Government of the Union of Myanmar

Telecommunications Sector Reform Project

Ethnic Minority Planning Framework
Ministry of Communications and Information Technology
November 29, 2013
**ETHNIC MINORITY PLANNING FRAMEWORK (EMPF)**

**Introduction and objective of EMPF**
The project aims to achieve the following objectives: (a) improve the enabling environment for the telecommunications sector and extend coverage in selected pilot locations; and (b) establish priority eGovernment technological foundations and institutional capacity for Government to embark on its public sector reform program. The Component 2, *Extending connectivity to rural areas*, will support the pilot program that seeks to increase connectivity in commercially unviable areas.

Since the Component 2, *Extending connectivity to rural areas*, will support a pilot that will target rural areas where establishing connectivity is currently not commercially viable, it may be implemented in areas where ethnic minorities are present. OP 4.10 is therefore triggered for this project. Since area where the pilot will be implemented will be decided during implementation, this Ethnic Minority Planning Framework was developed in order to set out policies and procedures that will be implemented during implementation and ensure the project meet all requirements of OP 4.10.

The objective of this EMPF is to ensure that free, prior and informed consultations will be conducted with ethnic minorities present in the pilot areas leading to their broad community support to the pilot activities. It also aims to ensure that any negative impacts that may result from the pilot will be fully addressed.

**Scope of impact**
Overall, the implementation of the pilot will have positive impacts on ethnic minorities present in the pilot areas. The project will enable cheaper and easier access to telecommunications and internet services in otherwise commercially unviable areas. Whether ethnic minorities reside in pilot areas will only be known during implementation when pilot sites are selected, however, if they are present, they will benefit from the project as the enhanced connectivity will help reduce isolation and improve economic opportunities.

The project may have some negative impacts on ethnic minorities if present in pilot areas. The improved connectivity to ICT services may disturb culture and value systems of ethnic minorities, at least temporarily. Also, the implementation of the pilot will require a limited scale of land to install towers, masts and sub-stations. The service providers who will implement the pilot (and install the facilities cited above) will secure needed land on a commercial basis through a long-term lease agreement. Those who will lease the land will receive benefits as the project will provide low cost ICT connectivity to their villages. Those land owners/users including ethnic minorities who disagree with the lease agreement offered by the service providers have the rights to refuse to lease the land. The knowledge of ethnic minorities on their legal rights, however, may not be sufficient to fully exert their rights in negotiating lease agreements. Also, ethnic minorities may traditionally use the land for livelihood where infrastructure would be built but their indigenous tenure rights may not be legally recognized. Adequate support should be provided to ensure potential negative impacts would not actually occur.
Legal Framework
Myanmar is one of the most ethnically diverse countries in the region. Officially, there are 135 recognized ethnic minorities. About 69 percent of the country’s inhabitants are Bamar, while the remainder is made up of ethnic minorities, among whom the Shan are the numerically largest group (8.5 percent), followed by the Karen (6.2 percent); Rakhine (4.5 percent), Mon (2.4 percent), Chin (2.2 percent), Kachin (1.4 percent) and Kayah (0.4 percent). Shan State occupies the largest geographical area. Some ethnic minorities have linguistic and cultural affiliations with neighboring countries, others with the majority Bamar. For instance, Shan people speak Shan dialects which are related to Laotian and Thai; whereas Karen people speak a variety of Tibeto-Burman languages. The Rakhine are ethnically related to the Bamar but are culturally different, whereas the Mon people are ethnolinguistically related to Khmer.

World Bank Operational Policy 4.10
The World Bank Operational Policy 4.10 Indigenous Peoples aims to ensure that development process fully respects the dignity, human rights, economies, and cultures of indigenous peoples with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process. The policy requires the borrower to conduct free, prior and informed consultations with affected ethnic minorities and ascertain their broad community support to project activities. It also requires that, if ethnic minorities are likely to be present in or have collective attachment to project areas but it cannot be determined until specific investment programs are identified during implementation, an Indigenous Peoples Planning Framework (IPPF) should be developed which provides for the screening and review of these programs in a manner consistent with this policy.

Objective of the Ethnic Minority Planning Framework (EMPF)
This EMPF aims to ensure that the project fully respects the dignity, human rights, economies and cultures of ethnic minorities who are affected under the Project. All elements of IPPF required under OP 4.10 are incorporated in this EMPF. The EMPF seeks to achieve the objective by ensuring that:

- Ethnic minorities present in areas of influence of the rural connectivity extension pilot (Component 2) are afforded meaningful opportunities to participate in planning that affects them;
- They receive culturally appropriate benefits from the pilot activities; and
- Project impacts that may adversely affect them are avoided or otherwise minimized and mitigated.

It is noteworthy that the policy applies even if no negative impacts are anticipated due to the project, if ethnic minorities are present in or have collective attachment to project areas.

Because of the varied and changing contexts in which ethnic minorities are found, no single definition can capture their diversity. This EMPF, following OP 4.10, defines ethnic minorities as those having the following characteristics in varying degrees:

- A close attachment to their ancestral territories and the natural resources in these areas;
• Self-identification and identification by others as members of a distinct cultural group;
• An ethnic language, often different from the national language;
• Presence of customary social and political institutions; and,
• Primarily subsistence-oriented production.

