

# Resettlement Framework

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People's Republic of China: Results-based Guangxi Modern TVET Development Demonstration Program

Prepared by the GPMO of Results-based Guangxi Modern TVET Development Demonstration Program for the Asian Development Bank.

**Commitment Letter (English)**

This resettlement framework ("RF") represents a key requirement of ADB and becomes a basis of the land acquisition, house demolition and resettlement work of the Guangxi Modern Technical and Vocational Education and Training Development Program. This RF complies with the applicable laws and regulations of the People's Republic of China (the "RPC") and Guangxi Zhuang Autonomous Region.

The Guangxi Modern Technical and Vocational Education and Training Development Program Management Office hereby acknowledges the contents of this RF and warrants that land acquisition, house demolition, resettlement, compensation and budgeting activities under the Program will be carried out according to this RF.

**Guangxi Modern Technical and Vocational Education and Training  
Development Program Management Office**

  
*Wangfangfang* (Signature)  
5-6-2017 (Date)

承诺函（中文）

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## ABBREVIATIONS

AAOV	–	Average Annual Output Value
AP	–	Affected Person
ADB	–	Asian Development Bank
CARP	–	Compensation and Relocation Plan
GRC	–	Grievance Redress Mechanism
HDO	–	House Demolition Office
IR	–	Involuntary resettlement
LA	–	Land Acquisition
M&E	–	Monitoring & Evaluation
PMO	–	Program Management Office
PRC	–	People’s Republic of China
RF	–	Resettlement Framework
RP	–	Resettlement Plan
SPS	–	ADB Safeguards Policy Statement
1B4P	–	One-Book-4-Plans

## Definition of Terms

**Affected Household:** All persons residing under one roof and eating from the same kitchen, who are adversely affected by the project, or any of its components; may consist of a single nuclear family or an extended family group

**Affected Persons:** In the context of involuntary resettlement, affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Compensation:** Cash or in-kind payment of the replacement cost of an asset lost due to Project-related impacts

**Entitlement:** Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to affected people, depending on the nature of their losses, to restore their economic and social base

**Income Restoration:** Reestablishment of income sources and livelihoods of APs

**Involuntary Resettlement:** Full or partial, permanent or temporary physical displacement (relocation, loss of residential land or shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a consequence of development projects, compelling APs to rebuild their lives, incomes and asset bases

**Land Acquisition:** The process whereby a person is compelled by a government agency to relinquish their land or land use rights to the government (i) for a public purpose and (ii) in return for compensation. This land may be either owned or possessed by the affected person.

**Replacement Cost:** The value determined to be fair compensation for various types of agricultural and residential land, crops, trees, and other commodities based on current market rates; the cost of rebuilding houses and structures at current market prices of building materials and labor, without depreciation or deductions for salvaged building material

**Vulnerable Groups:** Distinct group of people (poor, elderly, disabled and female-headed households) who may suffer disproportionately from resettlement effects

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## I. INTRODUCTION

1. The proposed RBL program is anchored in, and will support and improve the Modern Vocational Education System Development Plan for Guangxi Zhuang Autonomous Region (2015–2020). It will finance the government's province-wide program to upgrade the schooling environment, improve the quality of TVET standards and teaching, strengthen school-enterprise cooperation, and promote regional cooperation through partnerships with institutions in the ASEAN region. The RBL program will also support building capacity of government for effective management of the TVET system. ADB's financing will be used for construction of buildings, procurement of advanced practice and training equipment, and teaching staff training. Infrastructure for TVET Park will not be included for ADB financing.

## II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

### A. Objectives

2. This Resettlement Framework (RF) has been prepared to guide the Program in the screening, planning, implementation and monitoring of resettlement activities. This RF is based on the gap analysis conducted between the SPS 2009 and the PRC's country safeguards system and Guangxi's regulations and local practice; and actions to fill-in the gaps as part of the Program Safeguards Systems Assessment in order to facilitate compliance with the Safeguard Requirements 2 of ADB's Safeguards Policy Statement (SPS) 2009.

### B. Policy Framework

3. This RF has been prepared based on the applicable laws and regulations of the PRC and ADB's Safeguards Policy Statement (SPS, 2009).

Relevant ADB policies include:

- a. Safeguard Policy Statement (SPS), June 2009
- b. Public Communications Policy, 2011
- c. Accountability Mechanism Policy, 2012.

Laws, regulations and policies of the PRC include:

- a. Land Administration Law of the PRC (January 1, 1999, amended on August 28, 2004)
- b. The Implementation Rules for The Land Administration Law of the People's Republic of China (effective as of January, 1, 1999, amended on July 29, 2014);
- c. The Administrative Measures for the Pre-Review of Land Use for Construction Projects of the local government (No. 42 Order of The Ministry of Land and Resources, effective as of January 1, 2009);
- d. Guidelines on Improving the System of Land Acquisition Compensation and Resettlement (the Ministry of Land and Resources made) (effective as of November 3, 2004);
- e. Real Property Rights Law of the People's Republic of China (No. 62 order of the President of the People's Republic of China, and effective as of October 1, 2007); and
- f. September, 2004 the Ministry of Land Resources promulgated Guidelines on Improving the System of LA Compensation and Resettlement (the Ministry of Land and Resources [2004] No. 238).

- g. The Decision of the State Council on Deepening the Reform and Rigidly Enforcing Land Administration (SC [2004] No. 28)
- h. Demolition and Compensation of the Housing on the State-owned Land (Decree 590 of State Council, (effective from January 21, 2011).
- i. Regulations to Solve the Housing Difficulties for the Low Income HHs issued by State Council [GF 2007, No 24]

Guangxi regional relevant regulations include:

- a. Implementation Method of Guangxi Zhuang Autonomous Region for Land Administration Law (effective from September 1, 2001)
- b. Notification on Announcement for Uniform Annual Output Standards for Land Acquisition issued by Land Resource Department of Guangxi Zhuang Autonomous Region (effective from January 1, 2016)
- c. Guidelines on Improving and Managing Land Acquisition in Guangxi Zhuang Autonomous Region (effective from November 21, 2014).
- d. Implementation Measures for Regulations on the Demolition and Compensation of Houses on State-owned Land and Compensation ) in Guangxi Zhuang Autonomous Region (2011)

4. Based on the Program Safeguards System Assessment, key gaps between SPS and PRC's system and local practice were identified as presented in Table 1 below.

