to land for the project. The main ESS 5 objectives are as follows:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by:
  - providing timely compensation for loss of assets at replacement cost and
  - assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

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- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected

The Gap Analysis for ESS 5 compared to Myanmar Legal framework is presented in the following Table 5.1.

**Table 5.1 – Gap Analysis<sup>94</sup>**

WB Environmental and Social Standards (ESS)	National Laws and Regulations	Gaps	Gap Filling Measures
ESS 5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	The Land Acquisition Act (1894) The Farmland Law (2012) EIA Procedures (2015) The Forest Law (2018)	<p><b>Scope:</b></p> <p>In accordance with section (7) of EIA Procedures (2015), it is stated that international good practices accepted by the international financial institutions including the World Bank Group can be adhered on involuntary resettlement and indigenous people.</p> <p>Although EIA procedures guide to consider social impacts including involuntary resettlement and impacts relating to indigenous people, it is unable to cover some specific issues such as economic displacement, restrictions on land use, access to natural resources, and etc.</p>	<p>The borrower will follow the requirement of World Bank ESS-5 as well as the national regulations.</p> <p>As per the scope of works under FREDIP, only economic displacement resulting from different kinds of land acquisition and restrictions is expected. FD shall use its own screening and legal processes to avoid physical and economic displacement. A Negotiated settlement process will then be implemented in cases of economic displacement that cannot be avoided.</p> <p>In a case where an ethnic group will lose their ancestral lands or if they are unable to derive a traditional livelihood from those lands, due to project activities, the Community Participation Planning Framework (CPPF) (Annex 13) will also be triggered.</p>
		<p><b>Eligibility:</b></p> <p>It is stated in EIA Procedures (2015) about the definition of Project Affected Person (PAP). However, the eligibility classification of PAP is not</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) ensure to cover affected persons who: have formal legal rights to</p>

<sup>94</sup> Extract from ESMF Section 3 “Gap Analysis”, Table 3-1.

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		clearly described for the case that land acquisition, restrictions on land use and involuntary resettlement are unavoidable.	land or assets; have a claim to land or assets that is recognizable under national law; have no recognizable claim to the land or assets they occupy or use.
		<p><b>Informal Users or Occupiers:</b></p> <p>Consideration of informal users or occupiers for compensation has not been observed in the Laws yet.</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) covers eligibility, of informal land users and occupiers, to compensation for economic and/or physical displacement caused by the Project.</p> <p>The RPF in Annex 11 provides for land donation, in the form of following the socio-economic surveys and inventory of assets process and a strict protocol on recording, signing and witnessing an agreement as well a strict monitoring requirement.</p> <p>The Project Components are to be implemented on condition that there will be no land acquisition or relocation involved, although there maybe some economic displacement, which is covered in the RPF in Annex 11.</p>
		<p><b>Voluntary Transactions:</b></p> <p>Description about the voluntary transactions has not been observed in the Laws yet.</p>	
		<p><b>Land donation:</b></p> <p>There is no local regulation in Myanmar related to the voluntary land donation.</p>	
		<p><b>Alternatives to reduce Impacts:</b></p> <p>In accordance with EIA Procedures (2015), although consideration for land use, ownership and land right are recommended in EIA investigation, specific consideration for alternative designs to avoid or minimize land acquisition, displacement, gender impacts and impacts on vulnerable people are not fully covered.</p>	
		<p><b>Compensation at replacement cost:</b></p>	
			<p>The Resettlement Policy Framework (RPF) (Annex- 11) covers to offer affected person compensation at replacement</p>

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		<p>Although the determination of amount of compensation is specified in the Land Acquisition Act (1894), detailed consideration for necessary transaction cost associated with asset replacement is not fully covered yet.</p>	<p>cost, defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.</p>
		<p><b>Transparency:</b> The requirement of transparency in the process of the compensation of lands and assets are not clearly stated in any of national laws in Myanmar.</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) focus to bring transparency in the process of the compensation of lands and assets.</p>
		<p><b>Alternatives to cash compensation:</b> There is no particular statement for the requirements of alternatives of cash compensation under EIA Procedures (2015)</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) includes to offer alternative income earning opportunities where livelihoods are land-based or land is collectively owned with no option for replacement land.</p>
		<p><b>Taking possession of land or assets:</b> In Myanmar, there is no particular statement related to taking possession of land or assets under EIA Procedures 92015) or other laws.</p>	
		<p><b>Forced eviction:</b> The considerations related to forced eviction is not clearly stated in any of national laws and regulations.</p>	<p>This project won't use forced eviction but exercise of eminent domain or compulsory acquisition is not forced eviction if it complies with national law and ESS5.</p>
		<p><b>Transition Support: &amp; Livelihoods:</b> EIA Procedures (2015) indicates the establishment of programs for livelihood restoration but not particularly states the requirement of the timely</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) includes the guidance for provision of timely assistance to restore livelihoods, particularly for vulnerable</p>

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		<p>action and consideration of vulnerable groups in livelihood restoration process.</p>	<p>groups and assistance in lieu of land compensation sufficient to re-establish livelihoods elsewhere.</p>
		<p><b>Gender:</b></p> <p>There is no particular guideline in Myanmar for including provisions to protect and support women in resettlement and compensation process.</p>	<p>The Resettlement Policy Framework (RPF) (Annex- 11) includes provisions to protect and support women, including documentation, training, access to credit and jobs, ensure women’ perspectives are factored into all aspects of resettlement planning and implementation, and enable women to share equitably in compensation from resettlement of male-headed households when land is in one person’s name.</p>
		<p><b>Grievance redress:</b></p> <p>There is no specific instruction under any laws and regulations in Myanmar to establish grievance mechanism in a timely manner during project development process.</p>	<p>The Resettlement Policy Framework (RPF) (Annex-11) ensures that a project grievance mechanism is in place as early as possible in project development to address concerns about compensation, relocation or livelihood restoration.</p>
		<p><b>Planning:</b></p> <p>The detailed instructions or regulations related to planning of land acquisition and resettlement including cut-off date establishment, preparation of land acquisition plan, framework, and etc. have not been stipulated yet in Myanmar</p>	<p>The Resettlement Policy Framework (RPF) (Annex-11) provides a process of land acquisition and/or resettlement and economic displacement, including socioeconomic studies of the affected persons, valuation and compensation process, if required.</p> <p>However, it has been agreed that the project will only use Government land and land areas where acquisition of land and/or relocation is not expected to occur</p>

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		<p><b>Monitoring and Evaluation:</b></p> <p>Instructions or Regulations related to development of monitoring and evaluation procedures for land acquisition and resettlement process have not been available yet in Myanmar.</p>	<p>The Resettlement Policy Framework (RPF) (Annex-11) establishes procedures to monitor and evaluate implementation of the plan and take corrective action.</p>
		<p><b>Physical displacement:</b></p> <p>National Land Use Policy (2016) merely state the requirements of the procedures related to land acquisition, relocation, compensation, rehabilitation and restitution. However, the specific and detailed procedures for performing physical displacement have not been available yet in Myanmar.</p>	<p>This FREDIP won't allow the activities which would result in the physical displacement. A site-specific social assessment will be conducted. The RPF in Annex-11 outlines a screening process in order to identify economic and physical displacement impacts prior to project implementation</p>
		<p><b>Economic displacement:</b></p> <p>There are no clear and detailed procedures in Myanmar for consideration of economic displacement.</p>	<p>The Resettlement Policy Framework (RPF) (Annex-11) guides the procedure to identify measure to improve or at least restore incomes or livelihoods, to pay attention to gender aspects and needs of poor and vulnerable, to monitor livelihood measures until a completion audit concludes persons have received all eligible assistance and provided with adequate opportunity to reestablish livelihoods, and to provide transitional support based on reasonable estimate of time required to restore income-earning capacity, production levels and standards of living.</p>
		<p><b>Restrictions of access to natural resources:</b></p>	<p>The Process Framework (Annex- 12) guides the approach for conducting due</p>

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		<p>Conservation of Biodiversity and Protected Areas Law (2018) allows local community to access to the resources inside the protected areas (PAs) through demarcation of buffer zone within the PA.</p> <p>However, there is no specific guidance and process for dealing with the restrictions of access to natural resources, if any.</p>	<p>diligence to assess potential restrictions on access that the project may create.</p>
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## **6. ELIGIBILITY**

A Displaced Person (DP) is defined as a household, firm or private or public institution who, on account of the involuntary acquisition of assets, would have their rights, title or interest in all or any part of the house, land (residential, agricultural, industrial, etc.) annual or perennial crops and trees, or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily, and who might suffer income or business loss as a consequence thereof.

Only those DPs found to be doing business or cultivating land, or having rights over, or restrictions to, resources within project affected areas (refer to Section 3 above), as of a specified cut-off date are eligible to participate in negotiated settlement processes. Generally, the cut-off date is the date that the census process begins. Therefore, the cut-off date will be determined by the FD PMU and apply to all affected parties at the time of the Census-surveys commencing, provided that adequate, effective public consultation and dissemination of information regarding the project and project affected area has been conducted and adequate documentary proof has been provided.

### **6.1 Categories of Eligible Displaced Persons**

It is important to identify the tenure status of a DP, as this influences eligibility procedures of acquisition, compensation, resettlement, and rehabilitation. Furthermore, type of land tenancy will affect the eligibility of a site for a Project activity. From an administrative point of view, land in Myanmar which is eligible for project activities can be classified as follows:

#### **6.1.1 Forest Land**

Forest land is declared and administered by the Ministry of Natural Resources and Environmental Conservation (MoNREC) in accordance with the Forest Law and its rules and regulations. Permission is required from the Ministry for extracting timber, cutting firewood, producing charcoal or catching fish from forest land. Approval is also required for government enterprises involved in gemstone mining or oil exploration for any prospecting or other activities in reserved forest areas (forest land). Individuals must pay licence fees to the FD for wood-cutting, charcoal production or extraction of forest products in forest land. Forest land may not be re-designated into any other category unless the Ministry de-registers it. This requires permission from the Forest Department and also usually requires permission from the Ministry and Cabinet.

The FREDIP will support CF and CF enterprise activities in Forest Land. Gazetted or designated Protected Areas (PA) are also managed by the Forest Department. Activities for strengthening PA management will be implemented on selected PAs that are already gazetted.

#### **6.1.2 Customary Land Tenure systems**

Rights to land and forest resources in Myanmar are closely entwined with social structure and cultural traditions. More than 50% of land holdings lack formal land titles or certificates and are managed under customary arrangements. Community institutions manage the relationship between individuals, land and resources, especially in ethnic areas. Access and user rights for forest areas are frequently managed under such customary arrangements, which are not formally recognized.

Secure forest tenure for rural communities is threatened by overlapping policies, regulations and guidelines, the slow progress of peace negotiations, bureaucratic inertia, changing political economies, centralized decision-making, institutional conflict (among both formal and informal entities), poor service provision and limited accessibility.

Within the formal structure, different institutions have parallel and overlapping mandates and competencies to handle land related conflicts, for both forest and non-forest land. State and Regional committees lack clarity on investigative procedures and on who can or must participate, the types of the procedures that can be used and the kinds of outcomes that are acceptable. This results in an inability to use collaborative problem-solving and reach speedy resolution of contested land issues. A similar finding is reported by local communities, which also lack sufficient resources to undertake the tasks systematically.

Since 2010, the GoM has sought to recognize tenure security, including the protection of rights of ethnic communities and women, by revising its forest land and resource policies, laws, guidelines and regulations, and to reflect community-based traditions and practices to guide forest tenure. Despite these efforts, there is very weak enforcement. Government systems still lack adequate mechanisms to recognize customary tenure, with a tendency to prioritize agricultural investment and state ownership.

Limited access to provisions that could facilitate formal tenure leads to a continuation of customary tenure practices in Kachin, Kayah, Kayin, Mon, Shan and Rakhine States, and in Tanintharyi, Sagaing and Magway Regions. Such customary traditions are strongest in upland areas, where shifting cultivation is common, and in ethnic areas and dry zones where rotational fallow arrangements are the norm.

In both formal and customary land governance mechanisms, women are underrepresented. There are few women or representatives of ethnic groups or other potentially vulnerable groups serving as senior officials on any State/Regional land committees.

Despite government attempts to apply national laws on land tenure, communities refer back to customary tenure. The formal institutions of the state cannot effectively deal with people's grievances. So most land disputes are resolved through community-based negotiations. The local knowledge of village administration is not integrated into the GoM's modern methods of formal tenure system to give a unified structure for local governance.<sup>95</sup>

There is therefore a risk to vulnerable ethnic communities and women if the FREDIP operates in forest lands that are used for shifting agriculture or other practices that sustain traditional livelihoods, under customary tenure arrangements. To mitigate these risks, this RPF along with other ESMF processes, procedures and frameworks (Annexes 12, 14 and 13, respectively), including a Process Framework, a Cultural Heritage Management Procedure and a Community Participation Planning Framework

## 6.2 Severity

Those businesses (and employees) losing income within the affected areas will be entitled to a level of income restoration activity, also depending upon the severity of losses, in the cases where they are unable to participate in the CF Project. The degree of displacement is classified as "severe" or "marginal" as outlined below:

- **Severe** - The portion of the land or business to be affected is more than 20% of the total productive land area including in properties in other locations and/or income generation activity or even less than 20% if the remaining portion is no longer economically viable or it will no longer function as intended. The owner of this property shall be entitled to full compensation in accordance with the details outlined in this RPF.
- **Marginal** – the impact is only partial, and the remaining portion of the land or income generation activity is still viable for continued use. Compensation will be for the affected area only.