Ethnic Screening and Project Strategy with regard to Ethnic Minorities

Ethnic Screening
The safeguard focal point of the service provider will, together with the safeguard specialist of MCIT and in consultation with World Bank task team, carry out ethnic screening using the definition provided above. The ethnic screening will be based on literature review, interview with knowledgeable people and field inspection which should be conducted as part of community outreach that should be carried out during the pilot planning process. The result of the ethnic screening will be reported in the short report of community outreach which should be submitted to MCIT and the Bank for clearance. If, as part of the ethnic screening, an on-going ethnic conflict is found to be occurring or may likely occur during the project life in potential pilot sites, such sites will be considered of high risk and alternative sites will be explored that are free from ethnic conflict. Ethnic screening is a key part of the initial risk assessment and screening process which should be carried out at the pilot identification stage and determine subsequent actions to be taken for the preparation and implementation of the pilot.

If ethnic screening does not find that ethnic minorities are present or have collective attachment in pilot areas, the result will be reported in the screening sheet and the short report of community outreach which should be kept in the project file. The bi-annual pilot implementation progress report should attach the filled ethnic screening sheet and the short report of community outreach.

Free, prior and informed consultations and simplified participatory social assessment (SA)
If ethnic screening finds that ethnic minorities are present or have collective attachment in pilot areas, free, prior and informed consultations will be carried out with them and their broad community support to pilot activities should be ascertained. MCIT safeguard specialist may participate in the consultation meetings. Such consultations will be carried out as part of the community outreach that will be carried out during the land lease preparation process.

The safeguard focal point of the service provider will ensure that consultation meetings should be conducted in a language with which participants can easily communicate and that sufficient prior notice should be given to communities to ensure their maximum participation. Minutes of consultations will be taken and kept in the project file. Copies of the minutes should also be made available to affected communities.

During the consultation meetings, a simplified, participatory social assessment (SA) will be conducted by the safeguard focal point. The following will be assessed in a participatory manner: (i) general demographic and socioeconomic information of the pilot areas; (ii) existing access to ICT and telecommunication services; (iii) existing patterns of land and
natural resource use and whether they have recognizable tenure rights over the land and natural resources from which they derive livelihood; (iv) perceived impacts of improved access to ICT services; (v) potential negative impacts of pilot activities, including due to the leasing of land needed infrastructure (towers, masts and substations); (vi) channels to voice grievances that community members consider most effective and feel confident about; and so on. The result of the participatory SA will be used as project baseline on matters related to ethnic minorities.

If land tenure is found to be an issue under the participatory SA, steps specified for "medium" risks under the Land Lease Guideline will be followed. The pilot will not be allowed for project financing if the risk is rated “high” under the risk assessment because issues around tenure rights and land-based livelihood are complex.

The safeguard focal point of the service provider will use the result of consultation meetings and initial desk review and develop the Ethnic minority plan. The EM Plan should address, among other issues, the following: (i) summary of participatory SA; (ii) minutes of consultation meetings and evidence of broad community support; (iii) description of project benefit; (iv) description of potential negative impacts and mitigating measures; (v) grievance redress mechanisms; (vi) monitoring and evaluation mechanisms; and (vii) expected cost of implementation.

Appraisal and approval
The EM Plan will be reviewed as part of the pilot appraisal and approval process. The clearance of the EM Plans by the MCIT safeguard specialist and the Bank task team is the condition of the implementation of the pilot in areas where ethnic minorities are present.

Monitoring and evaluation
The safeguard focal point of the service provider is responsible for the regular monitoring of pilot implementation including in areas where ethnic minorities are present. For the six months of the pilot implementation, s/he will visit pilot sites on a monthly basis to monitor EMPF implementation, and submit the monitoring report to MCIT as part of the biannual progress report. Subsequently, the monitoring should be based on field visit of randomly selected pilots. The level of satisfaction about project benefits, inputs and suggestions for improvement in pilot implementation, issues around land tenure and livelihood, any negative impacts that may occur as a result of the project, and so on, will be monitored. The detailed monitoring indicators will be developed during the first phase of the Component 2 when the pilots are designed. The safeguard focal point of the service provider, in consultation with MCIT safeguard specialist and the WB task team, should swiftly address issues as have been identified.

At the end of the pilot, the safeguard focal point will carry out the evaluation of the EMPF implementation. If it finds that significant impacts remain to be addressed, they will be duly reported in the evaluation report and measures to address them will be duly implemented.
Grievance mechanisms
It is expected that most grievances of affected ethnic minorities will be addressed during the field appraisal and through the monthly field visits by safeguard focal point. Nonetheless, the affected ethnic minorities will be informed of the contact information of the MCIT staff at the township and encouraged to contact them for help. Anyone who has grievances will be encouraged to contact the public relations of the service provider and safeguard specialist of MCIT for help and intervention. In the event that s/he is not satisfied with the measures taken by the service provider or MCIT, s/he should contact the World Bank for clarification. Their contact information will be provided during the community outreach and also on a brochure of pilot that will be made available at local village chief’s office.