Table 1: Comparative Analysis of Legal Framework and ADB Safeguard Policy Statement

ADB SPS	Legal Provisions and Local Practice	Gap-filling Measures
<p><b>Policy Principle 1:</b> Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.</p>	<p><i>Management Regulations for Construction Project Land Using Pre-examination (Decree No.42 of MLR)</i> requires to screen the area and type of the land to be provided for the project before approving the FSR or checking the project proposal.</p> <p>Before land acquisition, local LRB conducts detailed measurement survey (DMS). Before house demolition, the house demolition agency conducts detailed measurement survey.</p> <p>PRC regulations do not assess past impacts.</p> <p>There is no specific legal provision to include gender analysis in resettlement planning. However, in line with local government program, the gender and risks to and/or vulnerability caused by any project particularly on women can already be identified and assessed based on the (i) Five-Guarantee Households and (ii) Minimum Living Guarantee System during resettlement planning. Please see Policy Principle 5 for more details.</p>	<p>Adoption of a resettlement framework to guide the PMO to conduct due diligence on the prior LAR impacts to determine if there are any outstanding compensation or resettlement issues, or unresolved grievances.</p>

ADB SPS	Legal Provisions and Local Practice	Gap-filling Measures
<p><b>Policy Principle 2:</b> Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs.</p> <p>Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.</p> <p>Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.</p> <p>Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>	<p>At national level, <i>Land Administration Law of the People's Republic of China, State Council's Decision on Deepening Reform and Managing Strictly Land (the State Council made [2004]28), Guidelines on Improving the System of Land Acquisition Compensation and Resettlement (the Ministry of Land and Resources made [2004] number 238), and Regulations on the Compensation of Houses on State-owned Land and Compensation (2011) have similar requirements on consultation and participation.</i> In Guangxi, <i>Guidelines on Improving and Managing Land Acquisition in Guangxi Zhuang Autonomous Region</i> (effective from November 21, 2014) and <i>Implementation Measures for Regulations on the Demolition and Compensation of Houses on State-owned Land and Compensation ) in Guangxi Zhuang Autonomous Region (2011)</i> requires consultation, participation and information disclosing throughout the whole land acquisition and resettlement procedures.</p> <p>Although there are consultation and participation activities conducted by local government, it is not part of the 1-book-4-plans (1B4P) and compensation and relocation plan (CARP) which are the two domestic resettlement planning documents. To improve the documentation, all activities need be properly documented.</p> <p>As per law, a grievance redress mechanism is established at the local government where farmers can first raise their concern with the village collective or bring their grievances through the legal system directly. However, it is not part of the 1B4P and CARP documents.</p> <p>In line with local government program, the gender and risks to and/or vulnerability caused by any project particularly on women can already be identified and assessed based on the (i) Five-Guarantee Households and (ii) Minimum Living Guarantee System. In practice, local village committee, civil affairs bureau, social security bureau and other government agencies pays attention to the needs of the poor and vulnerable groups.</p>	<p>Identification of the poor and vulnerable groups as early as the screening process so they can participate and their concerns are taken into account during consultations and planning</p> <p>Documentation of the consultation and information disclosure activities and grievances received.</p>

ADB SPS	Legal Provisions and Local Practice	Gap-filling Measures
<p><b>Policy Principle 3:</b> Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>	<p>For collective land compensation, the provincial government needs to formulate and publish Uniform Annual Output Standards for Land Acquisition and the integrated land acquisition price, which need to be adjusted each 2-3 years.</p> <p><i>State Council [2004] number 28</i> states that (1) where the project concerned generates profits the people displaced can use the land as investment to have a right to share in those profits; (2) within a planned urban area, improvement of employment system and social security to safeguard AP's lives. (3) out of a planned urban area, land resettlement, employment resettlement, or displacement resettlement shall be implemented (4) carry out employment trainings.</p>	<p>No additional gap filling required as PRC regulations adequately cover this principle</p>
<p><b>Policy Principle 4:</b> Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</p>	<p><i>Ministry of Land and Resources [2004] 238 and Notification on Announcement for Average Annual Output Value for Land issued by Land Resource Department of Guangxi Zhuang Autonomous Region</i> (effective from January 1, 2016 ) requires that (1) Agricultural production resettlement (2) re-employment resettlement (3) using the land as share of the project (4) provision of replacement land.</p> <p>National legislation relating to urban housing demolition requires independent valuation, compensation at market value, or provision of replacement housing of equivalent value at the request of affected persons. (See <i>State Council Regulations on Collection and Compensation for Houses on State-Owned Land, 2011.</i>)</p> <p>Compensation rates are administratively determined through application of prescribed valuation processes.</p>	
<p><b>Policy Principle 5:</b> Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in</p>	<p>As per legal provisions, poor and vulnerable groups are defined as those (i) who fall within the five-guarantee households and (ii) eligible for the Minimum Living Guarantee System.</p> <p>The local village/community committee, civil affairs bureau, social security bureau and other agencies pay attention</p>	<p>Identification of the poor and vulnerable groups as early as screening process so they can participate and their concerns are taken into account during consultations and planning</p>

ADB SPS	Legal Provisions and Local Practice	Gap-filling Measures
<p>urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.</p>	<p>to the needs of the poor and vulnerable groups:</p> <ul style="list-style-type: none"> <li>a) Five-Guarantee program, the elderly, weak, widowed and disabled members who are unable to work and have no means of living, or whose households lack labor a rural production cooperative would provide production and living assistance (e.g. food, clothing, fuel, education and burial expenses.</li> <li>b) Those eligible for the Minimum Living Guarantee System are provided with living subsidy each month.</li> <li>c) Other assistance - urgent cash assistance if the HHs have serious illness in addition to the subsidy paid under rural cooperative medical care system; cash or in-kind assistance for the women headed HHs provided by the women's federation; priority given by the village committee to be included in the endowment insurance system for the farmers affected by LA.</li> </ul> <p><i>Regulations on the House Demolition and Compensation on State-owned Land (2011) states that : If the residential houses of any individuals are to be demolished and they meet the conditions for affordable housing, the concerned city and county people's governments shall give priority to providing affordable housing to such persons.</i></p> <p>According to the <i>Regulations to Solve the Housing Difficulties for the Low Income HHs issued by State Council [GF 2007, No 24]</i>, affordable housing and low-rent housing should be provided to the households who have housing difficulties. The demolished HHs can apply the affordable housing and low-rent housing.</p>	<p>Monitoring of the standards of living of the displaced poor and other vulnerable groups will be carried out.</p>
<p>Principle 6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into</p>	<p>This principle is not triggered as the PRC's country system does not apply negotiated settlement.</p>	<p>No action.</p>

