

Chapter 9 Grievance and Appeals

9.1 The Mechanisms of Grievance and Appeals

The Chinese Government stipulates a complete insurance system in the laws to prevent legal rights and interests of citizens from being infringed upon. These are represented in the “Constitution of the People’s Republic of China”, ”Code of Civil Law of the People’s Republic of China”, and “Implementation Stipulations of Law Administration Law of the People’s Republic of China”. The legal documents indicate that if the affected person is dissatisfied with the compensation standards, local government above the county level should make reconciliation. If it is failed, the affected person can approach the people’s government that approved the land acquisition.

9.2 The Appeal Procedure

Resettlers enjoy rights and obligations prescribed in the constitution and laws of PRC. The resettlers and host villagers may have disputes or grievances for which there are various methods for resolution throughout various stages of resettlement, the actual relocation, rehabilitation of agricultural production, and the restoration former living standards. During the preparation and implementation of the resettlement planning, a transparent and effective grievance and appeal mechanism will be established to encourage the participation of resettlers in order to avoid big grievance. The specific procedures are described as follows:

Step I

A “reconciliation” procedure is an informal mechanisms applied in China to reach resolution whenever minor contradictions or disputes occur, and it usually works well to successfully resolve minor disputes and disagreements. Whenever there is a dispute regarding individual rights and interests between the resettlers themselves; contradictions arising from different understanding of the laws, rules and policies between resettlers and resettlement staff; or misunderstanding resulting from improper operation of resettlement staff, these could be solved by “reconciliation”, through lodging an oral or written appeal to the village civil reconciliation commission and civil reconciler. This approach is a mutual coordination mechanism to guarantee that mutual interests are served and disputes and contradictions are solved.

Step II

If a resettler is dissatisfied with the decision made at Step I, or the resettlement program or implementation plan, or the resettler thinks that his or her legal rights and interests have been infringed upon or thinks that the government or resettlement office staff does not follow the laws or regulations during resettlement implementation, he or she may lodge an oral or written appeal to the County Resettlement Office or the County

Government Office for complains. The appeal shall be handled within two weeks.

Step III

If a resettler is dissatisfied with the decision made at Step II, he or she may lodge an appeal to the Public Complain Office of Shijiazhuang City Office or the Shijiazhuang City Resettlement Office, and a decision will be made within two weeks.

Step IV

If a resettler is still dissatisfied with the decision made at Step III, he or she, after receiving the decision from the Shijiazhuang City Office or the Shijiazhuang City Resettlement Office, may lodge an appeal to the Public Complain Office of the Hebei Provincial People's Government, the Hebei Provincial Resettlement Office (HPRO) or the ZPSPP Project Office (ZPPSPPO) to request an administrative arbitration under the Supervision and Arbitration of HPRO or ZPPSPPO. The appeal shall be conducted within three weeks.

Step V

If a resettler is still dissatisfied with the administrative arbitration decision made at Step IV, he or she, after receiving the arbitration decision, may lodge an appeal to a civil court in accordance with administrative and legal procedure.

If a resettler is dissatisfied with the decision made at any step above-mentioned for the resettlement and compensation standards and so on, he or she, after receiving the notice, may directly lodge an appeal to the civil court of the people's court.

Hebei Province will establish a Leading Group for Resettlement Work (LGRW) for the ZPSPPZ resettlement, which will have the responsibility for supervision of the Resettlement Offices at the county, municipal and provincial levels to carry out the resettlement work in line with relevant laws and policies. The LGRW will accept appeals lodged by both the resettlers and host villagers. An independent Resettlement Supervision and Evaluation Agency (RSEA) will be established to supervise and inspect the resettlement processes and the operation of the Resettlement Offices at different levels and correct any faults and mistakes made during the resettlement process.

Resettlers will be informed of the above grievance and appeal procedure through public information meetings and other mediums, so that they can fully understand their rights for grievance and appeal.

When grievance and appeal happen, the related institutions including Village committee, JCRO, SCRO and EA should keep good record about it, and make it available to the external monitor for inspection and verification.

Grievance and appeal procedures are shown in following figure 9-1:

Figure 9-1: Grievance and Appeal Procedure