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<sup>95</sup> An-Assessment-of-Forest-Tenure-in-Myanmar-Securing-Forest-Tenure-for-Sustainable-Livelihoods%20

- **Informal settlers or others who settled in the affected areas after the cut-off-date**, or the date of the beginning of tagging and mapping activities, will not be eligible for any of the compensation and/or rehabilitation provisions under this RPF and the project Livelihood Plan. This is because tagging and mapping activities will be the identification of the affected persons on a site and beginning of the resettlement and census-survey process.

Severity will also be characterized by level of vulnerability of the potentially affected person. Types of Vulnerability identified under this project include (but not limited to):

- Poor
- Landless
- women,
- children and youth,
- elderly,
- disabled/sick,
- LGBT

## 7. ENTITLEMENT MATRIX

The following entitlement matrix is based on the identified categories of impacts in compliance with the legal framework of Myanmar and the World bank ESF. This Entitlement Matrix shall be updated in the case of identifying new and different impacts with different compensation measure requirements and/or policy changes. In addition, the matrix shall be reviewed and refined to a site-specific focus on the impacts and compensation measures, during the preparation of a site specific Livelihood Plan (where required).

If the negotiations with the potentially affected person do not end with a beneficial agreement, then the FD shall not implement the project on the affected site.

**Table 7.1 - Entitlement Matrix**

<b>Types of Losses</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation</b>
For all economic losses (livelihood loss, income losses etc.)	Economic displacement	The FD will facilitated the negotiation process between potential CF users and the DP, from which the result may include in CF and livelihood development activities under the Project; or other benefits through a minuted negotiation  No financial compensation will be available, otherwise the FD shall no go ahead with the project on that specific area  Appropriate agreements regarding revised access	Due diligence shall be documented recording losses (areas and assets) and signed by the potential DP, the FD representative, Village/Ward Head and witness by voluntary local CBO representative.

Types of Losses	Entitled Persons	Entitlements	Implementation
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arrangements and so on shall be recorded in the Community Forest Management Plan, in cases of Community Forestry

## 8. PROCESS FOR PREPARING A SITE SPECIFIC LIVELIHOODS PLAN

This section provides a recommended process for resettlement planning, including the minimal requirements to screen for resettlement and land acquisition impacts and preparing a Site-specific Livelihood Plan be developed for each site in which displacement is identified, during the Site-Specific Social Assessment and ESMF Screening Process (Annex 1 ESMF and ESMF Annex 15). For community forestry activities, the livelihood plan(s) shall be part of the Community Forest Management Plans.

### 8.1 Units of Entitlement

Units of entitlement include all the affected households (without any discrimination such as household headed by women, disabled elderly, landless and people living below the national poverty line) confirmed to be doing business, cultivating land, having rights over resources within the project affected area or conducting other economic or livelihood activities prior and up until the announced cut-off date.

This RPF recognizes the consultation processes, policies, and laws of the government that are applicable and World Bank ESF requirements such as value of economic displacement, third party validation, proper record keeping, and overall transparency.

### 8.2 Initial Screening

Each identified activity of the investment program will be screened when preliminary project information is available (refer to ESMF Annex 1). The objectives of screening are to

- a) determine whether or not the activity involves potential economic and physical displacement impacts and risks (the project will not be implemented in areas where there may be physical displacement);
- b) ascertain the significance of such potential impacts and risks;
- c) identify the level of assessment and institutional and financial resources required for the formulation of satisfactory Livelihood Plan to avoid economic displacement impacts or risks, or at least to minimize and mitigate them.

After the Site-Specific Social Assessment (refer to ESMF Annex 15) has been completed, in which a possibility of resettlement impact on the site will have been flagged, there are a further two parts of screening processes to be conducted.

The first is a process identifying persons with potentially affected economic losses in a pre-selected area or footprint – refer to the Table 8.1. From this information, a check of history and records associated with the impacted areas may be noted from the local Government records, identifying land title, history of land acquisition and compensation status.

Furthermore, the FD shall use its own internal screening procedures that are designed to avoid social risks such as potential of land-use and other conflicts with local communities and their livelihoods. These two mandatory procedures will be implemented as part of this project and will ensure that existing land use and potential conflicts with communities over their livelihoods will be avoided during project site selections.

**Table 8.1 – Screening Format to Identify Potentially Impacted Areas.**

Location	Details of Economic displacement impact	Remarks
This may involve, but not limited to a GPS reading, chainage location (if along a road forest track)		

In the case that economic displacement impact is unavoidable, the following Criteria for negotiated settlement will need to be satisfied (Table 8.2):

**Table 8.2 – Criteria for Negotiated Settlement**

1.	The site is selected in full consultation with affected persons, inclusive of affected non-titled people
2.	Negotiations do not significantly impact the living standards of affected people and the estimated economic impacts from each affected household does not exceed 20% of income/livelihood;
3.	Negotiated benefits are linked directly to significant benefits for the affected persons;
4.	All Negotiation will be minuted and final settlement will be confirmed through written record and verified (witnessed agreements by an independent third party, such as a CSO as well as FD, CFUG leader and Village/Ward leader;
5.	There is an adequate grievance process
6.	The negotiated agreement shall not cause any involuntary resettlement of formal or informal land users, squatters or encroachers of the land
7.	All affected persons shall not suffer any further economic displacement as a result of the Project, beyond what has been negotiated and written in the agreement prior to Project commencement
8.	No affected household is vulnerable.

### 8.3 Livelihood Plan Preparation

If the safeguard screening process findings indicate that economic displacement is unavoidable, the FD will prepare a Livelihood Plan. The Livelihood Plan to be developed shall include, at a minimum and in accordance with the World Bank ESF ESS-5 and Myanmar Regulations:

- i Project description and rationale and objectives for economic resettlement
- ii Impacts and their magnitude – results of Baseline census, inventory of economic displacement impacts and socioeconomic data of affected people.

- iii Mitigation measures including the types and the scale of replacement in-kind compensation that has resulted from the negotiated settlement with each affected person (summary here and details Annexed in the document). There will be no financial compensation.
- iv Legal Framework
- v Implementation Framework for the negotiated outcome
- vi Consultations and disclosure of the Livelihood Plan - including participatory processes to ensure participation of affected people in the Livelihood Plan implementation. This will also be inclusive of summary of issues discussed during meetings and DP negotiations and data related to those DPs which have completed satisfactory negotiated settlement and signed their agreement.
- vii Implementation schedule to ensure that compensation will be provided / agreement on new access modalities will be reached and recorded before project intervention commences  
In cases of financial compensation, a new site shall be selected.
- viii There will be an Annex (confidential) kept by FD and the World bank, which will include copies of all negotiated settlements signed and witnessed, letters and any other required legal documentation under this process, as required by World bank or Myanmar Government (a sample letter in Figure 8.1 below).

The resettlement instruments developed for an activity will be reviewed against the provisions of this RPF and the ESMF (or its updates) and, if they are found to have addressed all requirements, will be approved by the PMU.

In particular:

- Are potential adverse impacts clearly identified?
- Are mitigation measures proposed sufficient to fully restore income streams of affected people?
- Are implementation arrangements and grievance mechanisms adequate?
- Is the budget estimated sufficient?

The Livelihood Plan will need to be approved before any works or activities begin in the project area and that any compensation or mitigation measures will need to take place in a timely manner and prior to any displacement

Copies of approved Livelihood Plan will be made available in easily accessible places in the village where the activity is implemented, with a summary translated into the local language(s) (Refer to RPF Section 11 - Consultation and Disclosure).

The World Bank will have access to review all Livelihood Plans at any time during project implementation. The World Bank may choose to review some Livelihood Plans prior to their approval by the FD and will inform the FD in advance in such cases.

Figure 8.1 – Sample Letter for result of Negotiated Settlement

**NEGOTIATION AGREEMENT  
TO MITIGATE ECONOMIC LOSSES FROM THE FREDIP ACTIVITIES**

I/we -----

ID no ----- and ----- dated -----, have hereby negotiated with the FD / FD supported Community Forest User Group, the attached agreement for mitigating livelihood impacts, through use for the forest resources or compensation in place thereof, situated at----- Details as follows

1. Extent of forest land used -----in length, ----- in width (permanent)
  
2. Extent of forest land -----in length, ----- in width (temporary)
3. Details of the type and magnitude of Economic impacts (economic displacement) that the project will cause for the affected person
  
4. address where impact is located:
  - a. District
  - b. Township
  - c. Village
  - d. Cadastral location

The household/business (economically affected person) has been made aware of their rights and negotiated benefits (attached agreement provided), including their rights to grievance, and in signing this document will have no further claims of compensation for acquisition or losses stated above, according to laws and regulations of Myanmar and the World Bank.

Additionally, I agree to conduct economic activities as per the attached agreement.

The FD and CF Group (or FD in the case of PAs) shall also ensure the negotiated agreement attached shall allow the affected person to remain same or better economic status than that prior to the project, as through the agreement.

Signature of Affected Person

Signature of FD (PMU Representative):

Signature of Village Chairman:

Signature of District FD:

Signature of Township:

Signature of local NGO or CBO representative (witness to confirm Negotiation has been done freely and without intimidation, coercion or force)

Date

## 9. Institutional Arrangements

**Forest Department (Project Executing Agency)** - Responsibility for implementation of this RPF and for preparation and implementation of Livelihood Plans and other safeguards Due Diligence documents for specific project activities, including responsibility for all associated cost shall be the Forest Department. The FD shall coordinate actions with any other agencies involved to ensure timely and effective implementation. The FD has ultimate responsibility for ensuring the required resettlement safeguards requirements are implemented in accordance with the Government of Myanmar laws and policies as well as complying with the World Bank ESF, particularly ESS 1, 5, 7 and 10

**Project Steering Committee** - The PSC, composed of senior officials of the government will be responsible for (i) reviewing and assessing project implementation progress; and (ii) providing advice on policy matters related to the project, including resettlement related impacts and resolving bottlenecks.

**Project Management Unit** - The PMU will be established at Forest Department at national level. The PMU will conduct day-to-day management of the project and will be responsible for coordinating and implementing project activities, including procurement, recruitment, disbursement, contract administration, monitoring and reporting. The PMU will be headed by a Project Manager supported by full-time core staff, including social safeguards staff. The social safeguards staff shall be responsible for ensuring all resettlement and land acquisition impacts are mitigated through Livelihood Plan preparation, implementation, and monitoring in accordance with this RPF, Myanmar laws and World bank policy.

## 10. GRIEVANCE REDRESS MECHANISM

### 10.1 General

Grievances can often be resolved through clarification at a local level or through project management providing clarifications. In Myanmar, a GRM already exists, built into each administrative level from the community (Village/Ward) and up to Presidential Union level, as well as via the courts. While this does provide a known focal point for the community members to submit grievances and potentially allow for community members complaints to be dealt with at a local level, it does not allow for any project specific issues to be resolved by the Project management itself and may not necessarily incorporate specialized considerations for DPs that are an ethnic group (also refer to Annex 13- Community Participation Planning Framework, which specifically covers ethnic and indigenous groups in accordance with ESS 7).

The following Project GRM is proposed for implementation on this Project, which is acceptable to the FD, Myanmar Government

In order to receive and facilitate the resolution of possibly economically or physically displaced peoples' concerns, complaints, and grievances concerning the project's performance, a Grievance Redress Mechanism (GRM) should be established for the project, covering various decision-making levels from the individual and community to legal mechanisms in Myanmar. The GRM is formulated, generally to addresses potentially affected people's concerns and complaints proactively and promptly, using an understandable, communicated and transparent process that is gender responsive, responsive to ethnic groups' issues, culturally appropriate and readily accessible to all community members(also refer to Annex



13- Community Participation Planning Framework, which specifically covers ethnic and indigenous groups in accordance with ESS 7).. The Mechanism should be at no costs to the complainant and without retribution. The mechanism, for the Project, also should not impede access to the Country's judicial or administrative remedies.

## 10.2 Types of Grievances

### Legal Issues

- Application of land related laws and gaps and its limitations.
- Rules and regulations determining the ownership of land and use of land

A selection of the practical issues (non-exhaustive):

- Lack of knowledge on the resettlement and land acquisition process and how to present claims.
- Delays in program, causing hardship on the affected household
- In the context of implementation period (if the case arises): any temporary disruptions
- Resettlement (physical and/or economic displacement non-compliance issues impacting at the Community
- Non- adherence to the negotiated agreement be it compensation or an in-kind agreement for forest areas usage.

## 10.3 The Existing Grievance Redress Mechanism in Myanmar

The existing Grievance Redress Mechanism in Myanmar, as per the law, includes 5 levels from community to National level plus through the law courts system. This Mechanism may be extremely time consuming last over 6-months and impacting on the progress of Project implementation.