ADB SPS	Legal Provisions and Local Practice	Gap-filling Measures
negotiated settlements will maintain the same or better income and livelihood status.		
<p><b>Policy Principle 7:</b> Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.</p>	<p>Based on the <i>Regulations on the Demolition and Compensation of Houses on State-owned Land (2011)</i>, the illegal houses and temporary structures which were constructed after the approval period will not be compensated.</p> <p>As good practice, for households who are not eligible for compensation for houses at replacement value, the history or reason why the structure has no certification/license; and their socio-economic conditions and vulnerability will be assessed by the local government and concerned bureaus to determine the necessary assistance that can be provided to them to ensure that they will be able to restore or will not be worse-off.</p> <p>According to the <i>Regulations to Solve the Housing Difficulties for the Low Income HHs issued by State Council [GF 2007, No 24]</i>, affordable housing and low-rent housing should be provided to the households who have housing difficulties. The demolished HHs can apply the affordable housing and low-rent housing.</p>	<p>No additional gap filling required as regulations and local practice address this principle</p>
<p><b>Policy Principle 8:</b> Prepare a resettlement plan (RP) elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.</p> <p><b>Policy Principle 9:</b> Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>	<p>Except for large-scale water sector projects, there are no specific requirements to prepare a resettlement plan which is similar to the RP required by ADB.</p> <p>For other projects, LRB prepares the "1-book and-4-plans", which include (i) Submission Instruction Book for Land Using of Construction Project; (ii) Plan of Transferring Farmland; (iii) Plan of Replacement of Cultivated Land; (iv) Land Acquisition Plan and (v) Plan of Provision of Land. 1-book-4 plan can be considered as a "resettlement planning document".</p> <p>For house demolition, local government prepares the compensation and relocation plan, which also can be considered as a "resettlement planning document".</p>	<p>Adoption of a resettlement framework to guide the Project in the preparation of an improved 1-book-and-4-plans and compensation and relocation plan will be prepared which reflect the other essential elements of a resettlement plan.</p> <p>The resettlement framework will also provide guidance on how to conduct due diligence, early screening of poor and vulnerable groups, how to carry out proper social/risk analysis, enhanced information sharing, consultation, and participation for vulnerable groups; documentation of consultations and GRM.</p>

ADB SPS	Legal Provisions and Local Practice	Gap-filling Measures
<p><b>Policy Principle 10:</b> Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.</p>	<p>Refer to <i>Article 12 of No. 28 Decree</i>, the total resettlement cost should be included in the total project cost. All compensation and administrative costs are included.</p> <p>Decree 29 issued in 2006 states land compensation and resettlement should ensure that the living standards and sustainability of the livelihood of the landless farmers are ensured; and that vocational training and social security programs should be properly implemented for landless farmers. Any shortfall in the resettlement budget should be provided by the local government.</p>	<p>No measures needed.</p>
<p><b>Policy Principle 11:</b> Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.</p>	<p>Regulations generally require compensation and other financial forms of resettlement assistance to be paid before physical or economic displacement.</p> <p>Local government is responsible for supervising throughout the project implementation period, but only focused on if the AHs have received the full compensation</p>	<p>Coordination mechanism between the PMO and local governments/TVET institution will be established to properly monitor and supervise LAR activities.</p>
<p><b>Policy Principle 12:</b> Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.</p>	<p>Except for large-scale water projects, there are no requirements to monitor and evaluate outcomes, including impacts on standards of living of displaced persons.</p> <p>Local government is responsible for supervising throughout the project implementation period, however, monitoring reports are not disclosed</p>	<p>Coordination mechanism between the PMO and local governments/TVET institution will be established to properly monitor and supervise LAR activities</p> <p>The enhanced information sharing will include the disclosure of monitoring reports. Monitoring reports will be disclosed in the village and TVET schools.</p>

### C. Entitlements

5. In the context of involuntary resettlement, affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

6. The Program's cut-off date for the eligibility for compensation is the date on which local government officially announces the LA/HD notice. Any newly claimed land, newly built house or settlement in the project area after this date will not be entitled to compensation or subsidization.

7. If the local government has already established an earlier cut-off date in the Program's project area, the local government's cut-off date will be followed provided that the following conditions below are met. The PMO will report its findings in the monitoring reports. The external monitor will carry out its own verification.

- Copy of Halt Notice for Land Acquisition and House Demolition/ pre-notice for Land Acquisition and House Demolition published,
- Documents confirming dissemination of information (billboards, minutes of public meetings, letters to households, newspapers, websites, broadcast, etc), and
- Confirmation from households that they were informed about the cut-off-date verbally and in writing

8. Specific to vulnerable households (men, women, ethnic groups), they are identified as those who belong to the Five-Guarantee program, the elderly, weak, widowed and disabled members who are unable to work and have no means of living, or whose households lack labor who are being provided with production and living assistance (e.g. food, clothing, fuel, education and burial expenses) and those eligible for the Minimum Living Guarantee System and are provided with living subsidy each month. Those who are not considered as vulnerable groups as per definition but may become at risk of being vulnerable or experience hardship due to impacts of LA/HD; i.e., may need special support during the transition period (eg during relocation such as labor, transport ) will also be identified and will be provided with necessary assistance.

9. A brief description of eligible criteria, types of affected persons, compensation, relocation and rehabilitation strategies are shown in the entitlement matrix (Table 2).

**Table 2: Entitlement Matrix**

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
<b>Permanent land acquisition/ occupation</b>	Owners of Using Rights of state-owned land	<p>The compensation rate will be based on the principle of replacement value</p> <ul style="list-style-type: none"> <li>a. For the affected owners of using rights of state-owned land, compensation will be determined based on appraisal by a qualified appraiser.</li> <li>b. For the affected other urban land areas, such as unused land, river channels, and so on, administrative transfer of the land will be carried out.</li> </ul>	In line with PRC regulations.
<b>Permanent land acquisition</b>	<p>Collective Rural Land</p> <p>Affected villages and members of affected villages who have formal land use rights either by land take for new facilities or by adjustment of farmlands</p>	<ul style="list-style-type: none"> <li>a. Compensation standard for various rural lands will be in line with the <i>PRC Land Administration Law (1998) and Implementation Method of Guangxi Zhuang Autonomous Region for Land Administration Law (effective from September 1, 2001). Notification on Announcement for Average Annual Output Value for Land issued by Land Resource Department of Guangxi Zhuang Autonomous Region (effective from January 1, 2016)</i>, stipulates the uniform average annual output value (AAOV) and the multiples (minimum 16 times).</li> <li>b. Cash compensation will be paid to village committee. The village committee will then discuss with the AHs on how the cash compensation will be used by the village and its members</li> <li>c. The compensation rates for young crops and other ground attachments based on replacement value will be paid directly to the APs.</li> <li>d. For land loss farmers, they will be provided with replacement farmland through land</li> </ul>	In line with PRC regulations.

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
		<p>readjustment and/or replacement farmland reserved by the village committee. For those village groups with no possibility of land readjustment or development, the resettlement subsidy will be paid directly to the landless farmers while the village groups shall manage and use the land compensation fee based on the village meeting.</p> <p>e. Other or various economic rehabilitation measures include skills training, provision of job opportunities, and social security to ensure their incomes and/or livelihoods are fully restored and sustainable.</p>	
<b>Permanent Loss of Land Use</b>	Not members of the villages (outsiders) who are currently farming the land areas under lease arrangement	a. Compensation for lost crops and lost structures based on replacement value will be paid directly to the APs and will be assisted to arrange other lands for lease.	In line with PRC regulations.
<b>Temporary occupation land</b>	Owners of land, crops, trees and other ground attachments	<p>b. The compensation for temporary land occupation will include young crops cost, loss of output during occupation and will be paid directly to the APs/entities based on replacement value.</p> <p>c. The compensation will be determined according to the AAOV and length of occupation time. The average time limit of the temporary land acquisition is set at maximum of two years.</p> <p>d. The land will be restored by the contractors and the cost will be included in the subproject total budget. If the contractor cannot restore or the restored land cannot meet the standards, the contractor will be required to pay the land restoration fee to the government and the LRB will be responsible</p>	In line with PRC regulations.

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
		to restore the land.	
<b>Structure demolition</b>	Owner of Rural Houses	<ul style="list-style-type: none"> <li>a. For rural houses to be demolished, compensation will be set at replacement value, based on analysis of material costs for a replacement structure in each subproject area by a qualified appraiser. The compensation for various attachments, infrastructure facilities, transition subsidy and moving allowance will be set in accordance with the related laws and regulations.</li> <li>b. For each relocated household, the village will provide a replacement housing plot funded by the Project, which will be connected with roads, water supply and electricity. For those villages with no possibility of allocation of housing plot, relocation apartments will be provided. If AHs prefer to get cash compensation, the compensation for housing plots/relocation apartments will be paid to them.</li> <li>c. If the land is leased, the compensation for land will be paid to the owner of the land, and the compensation for structures will be paid to the owner of the houses.</li> </ul>	In line with PRC regulations.

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
	Owner of Urban Houses	<ul style="list-style-type: none"> <li>a. For demolished urban houses, compensation will be set at the market value based on appraisal. The compensation for various attachments, infrastructure facilities, transition subsidy and moving allowance will be set in accordance with the related laws and regulations.</li> <li>b. The relocated urban households will be provided with two rehabilitation options. One is to provide replacement apartment housing with better quality and similar sizes. The other option is to provide cash compensation at replacement value so APs can purchase available units on the market.</li> <li>c. For renters of houses, they will be informed of house demolition in advance. If requested, the local government will assist them to find another place to rent new houses before house demolition.</li> </ul>	In line with PRC regulations.
	Owners or users of non-residential structures	<ul style="list-style-type: none"> <li>a. For owners of non-residential structures, such as enterprises, institutions, and shops, compensation will be set at the replacement value, based on an analysis of material costs in the subproject area, plus land value if located in urban planning areas.</li> <li>b. For those enterprises that remain in their current locations with relatively minor impacts, they will make their own arrangements to build any replacement buildings based on cash compensation received. For those enterprises that need to be relocated, at their request, the local government will assist them to identify an alternative site in accordance with the urban land use plan.</li> <li>c. In terms of compensation for equipment</li> </ul>	In line with PRC regulations.

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
		<p>relocation, the moving allowance, and lost wages and income during the temporary interruption will be determined in accordance with actual costs. Equipment that is not movable will be compensated at replacement value.</p> <p>d. For small shop owners (registered and unregistered) that are affected by the Project, cash compensation will be provided based on replacement value of damaged assets, plus moving and transition allowances. Local government will assist them in finding good commercial areas to enable businesses to reestablish their business.</p> <p>e. Affected workers will be assisted by finding continued or new employment, either by the enterprises or by local government. The Local Labor and Social Security Bureau will provide job information to them.</p>	
	<p>Owners of unlicensed houses (built without certification/permit)</p>	<p>a. Compensation for non-land assets at replacement value if the APs meet the Program's cut-off date.</p> <p>b. Eligible for resettlement assistance similar to those who have licensed houses</p> <p>c. if the APs belong to the vulnerable groups and in need of housing, they will be assisted in securing affordable housing or low-rent housing*.</p>	<p>If an earlier cut-off date has been established by the Government, the Government's cut-off date will be followed provided that the following conditions are met:</p> <ul style="list-style-type: none"> <li>• Copy of Halt Notice for Land Acquisition and House Demolition/ pre-notice for Land Acquisition and House Demolition published,</li> <li>• Documents confirming dissemination of information (billboards, minutes of public meetings, letters to households, newspapers, websites, broadcast, etc), and</li> <li>• Confirmation from households that they were informed about the cut-off-date verbally and in writing</li> </ul>