The existing GRM in Myanmar is presented as follows:

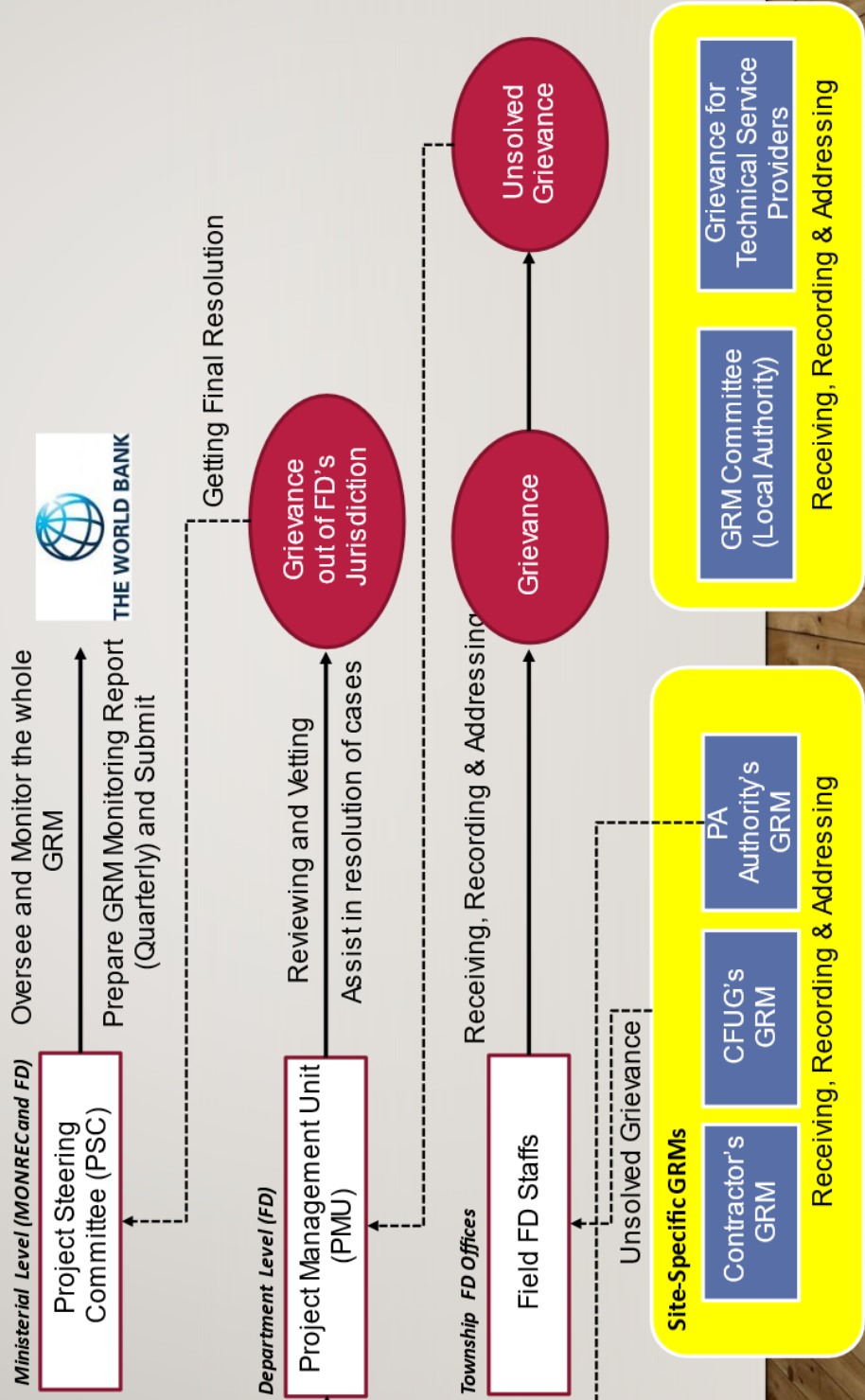
- **GoM Level 1: The individual** or group may submit their grievance to the "Village Trade Administration" (or Ward). Membership includes the village chairman, General administration department representative, DALMS representative, and Farmer organization representatives. If the complainant is not satisfied with the resolution, within 1-month they must send to the Township level
- **GoM Level 2: Township level** grievance committee members are the similar organizations to that at the village level, but also includes Township level parliamentary representatives. If the complainant is not satisfied with the resolution, within 1-month they must send to the District Level.
- **GoM Level 3: Members of the District level** grievance committee are again similar agencies to the Township, but with district level Government representation. If the complainant is not satisfied with the resolution, within 2-month they must appeal to the Regional/State

- **GoM Level 4: Regional level** appeal are tasked with making a final decision on the grievance. Although this is the final decision, if still not satisfied, there is a legal avenue, which makes up level 5.
- **GoM Level 5: Legal avenue:** The complainant, if not satisfied with the regional Level decision, and if involving a resolution based on Myanmar laws, the complaint may be submitted to the Attorney General Office and through the Courts, which also involves the President. However, this is a costly exercise.

#### **10.4 Recommended Project Environmental, Resettlement and Land Acquisition Grievance Redress System**

The World bank ESF allows for preference to utilize existing GRM's if they comply with ESF requirements. However, often on internationally financed Projects, several of the complaints and grievances that are from the community involve an unintended lack of understanding, or lack of knowledge, of the project and its intended benefits and impacts. This can often be due to an unidentified or unintended flaw in the system of stakeholder engagement in the Project. The agreed Grievance redress mechanism, covering resettlement, and in accordance with ESS 5 is shown below. However, this system is additional and in no way should prevent a complainant from using the existing Myanmar system, or respective Myanmar courts, at any level at any time (refer to Institutional Framework model below). The recommended system is as follows:

## Organizational Responsibilities and Flow of Grievance Redress Mechanism



## 10.5 Grievance Register

A GRM grievance register shall be implemented. The register provides a documented Quality Control system for all project-related complaints and grievances to be registered and categorized, in order that they can be reported, monitored, resolved rapidly. This section provides an approach to accept, record and resolve complaints coming from the public through the Project and, as necessary, resolving at project level and through the documented Myanmar system.

### 10.5.1 The Grievance Register

The formal system of complaints implemented in Myanmar is described above along with a recommended addition to ensure Project issues may be resolved expeditiously. This is the main approach to use. The following is a recommended system of registering grievances at the community level, which can also be followed up through the other levels of either Project or general Myanmar system. This recommended register shall be kept at the community level, with a “Master copy of the full set of grievances across the whole Project to be kept at the PMU (Central) level:

The following table will need to be prepared and completed by the GRM designated officer responsible for maintaining the register, when a complaint comes in and at each stage of resolution or rejection. To understand the use of the register, and each of its columns, the following is the definition of each column:

- **Grievance Registration No.:** this column will be a code reference, which can be used as an identifier and marked on all correspondence and consultations used in the resolution of the complaint but fitting with the PMU office administration QA system.
- **Date:** when the grievance was first submitted.
- **Name:** Provide name of Complainant. If the choose not to provide name, this is also acceptable, but identify as such
- **Address:** of complainant
- **Contact No.:** Phone number of the complainant so that further discussions can be made, and resolution is satisfactory verified
- **Gender** – is the complainant male or female
- **Description of Grievance** – provide a brief description of the complaint
- **Name of person who took grievance:** who took/accepted the grievance from the complainant.
- **Type of grievance** - category Environmental; Social-Resettlement; other etc.
- **Directed to?** – this will be changing but starting with the grievance being given to a GRM designated officer responsible as the start of resolution; this will change if the complaint needs decision from Community level, FD Project Management, or other levels of Grievance, legal system or other agency.
- **Status of resolution** – resolved or not – also provide date in this column.
- **If resolved, state resolution** - When a resolution is agreed with Complainant, a brief description of the resolution will be noted. A note will also be made about the notice of resolution being provided to the Complainant and the file reference for the office copy, signed received and agreed by the complainant shall made in this column

The FD PMU designated officer will keep a folder in the office in which all grievances and subsequent materials should be filed. An audit of these complaints shall take place at the time of each project progress monitoring reporting to the World Bank (ie. Monthly, Quarterly/biannually/annual etc).

It is important that the FD district/township representatives and PMU level follows up on each complaint to make sure it is being dealt with in accordance within the specified timeframe of the Grievance Redress Mechanism and ensure the complainant is notified regularly of the progress of complaints resolution.

The register should be checked and updated every 2-weeks and not more than 3 weeks.

## **11. CONSULTATION AND DISCLOSURE**

Consultation and disclosure is also specified in the Stakeholder Engagement Plan (SEP), which is also not a static document, but will need to be reviewed and refined during the course of project implementation, especially as implementation of Project activities become clearer, along with safeguards impacts and more specific identification of project stakeholders, especially Project affected persons, resettlement and land acquisition displaced persons and categories of vulnerable persons.

### **11.1 Negotiated Agreements**

Consultation and awareness meetings shall be held with potentially affected persons (whom may have their livelihoods/business/incomes affected by the CF projects). The meetings are recommended to include:

- (i) Description of the project and its benefits.
- (ii) Request to cooperate with the project and the officers.
- (iii) Establishment of GRM and its role.
- (iv) The issue of impacts on affected persons livelihood.
- (v) To set up a schedule for individual negotiations to occur, at the convenience of the affected person. That this would involve a census and inventory of losses questionnaire and minuted negotiation meetings.
- (vi) The opportunity for grievances to be heard.

### **11.2 Consultation and Participation**

The FD will consult DPs and other stakeholders on the scope of the project, its benefits and potential adverse impacts and proposed mitigation measures. In accordance with the SEP, stakeholders will be actively engaged in discussion and decision-making of project alternatives, scope of economic displacement potential direct and indirect impacts on economic activities, and social and cultural identity and networks of people, resettlement planning, implementation, and monitoring.

Consultations commence with the project and sub-project design and will continue throughout the project life. All consultations are undertaken in an atmosphere conducive to free exchange of views and recommendations without any intimidation. The consultations will be gender inclusive and conducted through interviews, public meetings, and group discussions, held at times, and in safety, convenient to the stakeholder(s) involved (ie. community members). The FD will also ensure that disadvantaged or vulnerable groups, especially the poor, landless, elderly, women, female-headed households, non-titled users of land, ethnic groups (if any) are included in consultations.

A record of stakeholder consultations will be kept of all discussions, suggestions and recommendations arising out of the consultative process at each formal and informal consultation meeting. The record may be supplemented with photographs of the proceedings (also refer to Annex 13- Community Participation Planning Framework, which specifically covers ethnic and indigenous groups in accordance with ESS 7)..

### **11.3 Disclosure**

This approved RPF and any updates endorsed by FD and concurred by World Bank shall be disclosed on the World Bank website and FD's own website - <https://www.forestdepartment.gov.mm/>.

The FD shall similarly disclose the prepared Livelihoods Plans or due diligence documents. These documents and/ or other adequate information on resettlement related matters on the FD website, and directly to DPs, the affected community and other stakeholders, in a timely manner at accessible locations in Myanmar language and in the other languages, depending upon the ethnolinguistic nature of the resettlement affected areas such as Village/Ward administration office areas and Township levels. There may also be a need for verbal disclosure through awareness meetings with vulnerable DPs, through various forms of media, appropriate to the stakeholder concerned, such as radio, TV, community loudspeakers, face-to-face meetings etc.

Resettlement information including the sub-project description; specific entitlement matrix; GRM and other rights of DPs and stakeholders, budget, and implementation schedule as leaflet or a booklet will be disclosed before the determination of compensation and resettlement assistance.

The FD will submit the following planning documents to World Bank for review and disclosure on World Bank and the FD's website:

- a) Draft and Final Resettlement Framework documents
- b) Resettlement Action Plans and Due Diligence Documents, with full DP socioeconomic and budget information
- c) Resettlement Monitoring Reports (optional)

## **12. MONITORING AND REPORTING**

Involuntary Resettlement and Land Acquisition (economic displacement) is expected to be low, given the heavy community-based approach integrated in all Project components. Given the low risk, there is no trigger for the requirement for an External Monitoring Agency (EMA) to be recruited. Therefore, unless otherwise specified subsequently by World Bank or the Government of Myanmar, the results of internal monitoring only, will be the basis for World Bank and FD approval and for issuance of proceeding with an activity in Land acquisition and resettlement impacted area.

The Forest Department will be responsible for internal monitoring all resettlement activities, including screening for resettlement impacts prior to commencement of project activities; Livelihood Plan preparation for World bank approval and disclosure; Livelihood Plan implementation; and internal monitoring to determine whether resettlement goals have been achieved and livelihood and living standards have been restored, and to recommend how to further improve implementation.

Implementation progress of the Livelihood Plan will be monitored by PMU and Township FD project personnel internally, assisted in the first year by the safeguard’s consultant Specialists at National Level. Reporting of overall progress shall be Quarterly through the PMU progress Monitoring and Evaluation Reports. After implementation of the Livelihood Plan, a compliance report by the PMU will be prepared and will be used as a basis for allowing project interventions to proceed.

If any significant resettlement issues or any unanticipated impacts are identified, the monitoring team will advise on safeguard compliance issues and prepare a corrective action plan to address such issues. Such planning document should be approved by World Bank and disclosed (refer to Section 11.2) before proceeding for the implementation of the specific project components for which involuntary resettlement impacts are identified.

The Table shows a general system of monitoring indicators to be periodically reported to World Bank in the case of Resettlement and Land Acquisition. Financing for this internal monitoring are incorporated into the project budget.

**Table 12.1 - Resettlement Plan Monitoring**

Purpose	Activities	Monitoring Indicators
Identification of economically displaced persons	<p>Verify the list of compensation recipients against eligibility criteria for compensation.</p> <p>Identification of persons who may claim eligibility for compensation but are not included in the lists of compensation recipients. Separate verification should be performed on each type of compensation.</p>	<ul style="list-style-type: none"> <li>• Number of persons in the list of compensation recipients, who do not like eligibility criteria (included by mistake).</li> <li>• Number of persons who meet the criteria but are not included in the list of compensation recipients (excluded by mistake).</li> <li>• All parties are present to receive in-kind negotiated benefit (e.g. husband and wife; both partners of a business etc.)</li> </ul>
Verification of consultation and participation	<p>Determine the level of involvement and identification of reasons of inadequate participation.</p>	<ul style="list-style-type: none"> <li>• Number of compensation recipients who participated in consultations and coordination meetings</li> </ul>

**Purpose**

**Activities**

**Monitoring Indicators**

		at each stage of land acquisition.
		<ul style="list-style-type: none"><li>• Types of questions asked by affected persons and responses provided by PMU/FD. Minutes of meetings or filmed records will be required</li></ul>
	Examination of grievance cases; analysis of disputes and complaints content; and resolution of conflicts.	<ul style="list-style-type: none"><li>• Number of complaints received.</li><li>• Number of complaints resolved.</li></ul>
Verification of income restoration	Socioeconomic survey of economically displaced persons	<ul style="list-style-type: none"><li>• Changes in household income / livelihood.</li></ul>



Purpose	Activities	Monitoring Indicators
Verification of negotiated agreement providing benefit to DPs livelihood	<p>(after implementation of Livelihood Plan is completed / recorded in the CFMP) to indicate if DPs are socioeconomically better off (and not worse) than pre-project status. This post-resettlement study will be compared to results of Census / socioeconomic survey results</p> <p>Socio-economic - the affected household must be the same or better off than prior to the project.</p>	<ul style="list-style-type: none"> <li>• Changes in business, profit and income.</li> <li>• Changes in livelihood status.</li> </ul>

### 13. RESETTLEMENT FINANCIAL ARRANGEMENTS

Project activities in the project are designed not to trigger involuntary resettlement and/or land acquisition. However, the Forest Department (FD) agrees to make available the necessary budget for to mitigate all economic displacements impacts caused by the Project interventions, using in-kind measures of benefit to the affected person, including payment of all expenses for conducting negotiation with each affected person. Negotiated agreement is the FDs preferred approach. There will be no financial compensation paid to the displaced person.