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
			<p>As good practice, for households who are not eligible for compensation for houses at replacement value, the history or reason why the structure has no certification/license; and their socio-economic conditions and vulnerability will be assessed by the local government and concerned bureaus to determine the necessary assistance that can be provided to them to ensure that they will be able to restore or will not be worse-off because of the Program.</p> <p><i>*According to the Regulations to Solve the Housing Difficulties for the Low Income HHs issued by State Council [GF 2007, No 24], affordable housing and low-rent housing should be provided to the households who have housing difficulties. HHs affected by HD can apply for affordable housing and low-rent housing.</i></p>
<p><b>Loss of ground attachments</b> (Green crops, economic trees and other ancillary facilities (wells, drying grounds, etc.) caused by permanent or temporary land occupation)</p>	<p>Property/ asset owner (whether having legal title to land or not)</p>	<p>Collective and individual assets will be compensated at replacement cost or reconstructed in accordance with the "original function, the original scale and standards", and the costs will be included in the project cost and paid by contractor directly to the property/asset owner.</p>	<p>In line with PRC regulations.</p>
<p><b>Damage to public infrastructure</b> (electricity, water lines, irrigation, drainage, roads)</p>	<p>Owner or in charge departments</p>	<p>a. All the common facilities affected by the Project shall be rehabilitated and rebuilt according to the actual conditions affected by the Project, the original standard, scale and function, and the new requirements. The compensation funds shall be planned according to the rehabilitation plan, and</p>	<p>In line with PRC regulations.</p>

Type of Impact	Affected Person	Compensation Policies and Entitlements	Additional Notes
		<p>provided to the relevant public departments in charge of special facilities to organize the implementation. The compensation payable where public facilities are affected will be determined in accordance with the relevant regulations and estimates quota, with reference to the unit costs for similar subproject areas.</p>	
<p><b>Impact on ethnic groups, women and vulnerable households</b></p>	<p>Women-headed households and vulnerable households that are impacted by any of the above categories</p>	<ol style="list-style-type: none"> <li>a. Various assistance will be provided based on the situation of each household. For example, urgent cash assistance if the HHs have serious illness in addition to the subsidy paid under rural cooperative medical care system; cash or in-kind assistance for the women-headed HHs provided by the women's federation; priority given by the village committee to be included in the endowment insurance system for the landless farmers affected by LA.</li> <li>b. Provision of labor for house reconstruction.</li> <li>c. Priority to obtain relevant training and access to job opportunities in the area including project-related employment opportunities.</li> <li>d. Provision of affordable housing and low-rent housing.</li> <li>e. Depending on the history and circumstances of each household, other assistance may be provided</li> </ol>	<p>In line with PRC regulations.</p> <p>Those being ethnic minority, and women-headed-households requires greater in-depth assessment during DMS to determine their vulnerability factor and if some are already part of the Five-Guarantee HH or MSL.</p> <p>Those who are not considered as vulnerable groups as per definition but may become at risk of being vulnerable or experience hardship due to impacts of LA/HD; i.e., may need special support during the transition period (eg during relocation such as labor, transport ) will also be identified and will be provided with necessary assistance.</p>

### III. SCREENING AND PREPARATION OF RESETTLEMENT PLANNING DOCUMENTS

#### A. Screening of Subproject

10. For all of the Guangxi Modern TVET Development Demonstration Program subprojects, the Guangxi Program Management Office (GPMO) will coordinate with the local Land Resource Bureau (LRB) and House Demolition Office (HDO) to screen all subproject facilities early to identify past and potential IR impacts. The screening checklist is in **Appendix 2**.

11. The proposed subproject will be classified as one of the following categories: category A (with significant involuntary resettlement impacts); category B (with less significant resettlement impacts), and category C (with no impacts). Category A subproject will be excluded for ADB's financing. Table 3 is the resettlement safeguard categories and the required actions.

**Table 3: Resettlement Safeguard Categories and Required Actions**

Category	Description	Action
A	A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	Category A project is excluded from ADB financing as agreed between ADB and PMO.
B	A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant.	Prepare the improved 1-book-4-plan/Compensation and Relocation Plan
C	A proposed project is classified as category C if it has no involuntary resettlement impacts	No action needed.

#### B. Due Diligence for Subprojects with prior IR Impacts

12. In case of subprojects with prior land acquisition or involuntary resettlement, the GPMO will conduct due diligence to determine if there are any outstanding compensation or resettlement issues, or unresolved grievances. If there are any outstanding involuntary resettlement issues, the GPMO will report these to ADB including proposed actions to address the outstanding issues for review and consideration. ADB will decide if the proposed subproject can be financed under the loan. Template for DDR is attached as Appendix 3.

### C. Preparation of Improved 1-Book-4-Plan /Compensation and Relocation Plan

13. If the program screening indicates that the IR is triggered as Category B subproject, an improved 1-Book-4-Plan/Compensation and Relocation Plan will be prepared.

14. At present, local LRB prepares “1-book-and-4-plans” (referred to 1B4P) and submits it to the provincial land resource department for approval. The 1-book-and-4-plans include:

- “Submission Instruction Book for Land Using of Construction Project” which describes the name of the project, total land area, area of farmland and unused land to be transferred to construction land and land using status.
- Plan of Transferring Farmland” which describes how much farmland needs to be transferred to construction land, if the transfer complies with the local general land using plan, and how much quota (in China, each city each year has quota to transfer farmland to construction land) will be used for the project. (Referred to as P1 in Table 4 below);
- “Plan of Replacement of Cultivated Land” which describes how to replace the cultivated land to be acquired; (Referred to as P2 in Table 4 below);
- “Land Acquisition Plan” which includes the name of the affected townships/villages, area of different types of land, ownership (collective/state-owned), applied policies, compensation rates and total cost, number of affected farmers, number of farmers need to be resettled (acquired area/per capita land holding), and the resettlement options applied (cash, agricultural resettlement, social insurance, allocation of reserved land, etc.) (Referred to as P3 in Table 4 below);; and
- “Plan of Provision of Land” which mainly presents the type of providing land (free allocation or granting of land) to the project. (Referred to as P4 in Table 4 below);

15. For house demolition on the state-owned land/collective land<sup>1</sup>, local HDO prepares the “Compensation and Relocation Plan” (CARP), which includes:

- Area to be demolished;
- Number of affected households;
- Applied laws/regulations/policies;
- Compensation rates for different structures, transition subsidies, moving allowance, etc;
- Arrangements during transition period;
- Options for relocation (cash compensation/replacement housing);
- Compensation for business loss;
- Procedures for house demolition;
- Institutional arrangements;
- Contact information of the agency which redress complaints

16. The table 4 below presents the comparison between the Resettlement Plan as per ADB SPS and the 1-Book-4-Plan/ Compensation and Relocation Plan as per PRC laws and regulations, and actions needed to fill in the gaps.

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<sup>1</sup> According to the *Notice of Supervision of Further Regularize Land Acquisition and House Demolition* issued by general office of CPC Central Commission for Discipline Inspection and Ministry of Supervision on 7 March 2011, house demolition on collective land needs to follow the principles of *Demolition and Compensation of the Housing on the State-owned Land (Decree 590 of State Council, (effective from January 21, 2011).*

Table 4: Comparison and Actions to Improve the 1B4P and CARP

Resettlement Plan	1-book-4-Plan					Actions to Improve 1-Book-4-Plan	Actions to Improve Compensation and Relocation Plan
	Book	P1	P2	P3	P4		
Project Description	<input checked="" type="checkbox"/>	No action needed.	No action needed.				
Scope Of Land Acquisition And Resettlement				<input checked="" type="checkbox"/>		No action needed. The Land Acquisition Plan covers results of detailed measurement survey:  (a) ownership, type, area of the land; (b) ownership (collective/state-owned) of the land; (c) ownership, type, quantity of the ground attachments, (d) the per capita land holding after LA (e) number of affected farmers.	No action needed.  Result of DMS include area to be demolished (ownership, location, use, floor areas); Number of affected households;
Socio-Economic Conditions						No information.  Therefore, basic information on the affected households will be collected to assess impacts <ul style="list-style-type: none"> <li>• Household size,</li> <li>• Age</li> <li>• Gender (especially of the head of household),</li> <li>• Ethnicity,</li> <li>• Source of Income,</li> <li>• Household income, and</li> <li>• Vulnerability as defined by Govt (5-Guarantee and MSL HH)</li> </ul> <b>Action 1: A form will be prepared. See Chapter IV</b>	No information.  Therefore, basic information on the affected households will be collected to assess impacts <ul style="list-style-type: none"> <li>• Household size,</li> <li>• Age</li> <li>• Gender (especially of the head of household),</li> <li>• Ethnicity,</li> <li>• Source of Income</li> <li>• Household income, and</li> <li>• Vulnerability as defined by Government (5-Guarantee and MSL HH)</li> </ul> <b>Action 1: A form will be prepared See Chapter IV</b>
Information Disclosure, Consultation And Participation						These activities are carried out but not part of the document.  Improved by proper documentation of the process. <b>Action 2: A form will be prepared See Chapter IV</b>	These activities are carried out but not part of the document.  Improved by proper documentation of the process. <b>Action 2: A form will be prepared See Chapter IV.</b>

Resettlement Plan	1-book-4-Plan				Actions to Improve 1-Book-4-Plan	Actions to Improve Compensation and Relocation Plan
Grievance Redress Mechanism					<p>These activities are carried out but not part of the document.</p> <p>Improved by proper documentation of the process.</p> <p><b>Action 3: A form will be prepared. See Chapter IV</b></p>	<p>These activities are carried out but not part of the document.</p> <p>Improved by proper documentation of the process.</p> <p><b>Action 3: A form will be prepared. See Chapter IV</b></p>
Legal Framework				<input checked="" type="checkbox"/>	<p>No action needed. The Land Acquisition Plan already includes the applied policies</p>	<p>No action needed. The Compensation and Relocation Plan already includes the applied policies</p>
Entitlements				<input checked="" type="checkbox"/>	<p>No action needed. The Land Acquisition Plan already includes the applied policies</p>	<p>No action needed. The Compensation and Relocation Plan already includes the applied policies</p>
Relocation Of Housing And Settlements						<p>No action needed Compensation and Relocation Plan includes:</p> <ul style="list-style-type: none"> <li>• Compensation rates for different structures, transition subsidies, moving allowance, etc;</li> <li>• Arrangements during transition period;</li> <li>• Options for relocation (cash compensation/replace ment housing);</li> <li>• Compensation for business loss;</li> <li>• Procedures for house demolition;</li> </ul>
Income Restoration And Rehabilitation				<input checked="" type="checkbox"/>	<p>No action needed.</p> <p>The Land Acquisition Plan already includes the resettlement options applied (cash, agricultural resettlement, social insurance, allocation of reserved land, etc.)</p>	<p>No action needed.</p> <p>Households doing business will be provided assistance as stated above</p>
Resettlement Budget And Financing Plan				<input checked="" type="checkbox"/>	<p>No action needed. The Land Acquisition Plan already includes compensation rates and total cost</p>	<p>No action needed.</p> <p>Before house demolition, the HD office will prepare the budget.</p>
Institutional Arrangements					<p>LRB is responsible for land acquisition.</p> <p>Other agencies are</p>	<p>HD office is responsible for house demolition.</p> <p>Other agencies are</p>

Resettlement Plan	1-book-4-Plan				Actions to Improve 1-Book-4-Plan	Actions to Improve Compensation and Relocation Plan
					convened to provide support (e.g, civil affairs bureau for poor households, Labor and Social Security Bureau for the employment, Health Bureau for the sick and disabled, women's affairs for women concerns. Village leaders also play a key role in determining the poor and vulnerable HHs For this Program, institutional arrangement is presented in chapter VII.	convened to provide support (e.g, civil affairs bureau for poor households, Labor and Social Security Bureau for the employment, Health Bureau for the sick and disabled, women's affairs for women concerns. Village leaders also play a key role in determining the poor and vulnerable HHs  For this Program, institutional arrangement is presented in chapter VII.
Implementation Schedule					No action needed.  LA notice sets the key time framework.	No action needed.  HD notice sets the key time framework.
Monitoring And Reporting					There is supervision done by LRB and from the Audit Bureau but only focused on compensation  <b>Action 4: Improve coordination and monitoring.</b>  See Chapter VII and X.	There is supervision done by HD and from the Audit Bureau but only focused on compensation  <b>Action 4: Improve coordination and monitoring.</b>  See Chapter VII and X.