The FD may need to request finances through the National Myanmar budget, on an annual basis, to reduce possible delays in finances required for any Negotiation activities with the economically displaced. A 10% contingency on top of the forecast budget is recommended in case budgeted amount is exceeded. Finances will be allocated in a timely fashion, minimizing disruption to the project schedule, and in compliance with both the World Bank Environmental Safeguards Framework and the Laws of the Union of Myanmar.

It should be noted that Project activities in an area with economic displacement impacts with negotiated agreements in place, shall not proceed until agreed activities are fully completed or underway.

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 12: Process Framework**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Introduction

The purpose of this Annex is to describe the process which will be followed under the FREDIP to assess and manage potential restrictions of access to land and natural resources within Protected Areas (PA) that may result from project actions and activities. In accordance with World Bank ESF standard 5 (Land Acquisition and Involuntary resettlement) a **Process Framework** is required for any project which may result in restrictions in access to land or natural resources which were under the customary use or control of communities and which are now being proposed as protected areas or national parks. It is understood that the Project will only operate in gazetted protected areas that have their management plans prepared through a stakeholder consultation process.

The term “restrictions in access” is not clearly defined under the ESS5 and is often left as an intuitive concept. In practice, restrictions in access have typically been associated with the following activities: (i) PA management planning which leads to the establishment of management zones which limit traditional or commonly accepted land or resources practices. PA management plans involve goal setting, management objectives, defining of management zones, allocation of resources for PA development and infrastructure among other tasks all of which should be informed by stakeholder engagement; (ii) the demarcation of such management zones using fencing, signage, or other public information campaigns; (iii) the establishment of management rules and regulations eliminating or limiting land or resource use practices such as hunting or fishing restrictions, resource harvesting limits, banning or certain logging practices, or elimination of practices such as shifting cultivation; (iv) the enforcement of zoning, regulations, and practices through the use of various mechanisms such as ranger patrolling, surveillance, or community monitoring leading to arrests, confiscation of assets, prosecutions, fines or other penalties; (v) activities which may result in the physical or economic displacement of individuals, households or communities from PA.

The use of process frameworks in World Bank financed operations arises in at least three situations: (i) where a project is supporting the establishment of new protected areas. Such projects often involve the delineation and formal gazettement of new PA; (ii) where a project is supporting the development of PA management plans for PA which are already legally recognized and gazetted but which are considered “paper parks” since they have no, or very limited, active management in place, lack an approved management plan or are severely constrained in financial or human resources; or (iii) where a project is supporting the implementation of activities which are defined in approved management plans. Some projects may, in fact, involve all three scenarios in different areas included in a project.

One of the significant operational challenges in interpreting and applying the concept of restrictions in access is that such “restrictions” are often or mostly related to legitimate management measures which are aimed at protecting biodiversity values of PA and/or improving the stability, reliability and sustainable use of land and natural resources for individuals and communities who have come to rely on access to those resources for their livelihoods. For example, such management measures may be beneficial in some situations where PA management plans establish clear management zoning and supporting regulations that are legally recognized and provide security of access and possibly recognized tenure for communities that rely on resources of a PA.

However, in other situations, such management measures can lead to risks of adverse impacts on the livelihoods of those dependent on the resources. This is especially important if decisions about the manner in which PA will be managed are made in the absence of substantive inputs from affected parties or other stakeholders. Establishing a meaningful participatory process to identify, assess, manage and

mitigate such risks and impacts is the key requirement of ESS5. This Process Framework describes the approach that will be followed under the FREDIP.

### **Project Components for which the PF will be prepared and implemented.**

Under FREDIP, issues concerning the management and development of PA are directly related to **Component 3, Forest Protection**. Under FREDIP resources will be allocated to strengthen protected areas management for biodiversity conservation, for improved community engagement, and development of nature-based tourism to create job opportunities and revenue generation. It will further finance governance-related activities to strengthen capacity to curb un-authorized timber extraction from high value natural forest areas and strengthen mechanisms that assure legal timber supply chains. The project approach comprise two subcomponents as described below.

Subcomponent 3.1. Protected Areas Management and Ecotourism Development (US\$4.8 million) aims to improve management of existing PAs and create enabling conditions to realize economic opportunities from the PA system by pursuing ecotourism development, including community-based ecotourism, and promoting forest restoration and reforestation activities in PAs. Support for activities in PAs will focus on selected priority sites identified against a set of agreed criteria. Specific activities will focus on:

- a. **Strengthening PA Management.** The project will support activities aimed at strengthening PA management systems, including zoning, monitoring, boundary demarcation and signage together with *community awareness and livelihood support* in and around identified priority PAs. It will also provide equipment in the form of vehicles as well as buildings such as park offices, and education centers. All infrastructure designs will include specific measures to reduce the carbon footprint of infrastructure investments.
- b. **Ecotourism Development for selected PAs.** In line with key objectives set out in the 2015-2025 Myanmar Ecotourism Policy and Management Strategy for Protected Areas (MEPMSPA), the project will support policy and institutional reform measures focused on ecotourism-related income generation for PAs, such as income generated from entry fees as well as concession revenue from ecolodges, management agreements for restaurants and permits for tour operators and tour guides to deliver services in PAs. PA ecotourism plans will be prepared for target PAs identifying ecotourism activities suited to the PA along with small infrastructure needs such as signage, boat landings and campsites. Focus will also be given to training and capacity development of PA staff. *Final selection of PAs will be made after consultations with tour operators and confirmed by FD. The project will also invest in enhancing capacity of FD to plan and manage tourism that supports the conservation objectives of PAs.*
- c. **Community-based ecotourism promotion.** The project will support a series of *capacity-building measures for communities living in sites of high tourism potential* or where existing tourism activity is taking place in the selected PAs. Activities include supply chain studies and value chain development coupled with investment support for community tourism enterprise development, together with investments in small-scale infrastructure such as bird hides, cycle paths, and washrooms as proposed in the PA ecotourism plans. Capacity-building activities will include tour-guide, hospitality and language training together with waste-management and recycling training and support and production of nature-friendly guides on do's and don'ts for tourists. All activities are based upon recommendations set out in the MEPMSPA and will be designed in detail based upon *consultations with the private sector operators promoting tourism activity to these sites.*

## **Risks of restrictions of access under FREDIP.**

FREDIP's context most closely aligns with the third type of PA interventions described in the introductory section above. Specifically, FREDIP will be implemented in PAs where approved management plans already exist and where the FD has established a physical presence on the ground in the form of a recognized management authority and personnel.<sup>96</sup> In this context, access restrictions may be associated with the activities under FREDIP where the project supports:

- (i) PA management authorities to strengthen their enforcement of previously determined management zones including boundary demarcation, signage, and active monitoring (subcomponent 3.1).
- (ii) Strengthened enforcement of rules and regulations pertaining to illegal or proscribed activities (Subcomponent 3.2 Detection and Prevention of Illegal Forest Activities.)
- (iii) Establishment of ecotourism activities which confer special rights for PA access to government authorities or concessionaires which could limit the rights of local communities to access resources
- (iv) Activities which may result in the physical displacement of individuals, households or communities from PA (e.g., through enforcement of zoning rules)

## **Criteria for eligibility of affected persons.**

Under ESS5, affected persons may be classified as persons: (a) who have formal legal rights to land or assets; (b) who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) who have no recognizable legal right or claim to the land or assets they occupy or use. According to World Bank standard ESS5, the Borrower is required to provide mitigation or other management measures to compensate for or provision of resettlement assistance to support the restoration of livelihoods to pre-project levels.

While the precise identification of affected persons, households or communities will be site specific the criteria for eligibility would broadly be those persons who rely on the use of land or resources with a PA, whether on a temporary, seasonal, or permanent basis to support their subsistence and livelihoods. This may include, but is not limited to, persons involved in the following types of activities within or around PA:

- raising of crops for household consumption or for sale in markets
- the harvesting of non-timber forest products either for direct household use or consumption or for sale in markets
- the use of PA land for the rearing of livestock including for grazing or feeding purposes
- the harvesting or removal of trees for personal use or sale in markets
- the hunting and/or trade in wildlife found with a PA on a temporary, seasonal or permanent basis for personal consumption or sale in markets
- the collection of aquatic resources including plants and animals for personal consumption or sale in market
- the collection of plants and animals used for traditional medical treatments

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<sup>96</sup> The criteria for PA eligibility under FREDIP include: approved management plan is in place; PA has established management mechanisms in place.

- the use of PA lands for religious or ceremonial purposes including the access to areas of recognized cultural or historical values (tangible or intangible)
- the maintenance of physical assets within a PA such as storage areas for crops, shelter for animals, watering or feeding pens
- the use of PA land for commercial purposes such as by informal tour operators leading groups of visitors in exchange for fees

Any project activity which could lead to the cessation, banning, control, or imposition of other limitations to such activities may be construed as “restrictions in access” and in general persons who are no longer able to carry out such activities may be entitled to support from the project. However, these activities are considered as “illegal” in the Conservation of Biodiversity and Protected Areas Law and its draft rules ***unless the existing rights of communities and existing land use for those were claimed and agreed at the time of PAs designation.*** The main purpose of the proposed due diligence process in this PF is to determine whether such agreements are in place and to what extent affected communities were involved in the planning and decision process. The final determination will be made on a case-by-case basis and will be directly determined by the specific context at each PA. Under circumstances where enforcement of regulations is construed as “restriction in access”, it is very important for protected areas authorities to provide alternative livelihoods to such poor communities. As per the SA interview notes, the communities near the PAs are already aware that such activities are illegal (including grazing, hunting without license, encroach for farming and settlement, harvesting of forest products). Villagers are allowed to collect non timber forest products for home consumption scale (honey, bamboo shoots, medicinal plants etc.). SA interview with Communities/villages near Shwe Set Taw PA mentioned that people are poor and do not have other livelihoods (reduced income from farming) and have no choice and enter PAs for grazing, forest products extraction and hunting for home consumption. Some communities are better off with agricultural farming outside PAs and don't rely on PAs resources much (as per SA interview with a village near Chattin PA).

Based on information available at the time of preparation of this framework, most PAs were established a long time ago and all PAs are legally designated upon consensus of the relevant stakeholders including local communities. While settlement processes were conducted for PAs designation, rights and access to resources claimed by local communities were recorded and mentioned in the PA gazette notification and permitted that rights and access to resources to local communities accordingly. In addition, all PAs have a demarcated boundary that was agreed by the relevant stakeholders including local communities, and this is recorded in the PA gazette notification.

The due diligence process for the FREDIP project, is intended to verify and confirm that enhancement of enforcement and conservation activities to be conducted under the FREDIP will not result in restriction of access to resources. Resettlement or relocation is not expected to apply.

### **Measures to involve and assist affected persons.**

Given that the participating PAs under FREDIP will already have approved management plans, it will not be possible to retro-actively apply the principles of a process framework that would ideally be embedded within the planning process itself and FREDIP will not engage in new planning initiatives. Participating PAs in FREDIP will likely have made many important decisions about key concepts such as management plan objectives, zoning, allowable land uses, control and limits to access, rules and regulations etc. A further complicating factor is that many PA management plans may vary in their quality and may differ significantly in the planning and decision processes that supported their development. For example, site

specific plans are often the result of donor supported initiatives which may not have followed standardized planning methodologies.

In this context, there could be significant risks that the PA planning process that led to existing PA Plans did not adequately take into account issues related to restrictions in access and the formulation of mitigation measures specifically designed to address the adverse impacts.

To address these concerns, FREDIP proposes a two-step approach to assessing and, where relevant, managing risks associated with potential restrictions in access. **Prior to initiating any FREDIP supported activities in a participating PA, the FD will undertake a due-diligence process to address potential issues relating to restrictions of access using the key points below.** This due-diligence process, and resulting report, would be built upon a rapid situational-analysis to assess the risks associated with restrictions of access, including any land acquisition or resettlement activity that has taken place at a specific PA prior to, or in anticipation of, the FREDIP.

Among other issues, the due-diligence process would assess:

- the extent to which the current PA management plan benefitted from participatory processes to define PA Plan objectives, activities, zoning measures, and regulations
- whether the PA plan identifies of key stakeholders associated with PA implementation including assessment of site-specific communities and disadvantaged and vulnerable groups
- whether the FD has carried out any previous land acquisition or resettlement in anticipation of the project. In particular, the due diligence shall confirm that there has been no forced eviction, as defined under ESS5, of individuals of communities from participating PA
- whether any of proposed FREDIP activities at a specific PA site would constitute “restrictions of access” as described under ESS5
- whether affected person, households, communities understand these restrictions and whether they have expressed concerns over the adverse livelihood impacts such restrictions would have
- whether there are specific measures to offset or compensate for adverse livelihood impacts such as provision or alternative livelihood support

If the findings and recommendations of the due-diligence assessment indicates that (i) there are restrictions in access as defined under ESS5; (ii) there was an inadequate consideration of community views and participation in decision processes relating to land and resource access; and (iii) where there has been no provision of livelihood support to affected communities, **the FD will formulate a site-specific Plan of Action** to address the potential impacts of restrictions of access in accordance with the requirements of ESS5. It should be noted that not all PA under FREDIP may require a plan of action. The results of the due diligence may determine that no additional measures are required.