#### IV. Actions to Improve the 1B4P and CARP

##### A. Action 1: Determining the Socio Economic Condition of the APs

17. Together with the DMS, local TVET school will collect basic socio-economic information of the APs. The village committee/community committee will assist to identify the vulnerable groups. Local civil affairs bureau and other related agencies will check the name list.

18. A template has been prepared (See Appendix 4) to guide the concerned villages and bureaus in obtaining the information. The template will be attached as an Appendix to the existing 1-Book-4-Plan/ Compensation and Relocation Plan of the local government.

19. As mentioned in the earlier Chapters, vulnerable households (men, women, ethnic groups) are defined as those who belong to the Five-Guarantee program, the elderly, weak, widowed and disabled members who are unable to work and have no means of living, or whose households lack labor who are being provided with production and living assistance (e.g. food, clothing, fuel, education and burial expenses) and those eligible for the Minimum Living Guarantee System are provided with living subsidy each month. Those who are not considered as vulnerable groups as per definition and may become at risk of being vulnerable due to impacts of LA/HD or may need special support during the transition period

(eg during relocation such as labor, transport) will also be identified and will be provided with necessary assistance.

20. An external monitor will also be engaged to conduct baseline survey to monitor the pre and post condition of the APs. External monitoring is further discussed in Chapter X.

### **B. Action 2: Documentation of Information Disclosure, Consultation and Participation**

21. In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various types of APs and other stakeholders will be consulted through group discussions, meetings and individual interviews by LRB/HDO. The opinions of the stakeholders and their perceptions will be obtained during these consultations and the table 6 will document these and explain how APs' concerns have been addressed. Before land acquisition and house demolition, table 2 of appendix 4 will be filled in by the TVET school with information provided by LRB/HDO as appendix to the existed 1-Book-4-Plan/ Compensation and Relocation Plan. During land acquisition and resettlement, the table will be also filled in for the internal monitoring report. Any related photos, videos and meeting notes will be kept record.

### **C. Action 3: Documentation of Grievance Redress Mechanism**

22. There is an existing grievance redress mechanism as per Government laws and regulations. However, it is not part of the 1B4P and CARP documents. To improve the documents, grievances will be properly documented during the process.

23. **Existing Grievance Redress Mechanism.** An existing grievance redress mechanism (GRM) will receive, manage and address any social issues which may arise due to the program. The purpose of this procedure is to provide a mutually satisfactory means for rapid response to any AP's complaint, to avoid any likelihood of a complicated legal procedure. The detailed procedures are as follows:

- a. If any AP has grievance, he/she can voice his/her complaint to the village or residential committee. The village or residential committee should keep records, and provide a reply to the AP within 10 working days.
- b. If the AP is not satisfied with the reply, he/she can appeal to the township or sub-district government, which will take records, and provide a resolution to the AP within 10 working days.
- c. If the AP still does not accept the proposed resolution, then he/she can appeal directly to the LRB/HDO, which should make a record of any appeal and provide a resolution within 10 working days.
- d. If the dispute still cannot be resolved, then the AP can appeal to the GPMO. GPMO will facilitate and coordinate with local government. The GPMO is responsible for keeping records of all appeals, and the resultant resolutions.

24. APs also have the right to use alternative channels at any time: (i) go through an administrative appeal according to the *Administrative Procedure Law of PRC*, or (ii) go directly to the People's Court.

25. **GRM Documentation.** The GRM tracking system by the GPMO will include the following elements: (i) tracking forms and procedures for gathering information from project personnel and complainant(s); (ii) regular updating of the GRM database by the Resettlement Coordinator in the GPMO; and (iii) a simple but effective filing system, so that data can be retrieved for reporting purposes.

26. A GRM Reporting Form (See Appendix 4) will be provided to the TVET School which will then be distributed to the concerned villages, LRB and HDO during preparation of the 1B4P/CARP. The forms will be filled in by the village committees/HRB/LDO to document and track the grievances/complaints/requests received and resolutions made by their respective offices. The TVET school will regularly obtain the information and input them in the GRM tracking system of the GPMP

27. Alternatively, the aggrieved person(s) may submit a complaint to the ADB's Project Team to try to resolve the problem. If good faith efforts are still unsuccessful, they may submit their complaint to ADB's Accountability Mechanism (2012).<sup>2</sup> The first step requires good faith efforts to resolve the problem with the ADB Project Team.

28. The resettlement external monitor will record any grievances and concerns raised by the affected households during monitoring. The concerns and issues raised, external monitor's assessment of each case, and recommendations proposed by the external monitor will be reflected in the external monitoring report.

## **V. Relocation and Rehabilitation Strategy**

29. As indicated in the entitlement matrix, households affected by house demolition will participate in identifying and selecting options to either move to apartments or land plots offered by the district or to receive cash compensation and make their own arrangements for relocation. In the case of affected businesses, they will be assisted to find strategic locations. The socio-economic situation and vulnerability of affected households will be looked into to determine the necessary assistance to be provided to them, for example, the local government will offer low-rent or affordable housing.

30. On livelihood support, the Project will facilitate and assist in tapping various agencies to provide the necessary awareness and training, and also providing access to job opportunities, including jobs created during construction to all affected households, especially those who belong to the vulnerable groups.

31. Monitoring of these activities are presented in Chapter X.

## **VI. Ethnicity and Gender Strategy**

32. The Program will pay adequate attention to ethnicity and gender concerns, including specific measures addressing the needs of the vulnerable, culturally and gender-inclusive consultation, information disclosure, and grievance redress mechanisms, to ensure that both men and women and ethnic groups receive adequate and appropriate compensation for their affected assets and assistance. Other measures include separate meetings with women and ethnic groups and use of ethnic languages as appropriate to ensure the meaningful participation; special attention will be paid to the needs of the vulnerable in relocation and livelihood development; and sex-disaggregated data will be incorporated in consultation records, participation in relocation and rehabilitation strategy as well as monitoring and evaluation.