In the event that a PA Plan of Action is required, it would address the following:

- additional measures to ensure the disclosure of information, transparency around project activities and promote the active and meaningful participation of stakeholders prior to commencing project activities
- the identification of remedial or livelihood support measures to offset any adverse livelihood impacts associated with project-induced restrictions of access

- Livelihood support measures may include, for example, direct payments for assets removed from a PA; provision of opportunities for alternative livelihoods acceptable to affected persons; support for job training that relate to project supported activities including community forestry, ecotourism initiatives and community monitoring program of PAs etc.
- in some cases, the PA management plan itself may serve as the main mitigation measure especially in cases where the PA Management Plan provides clarity in management measures which may result in more secure and clearer rights for community access
- the disclosure of the plan of action in the project area to promote transparency of process
- monitoring of such measures to ensure their effectiveness at addressing adverse livelihood impacts

The Plan of Action developed for each PA site to address restrictions in access (only in cases where the due diligence process identifies such potential restrictions) will include measures to assist affected persons in their efforts to improve their livelihoods or restore them to pre-displacement<sup>97</sup> levels, while maintaining the sustainability of the park or protected area will be identified. The Plan of Action will include, as relevant: a description of methods and procedures by which communities will identify and choose potential mitigating or compensating measures including procedures by which adversely affected community members will decide among the options available to them.

#### **Managing potential conflicts or grievances within or between affected communities.**

The FD PA management authority responsible for the implementation of PA Management Plans will establish Grievance Redress Mechanisms (GRM) in compliance with statutory laws and regulation that will facilitate the raising of concerns of affected person as well as resolving disputes relating to resource use restrictions that may arise between or among affected communities. The GRM will take into account grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, PA planning measures, or actual implementation of specific project activities. (See the FREDIP ESMF and SEP for additional information on GRM.)

#### **Administrative procedures and monitoring arrangements.**

The site-specific PA management authority will be responsible for ensuring that appropriate due-diligence and the formulation of site-specific Plan of Action are developed in accordance with this Process Framework. Among other tasks the PA management authority will be responsible for carrying out due-diligence assessment, formulating plans of action, conducting stakeholder engagement processes, maintenance of GRM, monitoring and reporting of disputes, grievance or complaints related to access restrictions. The PMU will ensure that all PA will have adequate financial resources to address mitigation and / or provide livelihood support arrangements for adversely affected persons.

The PA management authority at each site will, as part of the Plan of Action, review arrangements for participatory monitoring of project activities as they relate to impacts on persons within the project impact area. Where relevant, monitoring will include monitoring of the effectiveness of site-specific measures taken to improve (or at minimum restore) incomes, livelihoods and living standards. Monitoring of restrictions of access will also involve the use of community monitors to ensure feedback on performance is guided by operational experience on the ground. Where relevant, the Plan of Action

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<sup>97</sup> Displacement in this context is not limited to physical removal of people or assets but also refers to economic displacement caused by restrictions in access.



would define specific arrangements for involving affected persons in monitoring including the use of focus group meetings, review of GRM experiences, payments for community monitoring services among other options.

### **Public consultation / disclosure in preparation of the Due Diligence Assessment and Plan of Action**

Both the site-specific Due Diligence Assessments and the formulation of Plans of Action will include opportunities for stakeholder engagement, consultation and participation of affected persons before such assessment and plans are completed. The due diligence assessment results will be shared in public meetings and disclosed in PA management centers in and around protected areas. The Plan of Action will provide specific information on the locations, names, addresses, and other contact information for any interested parties to obtain updates on project status and issues.

### **Disclosure of the Process Framework**

This Process Framework will be shared and publicly disclosed as part of the ESMF review process. Inputs and feedback to this PF will be solicited as part of the consultation process. The final PF will be disclosed by the FD prior to the completion of appraisal and will be reflected in the Environmental and Social Commitment Plan.

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 13: Community Participation Planning Framework**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Introduction

The purpose of this Community Participation Planning Framework (CPPF)<sup>98</sup> is to provide operational guidance on principles, procedures, and standards to be met by the Forest Department (FD) when FREDIP activities are implemented either for the benefit of ethnic groups or where project activities may have adverse effects on such communities. The CPPF aims to ensure that project activities affecting such groups, whether positively or adversely, are prepared in a participatory manner based on a culturally appropriate, targeted and site-specific social assessments, meaningful consultations and, where relevant, application of the principles of free, prior and informed consent (FPIC).

The FREDIP operation will support activities to promote improved management of forests in areas where different ethnic groups are present in participating communities. Such communities may be especially vulnerable to adverse impacts that may result from competing uses of land among communities as well competing interpretations of ownership, land and forest tenure. In order to minimize and prevent the escalation of ethnic tension and conflict, FREDIP planning processes will require transparent, inclusive and culturally appropriate methods of consultations and management of project activities. The Framework approach has been selected rather than a definitive plan because the specific locations and activities to be supported at specific locations are not yet known. Selection of participating sites will be made during the implementation period of the project, and, therefore, it is not possible to define site-specific measures at this time.

This CPPF has been prepared in accordance with the requirements of the World Bank's Environment and Social Standard 7 (Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities) as well as the direct guidance provided by the World Bank in the Concept Stage Environmental and Social Review Summary (ESRS). This CPPF is required to ensure that project financed activities provide culturally appropriate benefits to ethnic groups and where activities may have adverse impacts on such groups that such impacts, if unavoidable, are minimized, mitigated or compensated for in accordance with the mitigation hierarchy of ESF.

## Definition

Under the World Bank's ESS 7, the determination as to whether a group is defined as indigenous peoples<sup>99</sup> is made by reference to the presence (in varying degrees) of four identifying characteristics as listed below:

- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) a distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Per the definition under ESS7, the term applies to distinct social and cultural groups that meet all the four criteria of the standard. The CPPF would not apply to individuals simply on the basis of ethnicity,

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<sup>98</sup> As per guidance provided by the World Bank's Regional Standards Advisor (RSA), the CPPF is considered equivalent to an Indigenous Peoples Planning Framework (IPPF) guided under ESS7.

recognizing that there are many cases where such individuals may be co-mingled, inter-married, or have been living in multi-cultural situations for some time

### **Project Location**

Geographically, the project will focus on the Ayeyarwady, Bago, Magway, Mandalay, and Sagaing Regions, and the Nay Pyi Taw Union Territory. Implementation of Community Forest (CF) activities will be progressive, starting in townships with the highest CF potential. By the end of project implementation, FREDIP aims at covering all townships with CF potential in each region (with the exception of conflict-affected townships).

Given the limited implementation capacity at different levels of the forest administration, project implementation will initially focus on the areas with the greatest Community Forest (CF) potential that have been determined by the Myanmar Restoration and Rehabilitation Program (MRRP) targets. Within these States and Regions, townships with safe access and without activities requiring acquisition of land or having significant environmental and social impact potential (as determined through project level and site-specific assessment and screening), with an additional filter of poverty as determined by the multidimensional poverty index per township.

Considering sensitivities around land and forest stewardship, geographic areas that have ongoing conflict or are affected by conflict will not be included under FREDIP. Within target Regions, only townships with safe access are included. Geographic roll-out of project activities will be progressive taking into account implementation capacity. All safely accessible townships within the six target regions will be covered by the end of project implementation. Subject to the project performance, availability of financing, and assessment of risks, to be reviewed during the Mid-Term Review (MTR), additional target areas may be considered for addition the project scope.

### **Ethnic Groups in the Project Areas**

In Myanmar, there are numerous distinctive ethnic groups living within varying and changing historical, cultural, political and economic contexts. In many cases, individuals from these groups may be co-mingled with majority populations or with other ethnic groups with overlapping land and resources claims and socio-economic interests. Thus, in many cases, it will not be possible to apply the requirements of ESS7 in the same way as in situations where ethnic groups have clearly defined territorial boundaries and distinctive self-governance practices.

The Bamar are the largest ethnic group in Myanmar, comprising around two-thirds of the population. Various ethnic groups account for the remaining one third. The Bamar population mainly lives in the central and delta regions (divided into seven Regions) while the ethnic groups live mainly, though not exclusively, in the seven States (Kayah, Kayin, Kachin, Chin, Mon, Rakhine, and Shan) along the borders. The official population estimates of the main ethnic groups are roughly: Shan (9%), Kayin/Karen (7%), Rakhine (4.5%), Chin (2%), Mon (2%), Kachin (1.4%), Kayah (1%).

The eight “ethnic races,” including the majority Bamar, are subdivided into 135 officially recognized ethnic groups and belong to five linguistic families (Tibeto-Burman, Mon-Khmer, Tai-Kadai, Hmong-Mien, and Malayo-Polynesian). Information about ethnic diversity is reported by the General Administration Department as part of township data (Myanmar language version) as percent of population although it is

generally a low value. Consolidated data is not readily available for regions as a whole. A significant percentage of Kayin ethnic people resides in Bago and Ayeyarwady Regions.

Because the exact locations of many project activities have not been specifically identified at this time, it is not possible to pinpoint exactly which sites will be selected. As a result, it is not yet possible to determine which specific ethnic groups could be affected by FREDIP activities. Ethnic individuals who were married to Bamar people and settle in or communities constitute only a small percent of population in the project target regions, except Bago and Ayeyarwady Regions.

### **Legal, Policy and Institutional Framework**

According to the Constitution of Myanmar, the Union Government of Myanmar is committed to assisting in developing and improving the education, health, language, literature, arts, and culture of Myanmar's "national races." The Constitution states that the "Union shall assist: (a) To develop language, literature, fine arts and culture of the National races; (b) To promote solidarity, mutual amity and respect and mutual assistance among the National races; (c) To promote socio-economic development including education, health, economy, transport and communication, [and] so forth, of less-developed National races." The constitution provides equal rights to the various ethnic groups included in the national races and a number of laws and regulations aim to preserve their cultures and traditions.

The Ministry of Ethnic Affairs was established in 2016 with an objective to strengthen genuine union spirit and promote on the development of ethnic's socioeconomic activities by protection of ethnic rights and preserving of their literature and culture. It comprises the Union Minister's Office, the Department of Ethnical Literature and Culture and the Department of Ethnic Rights.

The vast majority of Myanmar's ethnic groups live in the seven States (thus, outside of the project target areas as the project only works in Regions).

### **Programs and sub-projects likely to be proposed for financing under the project.**

Broadly speaking, the FREDIP project aims to:

- Strengthen and expand Community Forestry and CF enterprises
- Restore forest cover
- Improve enabling conditions for private investments in sustainable timber plantation
- Support livelihoods activities of communities engaged in CF
- Strengthen the PA management and ecotourism development in selected PAs
- Reduce deforestation and forest degradation through actions to curb illegal logging and timber trade
- Strengthen the institutional capacity of the Forest Department

To achieve these goals, FREDIP is structured around 5 main project components of which 3 are of potential relevance to ethnic groups: Component 1: Productive Forests; Component 2: Community Forestry for Livelihoods; and Component 3 Forest Protection. Component 4: Institutional Strengthening and Project Management and Component 5: CERC do not have relevant actions at this point in time though it is

possible that if the CERC is activated then ethnic group issues could be relevant in the future. For a complete description of the FREDIP program of activities please refer to the project's ESMF.

## **Potential positive and adverse effects of project on Ethnic Groups**

### Potential positive benefits

Ethnic group communities will be able to share in the benefits of the project and they are not restricted in participating in the project activities because of their cultural, linguistic or other characteristics. Benefits which could accrue to ethnic groups are similar to other beneficiaries. The project's "theory of change" states that by providing ownership and tenure (even if temporary) to communities through support to CF results in both better integrity of forests and increased monetary and non-monetary benefits to communities from these forests. By supporting improved management of protected areas and creating enabling conditions for ecotourism (including tourism infrastructure and community facilities) the tourism visitations and revenues can be increased and contribute both to the community economic opportunities and improved condition of protected areas themselves). Finally, by creating enabling environment for legal timber production and trade, coupled with support on governance and better detection, illegality in the sector can be reduced, resulting in improved condition of forests and increased fiscal revenues from the forestry sector.

### Potential adverse effects

While there are expected to be benefits to ethnic groups as a result of the project activities, there is also potential for adverse risks and impacts. For example, adverse impacts could result from support for expansion of community forests on PFE land, registering community forestry, activities from grants to communities and CFE, commercialization activities, expansion of the PA system, support for ecotourism activities including of funding of infrastructure inside and outside the PA, promotion of market access to emerging high value markets, and creating enabling environment for CFE and larger SMEs throughout the wood-based industry value chain.

While participation of ethnic groups in FREDIP is not excluded, per se, they may face several challenges to achieving the same benefits as other populations. Ethnic groups could be further marginalized if project benefits are monopolized through elite capture. Individuals or communities who are better educated, have more resources, are able to quickly mobilize to take advantage of project benefits may be able to better take advantage of the project programs and financing mechanisms. In addition, ethnic groups could be further disadvantaged or vulnerable if decisions are taken which affect their customary land and resource use rights without their knowledge or consent. Elites may have more influence in the decision-making process and the allocation of project resources to the detriment of ethnic communities.

## **The CPP Methodology**

Moving forward into project implementation, this CPPF establishes procedures, standard and principles to ensure ethnic groups will be consulted and engaged prior to the start of any activity which could affect them. The CPPF strives to ensure that ethnic groups are able to provide input to local planning processes and activities used and undertaken to determine local development priorities. In addition, it is desirable that a planning process facilitate the choice of subproject activities coming from ethnic groups themselves through informed decision-making to address local development challenges. Finally, the CPPF seeks to

establish mechanisms to allow communities to actively participate and lead in the design, development, and implementation of subprojects, and to provide feedback on subproject implementation, and benefits and risks to ethnic communities

***A main guiding principle under FREDIP will be to integrate, to the maximum extent possible, participation of ethnic group concerns into the existing planning methodologies.*** In the case of FREDIP, community participation plans will be fully integrated into Community Forest Management Plans (CFMP) developed for each site. To avoid duplication of consultation processes, the CPP will not be prepared as stand-alone documents, rather they will be incorporated into the CFMP. To anticipate potential effects on individual ethnic groups, FREDIP will use a multi-step methodology to screen for the presence of ethnic groups and to include measures to take into account their special needs. The steps include:

- Screening of proposed project activities related to CFUG formation, development of CFE, CF Management Planning, Forest Protection and use of Revolving Funds to determine if ethnic groups are present in the activity area. The project will use the screening tool described in Annex 1 of the ESMF to make this determination.
- If ethnic groups are present in the activity area, the FD will undertake a rapid social assessment to determine whether and how these ethnic groups could be affected.
- The rapid social assessment will include stakeholder engagement processes to solicit feedback and concerns of the ethnic groups as well as recommendations for improving activity design.
- Based on the rapid assessment and consultation process the FD would work with affected communities to fully integrate open and transparent participatory planning into Community Forestry Management Planning or into other decision processes related to forest protection or the use of revolving funds.

#### Activity Screening

The first step in the process is to determine if the CPPF requirements are relevant in any given project situation. Relevance of these requirements is dependent on the project activities and the presence of ethnic groups. The World Bank's ESS 7 is not only relevant when project activities have adverse effects but is also relevant when minorities are expected to benefit from the project. The first step in the preparation of a project financed activity is, therefore, to determine whether ethnic groups will be present in the project areas or otherwise affected by the project. Screening for the presence of ethnic groups for FREDIP financed activities will be carried out by the FD based on the preliminary review of existing literature and may involve interviews with knowledgeable experts, including the use of professional anthropologists or other recognized authorities for all project activities to be supported under the project during the early phase of the preparation of respective project activities to be identified during implementation of FREDIP. This will be especially important in sensitive or potentially controversial situations where an independent facilitator may be required to help deliver consultations and/or prepare specific plans.

#### Rapid Social Assessment

If ethnic groups that meet all four criteria under ESS7, the requirements of this CPPF will apply and a rapid social assessment will be carried out with the affected ethnic communities to determine the need for the preparation of a Community Participation Plan (CPP). In the context of FREDIP activities, the CPP will be considered as equivalent to an Indigenous Peoples Plan required under World Bank ESS7. As mentioned

above, the CPP, if it is needed, will be embedded as a chapter within the CFMP developed for each site. In this sense, the CPP will not be a stand-alone document but will be integrated with other planning processes. Generally, a Social Assessment is a process which provides an integrated and participatory framework for prioritizing, gathering, analyzing, and using operationally relevant social information.

Because the concerns and preferences of ethnic groups are context-specific, no uniform or standardized approach to social assessment can be defined in advance. However, the methodology, substance and depth of the social assessment should be proportional to the nature and scale of the proposed project's design, the circumstances of the ethnic groups and the existing data and knowledge relevant to the country and sector context. Issues that should be commonly included in a rapid social assessment are:

- Identification of key stakeholders and institutional arrangements in the project relevant FREDIP activities and levels.
- Gathering of baseline information on the demographic, social, cultural and political characteristics of the affected ethnic groups, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- Forms of social infrastructure and services available to ethnic groups, and analysis of the main factors affecting such access, or lack thereof.
- Assessment, based on free, prior, and informed consultation with the affected ethnic groups, of the potential adverse and positive effects of the project as a basis for achieving free, prior, and informed consent if required.
- Assessment, based on meaningful consultation with the affected ethnic groups, of the potential project design features and, if necessary, mitigation measures to ensure that the project financed activity/subproject provides culturally appropriate benefits and avoids or provides appropriate mitigation measures for project impacts.

### Meaningful Stakeholder Engagement

The approach to consultations with ethnic groups will take into account the needs and concerns of those communities and will provide information in a form and language readily accessible to ethnic groups. This should include letting them speak in the language/dialect they are most comfortable in using, even if they understand another language in which the information is presented. The consultations will usually be done as part of the rapid social assessment. The methodology for the consultations depends on the type of communities affected by or benefitting from the project (e.g. their vulnerability, language and ongoing interactions with the dominant society or neighboring communities). A consultation / participation process is considered meaningful when most of the following criteria are met:

- free from coercion, intimidation and pressure from the implementing agency or other stakeholders;
  - integrate customary norms of decision making in the community;
  - provide reasonable and understandable information about the project, its potential benefits, adverse impacts and risks, to all community members;
  - participatory and facilitate the participation of ethnic groups in assessing project benefits, opportunities impacts and risks, using methods that are inclusive of vulnerable groups in the community, culturally appropriate, and adapted to communities' language and needs;



- sufficient time is allowed for information to be interpreted and discussed internally among the affected communities and time for comments and recommendations to be formulated by the communities;
- sufficient time is allowed for consultations thereby providing the implementing agency to understand the views, concerns, interests and priorities of the ethnic groups;
- facilitate the communities' influence on the project design and measures based on fair and open discussions and good faith negotiations; and
- document and disclose the consultation process (who, when, where, what); including the process and methodology, issues raised, how they have been addressed, and agreements reached demonstrating that broad community support has been obtained.

The arrangements for consultations with ethnic groups will be carefully considered and tailored to the project context and the context of the local communities and other stakeholders involved. Specific consultation arrangements may include:

- community meetings, both with the community as a whole and with sub-groups;
- focus group discussions, participatory planning exercises;
- distribution of project information in both full format (project documents, assessment reports etc.) and in simplified formats such as posters and brochures, and audio-visual material using local languages;
- identification of contact persons within the communities (some training may be appropriate to enhance their ability to engage meaningfully in the consultation process);
- involvement of ethnic organizations where they exist and have the trust of the local communities;
- involvement of local NGOs, research institutes, university students (it is important that these are accepted by, and have the trust of, the local communities).
- reviewing and establishing the requirements for obtaining FPIC, where relevant, and consider the most practical (case by case) means to achieve it.

Consultations should be conducted in the relevant ethnic language(s) and sufficient lead time (minimum 2 weeks) should be given to ensure all affected ethnic groups organizations are able to participate in consultations. Venues and/or locations for the consultations will also be selected with careful attention to times and locations that are most convenient and safe for the ethnic groups concerned.

#### Free, Prior and Informed Consent (FPIC)

Under ESS7, Free, Prior and Informed Consent (FPIC) will be the standard for demonstrating community support for project activities in three specific circumstances. These are situations where project activities: (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation of Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities from land and natural resources subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities' lives.

ESS7 acknowledges that there is no universally accepted definition of FPIC. However, in the context of FREDIP, the term will be used to refer to both the agreed “**process**” for stakeholder engagement and decision making as well as the “**outcome**” of a decision to consent to project activities. While many of the criteria for the FPIC “process” would be similar to those for meaningful consultations, the FPIC process usually involves a degree of formality in designing the approach. That is, where FPIC is the standard, ethnic groups would have a direct say in the structure of engagement, the timing, the rules for running meetings, the evidence that will be accepted to demonstrate consent, and so on.

Consent as an outcome will be context-specific and will depend on decision making and governance rules which apply within specific ethnic groups. For any activity requiring FPIC, the FD and the affected community will agree in advance of any consultations, the method of obtaining consent as well as the evidence for consent. Such criteria would be expected to be defined and agreed in advance of the FPIC process. This is the spirit of the so-called good faith negotiations implied by FPIC. In cases where FPIC is required, it will be documented within the CFMP as a relevant section or chapter.

In accordance with ESS 7, when the FPIC of the affected ethnic groups cannot be ascertained or demonstrated to the satisfaction of the Bank, the aspects of the project relevant to those affected communities for which the FPIC cannot be ascertained will not be processed further.

It is important to note that in the majority of FREDIP situations it is not expected that project activities would trigger the FPIC requirement.

### **Integrating Participation into Activity Design**

Based on the findings of the social assessment and meaningful stakeholder engagement process, the Forest Department, PIU or designated implementing partner will integrate community participation processes into the specific project financed activity / subproject affecting ethnic groups. As mentioned previously, no separate or stand-alone community planning document will be developed. All community participation measures will be included within the relevant CFMPs. The participation and consultation measures should be prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific subproject and the nature of effects to be addressed.

### **Institutional arrangements**

The FD PMU will establish and oversee the overall planning approach including screening, social assessment, action planning and monitoring. The FREDIP PMU will provide orientation and training to FD township staff who will be responsible for carrying out or commissioning rapid social assessments and community engagement. FD will provide resources for screening project supported activities, evaluating their effects on ethnic groups, preparing participation measures targeting such groups, and addressing any grievances. Work carried out in accordance with this CPPF requires a budget with estimated costs for all aspects of CPP implementation which will be determined as part of the preparation of relevant CFMPs that include CPPs. The FD bears responsibility for meeting all costs associated with preparation and implementation of CPPF requirements for project financed activities.

### **Monitoring and reporting arrangements**

The FD will monitor the implementation of the CPPF and report this monitoring to the World Bank on a regular basis. Relevant CF management plans will include detailed monitoring arrangements for the

project financed activity / subproject and its agreed community participation measures and agreements. To assess specific progress for ethnic groups, particular monitoring and evaluation measures may be developed. This may involve special studies, social monitoring and participatory evaluation mechanisms.

Facilitators leading the planning process will be expected to include monitoring arrangements as part of the CFMP.

Qualitative data collection methods include more direct interactions with affected ethnic groups through workshops, focus group discussions, informal interviews, mapping exercises, and other participatory assessment tools. To ensure that ethnic groups have avenues for raising complaints relating to the project financed activity / subproject and a multi-step grievance procedure will be established to address concerns of ethnic groups.

### **Grievance Redress Mechanisms**

Grievance redress mechanism should build on local systems of conflict resolution and complaints and/or on the project GRM established for the project as a whole (See ESMF Chapter 8 on GRM). In some cases, ethnic communities may prefer to establish stand-alone GRM as part of the CPP. In such cases, the FD will assist in the creation of activity specific procedures to address special needs or requests of local communities.

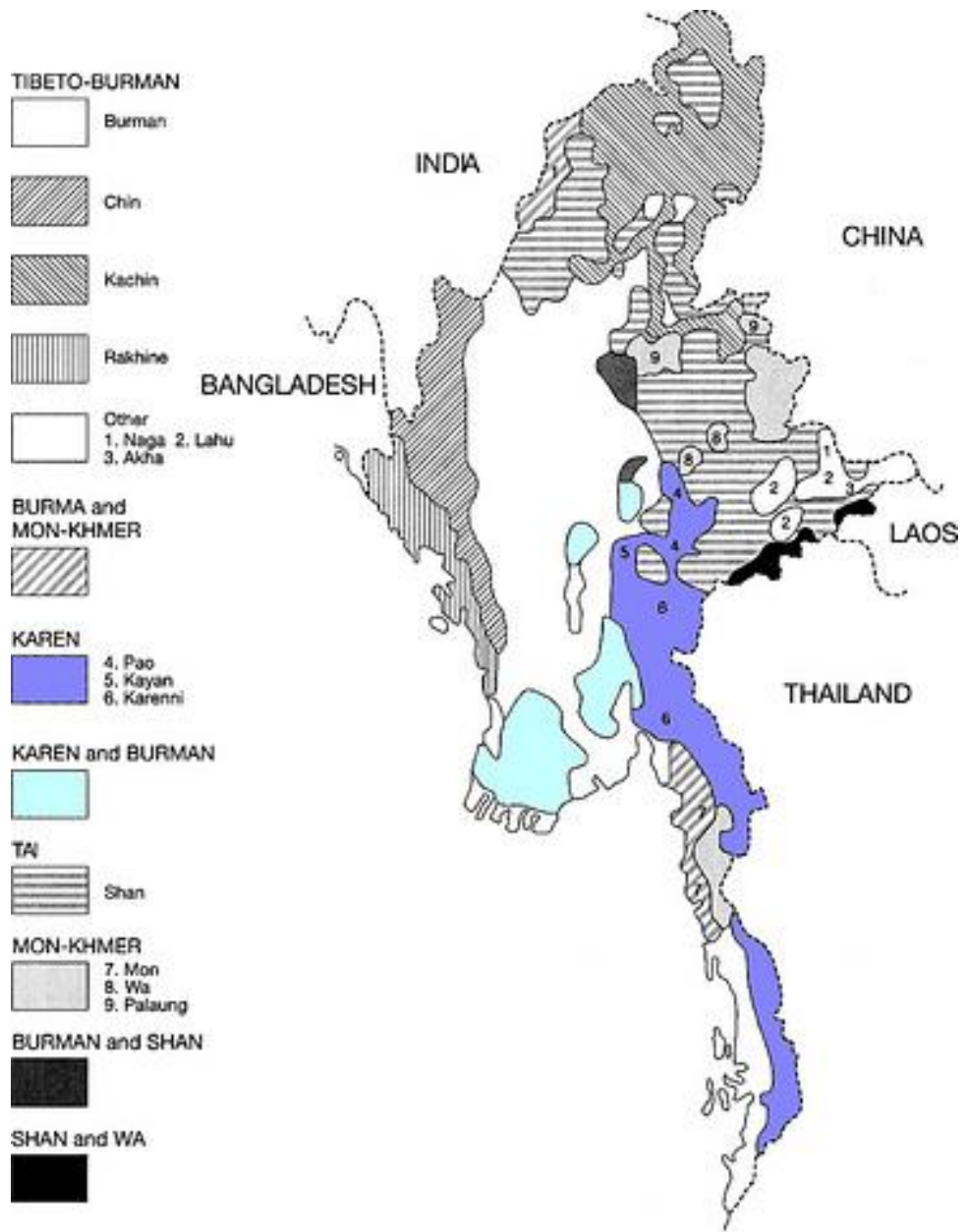
### **Disclosure arrangements for Ethnic Group Participation to be prepared under the CPPF**

The draft processes for ensuring ethnic minority participatory processes will be prepared in consultation with the affected ethnic groups will be publicly disclosed as part of the site-specific CFMPs and shared with the local community members in a manner and language appropriate and understandable to the community members. Once FD can confirm that the affected ethnic groups have provided their broad community support to the project activities affecting them, such agreements on consultation principles and procedures will be integrated into forest management planning procedures.

From time to time during implementation the World Bank may conduct reviews of these procedures to determine whether they are consistent with the requirements of ESS7 and this annex. FD will maintain records of all situations where broad community support has been achieved prior to the commencement of project activities and will make such documentation available for periodic World Bank review. Modifications to this annex may be required from time to time to adjust to lessons learned during project implementation. If broad community support cannot be ascertained from affected ethnic groups, the project activities will not be eligible for project financing.

**Map 1. Distribution of Major Ethnic and Linguistic Groups in Myanmar**

(Source: From World Bank draft PAD)



**Major Ethnic Groups of Burma**

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 14: Cultural Heritage Management Procedure**  
**of the Environmental and Social Management Framework ESMF**

**December 2020**

## Overview

Cultural resources are important as sources of valuable historical and scientific information, as Assets for economic and social development, and as integral parts of people's cultural identity and practices. The loss of such resources is irreversible, but fortunately, it is often avoidable. Applying the World Bank ESS8, cultural heritage requires the identification of stakeholders and carrying out of meaningful consultations with local or national authorities for cultural heritage.

Myanmar has rich cultural activities comprising both tangible heritage such as in the project context natural features and landscapes that have cultural significance, and intangible heritage such as knowledge, skills, and cultural spaces. Implementation of some project activities under FREDIP such as construction works including excavation and earthworks, infrastructure development in protected area, tourism-enabling infrastructure investments in selected protected area, and promoting community-based ecotourism development may have the potential to impact cultural heritage. Hence, cultural heritage management procedure is prepared in this ESMF to avoid or mitigate impacts from project activities to cultural heritage in consistent with national laws, and international good practices. This procedure indicates the process for screening and assessment of adverse impacts on cultural heritage, preparation of cultural heritage management plan, and chance find procedure.

### Definition of Cultural Heritage

#### (A) Environmental and Social Standards of World Bank

The term “cultural heritage” encompasses tangible and intangible heritage, which may be recognized and valued at a local, regional, national or global level, as follows;

##### (i) Tangible Cultural Heritage

Tangible cultural heritage includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Tangible cultural heritage may be located in urban or rural settings, and may be above or below land or under the water.

##### (ii) Intangible Cultural Heritage

Intangible cultural heritage, which includes practices, representations, expressions, knowledge, skill as well as the instruments, objects, artefacts and cultural spaces associated therewith—that communities and groups recognize as part of their cultural heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature and their history.

#### (B) National Laws/References

##### (i) Tangible Cultural Heritage

Cultural heritage includes cultural heritages sites, historical sites, remains and objects including structures or groups of structures having archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance.

*Definitions of “Cultural Heritage” under the Protection and Preservation of Cultural Heritage Regions Law (28 February 2019) is updated as below;*

Chapter I Section 2 (a): “Cultural Heritage” means ancient monument or ancient site which is required to be protected and preserved by reason of its historical, cultural, archeological, artistic,

anthropological, geological or biological value.

*Definitions of “Cultural Heritage Regions” under the Protection and Preservation of Cultural Heritage Regions Law (28 February 2019) is as below;*

Chapter I Section 2 (d): “Cultural Heritage Region” means the region where the cultural heritage and its buffer area stipulated under the Protection and Preservation of Cultural Heritage Regions Law are existed.

*Definitions of “Ancient Monuments” under the Protection and Preservation of Ancient Monuments Law (26 August 2015)*

Chapter I Section 2(a): “Ancient Monument” means building sites lived, made, used and built by human beings including geological environments where fossils of over one hundred years old are found above or under the ground or above or under the water.

Chapter III Section 4: The following buildings which are consistent with the definitions in subsection (a) of Section 2 are specified as ancient monuments:

- a. religious buildings including zedi, stupa, temple, monastery, brick monastery, rest house, Buddhist ordination hall, worship monument, brick mounds and collapsed damages;
- b. ancient city, palace, city wall, moat, earth bunker, gate, archway, gateway, forts, residential buildings, residential site, garden, working site, and ancient mounds dwelt by ancient people and their remains;
- c. natural or man-made cave where human beings had dwelt, natural cave, ancient rock cave, other residential place and geological environments including mound, brook, depression, hole, ravine, and river terrace where ancient people had dwelt and the places where primates and other fossils are found;
- d. place where objects of ancient people were made, pottery kiln, glazed kiln, iron furnace, glass furnace and other metal furnace and places related to them;
- e. ancient monument, road, bridge, excavations, well, lake, pond and, gravel stone made as monumental structure, stone pillar, heaped stone, cemetery, burial site, burial building, cave and pavilion;
- f. epigraphy, archive and the building where they are placed or epigraph cave, monumental structure, pillars and stone slabs;
- g. the buildings that should be protected and preserved by the State because of their high cultural, historical, architectural and artistic value;
- h. other buildings stipulated as listed ancient monuments by the Ministry of Religious Affairs, and Culture (MoRAC) by notification.

*Definitions of “Antique Objects” defined by the Protection and Preservation of Antique Objects Law (22 July 2015)*

Chapter I Section 2(a): “Antique Object” means objects which are used by human beings including fossils over one hundred years old in above or under the ground or in above or under the water.

Chapter III Section 4: The following objects which are consistent with the definitions contained in subsection (a) of section 2 are specified as antique objects:

- a. tangible and intangible cultural heritage including fossil, corpse and bones of human beings and various types of animals;
- b. Buddha image, votive tablet, mural painting, cloth painting, figurine, collapsed damages and religious objects;
- c. work of arts including stucco curving made on reliable religious buildings of the public;
- d. tools made of stone, bronze, iron or any metal or bone, tusk, horn of animal or wood or bamboo;
- e. silver casting objects including coin made of gold, silver, bronze, iron or any metal, earthened coin or terracotta coin and pieces of gold, pieces of silver used as currency, gold bowl and silver bowl;
- f. carved objects including statute, image and relief made of gold, silver, stone, bronze, iron or any metal or earth, terracotta, cement, brick, stone, wood or bone, tusk, horn of animal;
- g. royal regalia and royal objects;
- h. vehicle including palanquin, coach and cart;
- i. epigraphical evidences including stone inscription, inscribed brick, bell inscription, ink writing, gold inscription, silver inscription, copper inscription, glazed plaque script, votive tablet script, manuscript, leather script, print, palm-leaf manuscript, folding parchment, alphabet, seal and logo;
- j. handicrafts pertaining to ten kinds of Myanmar traditional art and crafts;
- k. relief and other wood carving made decorations in residential building including public rest house, metal carving, work of arts including stone engraving, petroglyph and earthen ware;
- l. clothing including Myanmar turban, supreme head, head plate and clothes;
- m. ornaments;
- n. measuring tools including weight, measurement basket for grain and scale;
- o. utensils including harrow, plough, pottery hammer and weaving instruments;
- p. pottery, glazed ware, stone pot, stone bowl, porcelain and utensils including pot, bowl, plate, spoon and lacquer-ware made of gold, silver, bronze or any metal;
- q. musical instruments including drum, gong, flute, oboe, cymbal (lingwin), brass gong and Myanmar orchestra (saing waing);
- r. ornaments worn on animals including elephant, horse and cattle;
- s. Myanmar traditional playthings including earthen sherd and stones herd;
- t. other objects recorded as antique objects after field inspection of the Ministry.

(ii) Intangible Cultural Heritage<sup>100</sup>

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<sup>100</sup> Daw Khin Hla Htay, Government Mechanism for Safeguarding Intangible Cultural Heritage, Sub-Regional Experts in Asia on Intangible Cultural Heritage Safeguarding and Inventory Making Methodologies.



Intangible cultural heritage are all spiritual creations such as language and literature, all tradition customs and rituals, expression of life style of human relations in the social life, ancient ethics, proverbs, stories, Niti<sup>101</sup>, homilies, music all kinds of performing arts and traditional performing arts of national races (all the ethnic groups within Myanmar Union). Intangible cultural property is not work of art, but it is the fruit of people's actions and behaviour that have high historic and artistic vale. Intangible culture in Myanmar can be categorized as:

- a. Customs and Traditions
- b. Religion and Religious Practices
- c. Language and Literature
- d. Art and Artistic Activities
- e. Religious and Seasonal Festivals
- f. Attires and Costumes

### **Consideration in Cultural Heritage Assessment**

A list of registered cultural heritage zones in targeted project regions is described in Section VII as a reference for cultural heritage assessment. Definitely, the project activities will not be taken place in such cultural heritage zones of target region. Once screening results of ESMF indicate any potential adverse impacts on cultural heritage as a result of project activities, as well as any intention for commercial use of cultural heritage under the project-financed support, a site-specific cultural heritage assessment will be undertaken either as part of Environmental and Social Impact Assessment (ESIA) or separately and measures shall be identified based on details of site-specific project location, the activities proposed, and significance of level of impact to cultural heritage. While performing the cultural heritage assessment, a series of consultation shall be made with relevant different stakeholders including local communities, cultural heritage authorities, cultural heritage expert, different communities which define different interpretations of cultural heritage, different gender groups, etc.

Upon the findings of this consultation exercise, the cultural heritage assessment will need to be prepared for specific project sites. The following contents shall be examined in each site-specific cultural heritage assessment.

- Risks and impacts to cultural heritage shall be considered at all stages of the project cycle, as part of the environmental and social assessment or separately.
- Identify relevant stakeholders and the values and significance they attach to cultural heritage.
- Impacts on cultural heritage that is recognized by local communities as important need to be considered even if the cultural heritage is not legally recognized or protected.
- Consider risks and impacts on both tangible and intangible cultural heritage if a project intends to use such heritage for commercial purpose or contains components that seek to exploit and develop knowledge, innovation or practices of local communities that fall into the category of intangible cultural heritage.
- Consider the presence of ethnic groups in spatial boundaries of the targeted specific site.

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<sup>101</sup> Niti means "Guide" in Pali. They are codes of conduct, principles of morality, maxims and ethical recommendations.

- Not only direct impacts but also indirect and cumulative impacts that may occur during implementation or after completion of a project shall be fully considered.
- When impacts to cultural heritage cannot be avoided, it is important that the mitigation measures reflect national laws, involve relevant cultural heritage authorities and consider the views of project-affected and other interested parties.
- Relevant stakeholders shall be identified and consulted early in project preparation, as this can help to identify cultural heritage, document its presence and significance, assess potential project impacts, and determine appropriate mitigation measures in a timely manner.
- Where project activities restrict access routes to cultural heritage, different ways of providing access for traditional users of the cultural aspects of the site shall be identified.
- National legislation, regulations and practices relating to the identification and management of cultural heritage, and any registers or lists of cultural heritage that is protected, including dedicated World Heritage Sites, shall be considered in assessing potential project impacts on cultural heritage.
- Risks of theft, trafficking and abuse of moveable cultural heritage shall also be considered and moveable cultural heritage shall be protected.

#### **Outline of Cultural Heritage Management Plan**

If any project is known to be located within the boundaries of registered cultural heritage described in Section VII a CHMP should be prepared. As a result of cultural heritage assessment, the following elements shall be addressed in the preparation of cultural heritage management plan (CHMP), as relevant to the project.

- a. a review of the legal and institutional framework applicable to cultural heritage;
  - b. roles and responsibilities of the different project and other interested parties, for example, FD, contractors, project-affected parties, and cultural heritage authorities;
  - c. the steps to identify and manage cultural heritage throughout the project life-cycle;
  - d. identify the risks and impacts using the results of cultural heritage assessment and proposed mitigation measures to be undertaken;
  - e. steps for incorporating relevant requirements relating to cultural heritage into project procurement documents, including chance find procedures;
  - f. implementation schedule and budget; and
  - g. monitoring and reporting requirements.
4. The CHMP will be part of the Environmental and Social Management Plan (ESMP) when ESMP is prepared for that specific project site via ESIA or other equivalent environmental and social assessment process. When the presence of ethnic groups (as defined in ESS7) is observed, it is necessary to refer to the Community Participation Planning Framework (CPPF)-Annex-13 of ESMF to prepare Community Participatory Plan (CPP). While preparing the CHMP, FD will cooperate with Department of Archaeology and National Museums (DANM) under Ministry of Religious Affairs and Culture, as necessary.

## Chance Finds Procedure

In case tangible cultural heritage / artefacts are unexpectedly encountered during implementation of project activities such as excavation, earthwork, site cleaning etc., this chance find procedures shall be followed. This procedure takes into account requirements related to Chance Finds under the country legislation including the Protection and Preservation of Cultural Heritage Regions Law (28 February 2019), the Protection and Preservation of Ancient Monuments Law (26 August 2015) and the Protection and Preservation of Antique Objects Law (22 July 2015).

In case of a chance find, the implementers will undertake the following actions:

1. Stop the construction activities in the area of a chance find temporarily.
2. Delineate the discovered site or area;
3. Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities i.e. Village Tract Administrative Office or the Department of Archaeology and National Museum take over. and avoid publicly announcement of the findings before handing over to the responsible local authorities.
4. Notify the relevant person in charge who will inform township FD and the relevant Village Tract Administrative Office immediately. Township FD will inform regional/state FD and union FD.
5. If notification if received under item (3), the Village Tract Administrator shall keep the said chance find as necessary and shall forward the information and notify the relevant Township Administrative Office immediately.
6. The relevant township administrator shall promptly carry out the necessities and inform the Department of Archaeology and National Museum immediately from the date on which the information is received.
7. The Department of Archaeology and National Museum would be in charge of evaluation /inspection of the significance or importance of the chance finds and advise on appropriate subsequent procedures.
8. The Department of Archaeology and National Museum will communicate in writing to the township FD of findings/ Chance Find report.
9. If the Department of Archaeology and National Museum determines that Chance Find is a non-cultural heritage chance Find, it is necessary to have an engagement with the local community to confirm whether this may be locally recognized cultural heritage or not.
10. If both the Department of Archaeology and National Museum and the local community determine the find has no cultural heritage value, the relevant entity / contractor will resume construction process.
11. If the Department of Archaeology determines Chance Find is an isolated Chance Find, the Department of Archaeology and National Museum would provide technical supports/advice on chance find treatment with related expenditure on the treatment provided by the entity report the chance find.

Construction work or other related activities can resume only after permission is given from the responsible local authorities (such as General Administration Department) and / or the relevant Department (Mainly from Department of Archaeology and National Museum).

These procedures must be included as standard provisions in all construction contracts. During project supervision, the Site Engineer shall monitor the above regulations relating to the treatment of any chance find encountered.

Relevant findings will be recorded in regular reports of the contractors and in the Government's reports to the World Bank.

### **Consultations/Disclosure of Cultural Heritage Management Plan**

Meaningful consultations with local communities at project area will be undertaken to inform the development and operationalization of Cultural Heritage Management Plan (applicable to both type of tangible heritage recognized by the government as well as intangible cultural heritage especially from groups recognized in the CPPF/CPP and ESS 7 and chance finds) to avoid or minimize impacts from project activities consistent with national laws, guidance from cultural heritage authorities, and the views of local communities. Moreover, in case of finding the culture heritage / artefacts during the implementation of project activities, the requirement of confidentiality to avoid the jeopardize the safety or integrity of the cultural heritage should be fully considered. These consultations related to cultural heritage management will be part of the stakeholder engagement plan (SEP) of the project.

For the project activities categorized as commercial use of cultural heritage or exploitation (for example, use of cultural heritage commercially for tourism promotion activities), the meaningful consultation with stakeholders described in SEP, and provision for fair and equitable sharing of benefits from commercial use of such cultural heritage, consistent with customs and traditions of the project affected parties shall be ensured prior to the implementation of project activities. If the preparation of benefit sharing plan is necessary, the PMU E&S team and PMU Consultants will lead on this.

### **List of Registered Cultural Heritage Zone in Project Target Regions**

The registered cultural heritage zones in the project target regions, as per department of archaeology, include the following: Bagan archaeological monument in the Bagan Nyung Oo townships, monasteries in Amarapura township, Ta Gaung archaeological zone in Tha Peit Kyin township, Innwa Ancient Region and Pin Ye Region archaeological zone in Tada Oo Township, Kyauk Se District, monasteries in Sint Kine Township in Kyauk Se District; Wa-tee ancient city in Nwar-hto-gyi Township, Near Paya Gyi village; Pin-lel (Mine-maw) ancient city in Myittha Township, Minemaw village tract; and Ta-moakh Shwe gu-gyi Pagoda in Kyauk-se Township, Kyaung-pan-kone village tract – in Mandalay Region; Kan Baw Za Thadi Palace in Bago Township and Tharary-khit-tara ancient city & surrounding Archaeological Monuments in Pyay township – in Bago Region; various archaeological monuments in Sagaing Township; Han Lin Ancient City in Walat Township, Shwe Bo District; Pale Township (Kyit- Chaung 7 places) in Monywa District; High village Region & Thone-pan-hla(Low) village Region in Chaung Oo Township; Myay-htoo ancient city in Shwe-bo District, Kant-balu Township – in Sagaing Region; Myaung-mya ancient city in Myaung-mya District, Myaung-mya Township – in Ayeyarwady Region; Beik-tha-noe ancient city in Taung Twin Gyi Township; Salay Region in Chauk Township; and Primate Ancient Regions (Kyit-chaung 25 places) in Pakokku District, Myaing Township.

The project will not be working in these sites.

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 15: Terms of Reference for the Site-Specific Social  
Assessment**

**of the Environmental and Social Management Framework**

**December 2020**

## INTRODUCTION

This document provides the Terms of Reference for conducting a Site-Specific Social Assessment (SSSA). The SSSA requirement will only be triggered for Project activities in the cases where Project Screening (refer to Annex 1- Screening Form for Potential Environmental & Social Risks and Impacts) determines that a Social Assessment is required, and where an Environmental and Social Impact Assessment (ESIA) are not required. If screening identifies an SSSA is required, then it will be carried out at the site-specific location.

This scope of works maybe modified, during Project implementation, to suit the component and magnitude activity(s) for which the SSSA required is triggered.

**The Forest Restoration, Development and Investment Project (FREDIP)** is designed in support of core forest sector objectives of the Government of Myanmar (GoM) to prevent deforestation and degradation of Myanmar's forests while intensifying efforts for forest restoration and for enabling more employment and economic opportunities for local communities through the establishment of community forestry plantations and support to ecotourism around Protect Areas (PA). The project design includes five components, of which Components 1 and 2, and to a lesser extent Component 3, are particularly relevant for SSSA:

- **Component 1. Productive Forests** - Subcomponent 1.1. Community Forestry, including Community Forestry Enterprises and Subcomponent 1.2. Sustainable private sector plantations development
- **Component 2. Community Forestry for Livelihoods** - will support existing and new CFUGs, targeted for support to establishment / strengthening under Component 1 through establishment and financing of CFUG revolving funds for livelihoods activities
- **Component 3. Forest Protection** - Subcomponent 3.1. Protected Areas Management and Ecotourism Development; and Subcomponent 3.2. Detection and Prevention of Illegal Forest Activities
- **Component 4: Institutional Strengthening and Project Management** - Subcomponent 4.1. Institutional Strengthening of FD's Delivery Efficiency; and Subcomponent 4.2. Project Management, Monitoring and Evaluation.
- **Component 5. Contingency Emergency Response** - to allow the GoM respond quickly in case of an eligible emergency (such as a natural disaster or a pandemic).

## SCOPE OF WORK FOR CONDUCTING THE SITE-SPECIFIC SOCIAL ASSESSMENT (SSSA)

Various FREDIP project activities, especially CF activities (Components 1 and 2), are still to be fully developed on a site-specific basis, with the assessment of site-specific impacts still to be determined based on a SSSA. To ensure implementation of each project component on a site is specifically tailored to benefit the local community and impacts are identified, enabling mitigation measures to be designed and incorporated into project implementation, and in compliance with World Bank ESF, a Site-Specific Social Assessment (SSSA) will be conducted on each site for project activities for which screening has determined that a social assessment is required. More specifically, the SSSA will be carried out at the site-specific location for an identified activity, or set of activities to provide information required for formulating the site-specific social management plans required for the activity, such as a CPP, Livelihood Plan, CFMP etc.

The FD may choose qualified FD staff, nationally based FREDIP Project consultant team or select a separate consultant or qualified person(s)<sup>102</sup> to conduct the SSSA. However, the team must involve members of the FD<sup>103</sup>.

The scope of works for SSSA includes, but not limited to the following Tasks

**1) Task 1 – Document Review and Work Plan development** (maximum 2-days)

The consultant shall prepare an SSSA workplan based on a desk study of existing documents, specifically the Social Assessment and the ESMF (including its annexes as relevant and especially –Annexes 3-Guideline for environment and social risks and impacts management in Community Forest Management; 13-CPPF; 11 – RPF; and 10 CHSP):

- i Conduct a review the Social Assessment and relevant social related ESMF documentation (including social related Annexes of the ESMF), and the SEP, including Grievance Redress Mechanisms; LMP; etc.
- ii The consultant may wish to conduct an initial social scoping activity on site which may include community consultations, social surveys and interviews and site observation.
- iii Prepare and submit “Workplan Report”, which summarizes the initial findings of the document review linking to the approach and data collection activities, schedules for the data collection and consultation analysis and reporting (the SSSA output). The Workplan document shall also include a logistics and provide a detailed budget for approval by the PMU Project Director.

**2) Task 2 – SSSA data and information collection and Reporting** (Input time will depend on the magnitude of project activity, including area in which the SSSA is being conducted and issues)

Data and information collection, consultations, site inspections and data analysis activities will be conducted, relevant to each project activity proposed for the specific site, with the objective of determining social impacts (risks) and information that will be utilized into site specific management plans (e.g. CPP and Livelihood Plans, if applicable) and to ensure proper implementation of processes and prevent identified social risks from occurring.

a) Data and information collection activities may include (but not limited to):

- Site Inspections – To observe what social issues may arise on the site itself. For example, this will be a key to screening for any land acquisition, resettlement, and economic displacement issues, identifying specific vulnerable populations and other categories of social impacts. The project will not select a site that is likely to have physical displacement or economic displacement requiring compensation. Only areas without or with economic displacement, that can be resolved with negotiated settlement, but no financial compensation, may be considered for implementation of any of the 3 technical Components (Refer to Annex 11 Resettlement Policy Framework).
- Secondary data collection – Relevant statistical data shall be collected.
- Primary data (if needed) – In the case of gaps in secondary data, under exceptional circumstances and if essential to the SSSA, the Consultant shall conduct primary data collection surveys.

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<sup>102</sup> A Myanmar based CSO, NGO or consultant with demonstrated experience and knowledge Social Assessment or the required focus of the Site Specific Social Assessment is sufficient.

<sup>103</sup> Throughout this ToRs, the term consultant is used to describe the individual or team that will conduct the SSSA

However, primary data surveys will only be conducted on the submission of a proposal, with resources list and budget, and its approval by PMU Project Director.

- Consultation with Stakeholders – in accordance with the Stakeholder Engagement Plan, the consultant shall consult, where relevant, with Regional, District and Township Government officers, as relevant and Ward/Village leadership; CSOs and NGOs; and local businesses. The SSSA shall also be informed by meaningful consultation from potentially Affected People, communities and groupings .
- b) Areas of study related to the SSSA will be defined by the document review and workplan (Task 1 above) and the earlier “Screening Form for Potential Environmental & Social Risks and Impacts”. Depending on the site, and the data and information available, the SSSA preparation team, with FD, will choose the most appropriate data and information collection methods as per a) above and/or recommend other appropriate methods as part of their workplan.

Topics of the SSSA study might include (but not limited to):

- Demographic information
- Education information
- Labour and worker considerations and any potential for supply chain as result of project activities.
- Health aspects within the communities on site
- Analysis on gender-based violence in relation to each project site specific proposed activity.
- Land, land use, land tenure, natural resource tenure and use with a particular emphasis on forests.
- Economic and employment
- Climate Change impacts on the community may also be considered, especially resilience to natural hazard events.
- Differentiate between different ethnic communities, and also within those ethnic communities, the different access and rights to resources (cultural and natural) between women and men, elite capture and other sub-groups.
- Identification of vulnerable households in the Community
- Regulatory requirements, that must be incorporated as part of this specific site’ project implementation.
- others

c) Site Specific Social Assessment Report

A “Site Specific Social Assessment” (SSSA) Report shall be prepared in English language and will be approved by the FD and shared for review and approval by the World Bank. The main goals of the report will be to understand and address social risks to inform and facilitate activity implementation, as the basis for managing and optimizing the site-specific Project component and sub-component activities proposed. The results of the study shall be presented to the community, prior to report finalization and submission.

The assessment shall recommend appropriate, specific mitigation and social impacts management , that need to be captured(eg. for such plans and works: Annexes 3-Guideline for environment and social risks



and impacts management in Community Forest Management; 13-CPPF; 11 – RPF; and 10 CHSP. These may include (but not limited to) information on:

- Local power dynamics in the community,
- Land and resource use of the land potentially allocated to the CF, including seasonal /occasional / permanent use by people from outside the community,
- Local livelihood practices, local belief & practices,
- Local methods of grievance redress,
- Past experiences with livelihood support programs and micro finance etc.
- Local institutional capacity to conduct the propose CF Project implementation activities
- Community mobilization - how to engage communities in the consultation and project activities
- Specific issues to consider in community meetings and awareness actions (religion; cultural heritage; ethnicity; language(s), including translation; education, especially literacy levels for appropriate modes of communication, etc.)
- Inclusiveness - information on the vulnerable households in the community and the ethnic groups in the community
- Suitable conditions (times and locations for public consultations and focus group discussions, advocacy meeting and training)
- Potential resettlement issues, triggering a Livelihoods Plan to be developed
- Potential issues to trigger a CPP
- Potential issues and recommended mitigation measures CFMP development on the specific project site.
- Additional topics

## **DELIVERABLES**

The Reports shall be submitted according to the following schedule.

<b>No</b>	<b>Deliverables / Milestones</b>	<b>Due Date</b>
1	Workplan	Within 2 days of mobilization commencement
2	Draft SSSA Report	Determined when magnitude of community area and Project Activity(s), for which the SSSA is being conducted
3	Final SSSA Report	To be determined after at the time World Bank has completed its review and provided any comments

### **Submission of documents**

Each submittal shall be transmitted electronically (both PDF as well as a Word version).

**The Republic of the Union of Myanmar**  
**Ministry of Natural Resources and Environmental Conservation**  
**Forest Department**

**Forest Restoration, Development and Investment Project (FREDIP)**  
**(P168254)**

**Annex 16: Summary of Consultations**

**of the Environmental and Social Management Framework**

**December 2020**