33. Monitoring of ethnic and gender concerns are discussed detail in Chapter X.

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<sup>2</sup> <http://www.adb.org/Accountability-Mechanism/default.asp>.

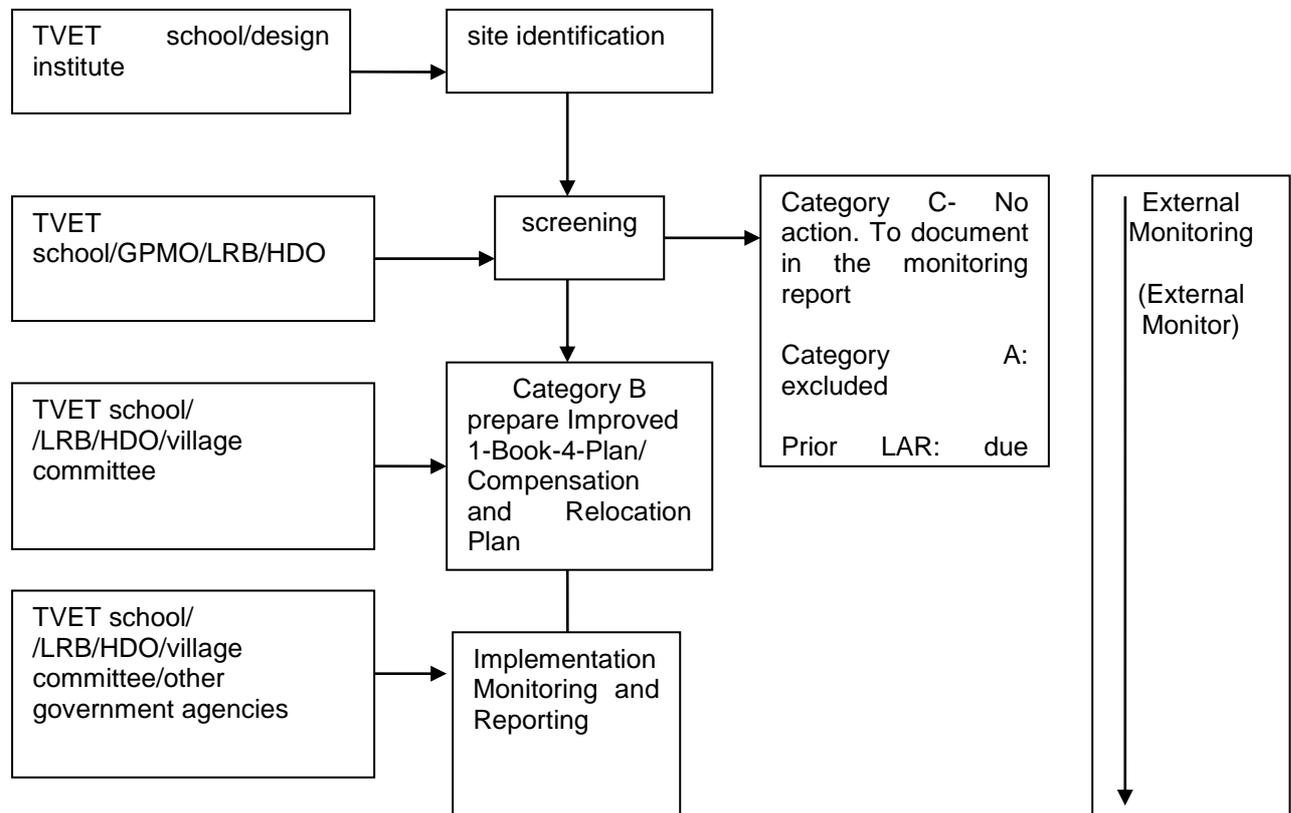
## VII. INSTITUTIONAL ARRANGEMENTS

### A. Key Institutions

34. The GPMO will be responsible for management of the overall investment program implementation including resettlement. The GPMO will assign a staff to act as resettlement coordinator on resettlement activities, prepare monitoring reports, and maintain a resettlement database. Since GPMO has limited experience on resettlement, especially ADB SPS policies and requirements, a resettlement consultant will be engaged to provide support and capacity building to the GPMO.<sup>3</sup>

35. Other key institutions involved in resettlement planning and implementation are the (i) TVET School for each subproject; (ii) Country/District LRB/HDO; and (iii) Village/Community Committees. Figure 1 presents the institutional arrangements.

Figure 1 Institutional Arrangements



<sup>3</sup> There is a separate CDTA for the program to provide support. This includes engagement of resettlement consultant to provide guidance and support during screening, planning, and implementation. The resettlement consultant will also be tasked to provide training to GPMO

## **B. Resettlement responsibilities of the Institutions**

### **36. GPMO. The roles and responsibilities include**

- organize related training on ADB's IR policies
- screen the IR impacts
- conduct due diligence for prior land acquisition and resettlement and coordinate with the local government in developing corrective action plan
- coordinate with the LRB/HDO at all levels to provide all the necessary LAR information
- set-up resettlement database
- set-up GRM tracking system
- engage the external monitoring agency
- prepare the semi-annual internal monitoring and evaluation reports based on the information provided by local TVET school, LRB, HDO and other concerned organizations (civil affairs, labor and social security bureau, all women's federation, village leaders, etc.)

### **37. TVET school for each subproject.** Its main duties are to coordinate with the related agencies (LRB, HDO, etc), and report regularly to the GPMO. A resettlement staff will be assigned.

- coordinate with the LRB/HDO to get the information and assist the GPMO to screen and the IR impacts and conduct the due diligence
- fill in the tables of appendix 2 of this RF and submit the improved 1-Book-4-Plan/ Compensation and Relocation Plan to GPMO
- During LAR, closely monitor the implementation and coordinate with the LRB/HDO to collect information for the internal monitoring report
- File all approval documents related to LAR

### **38. County/District LRB and HDO** are the key agencies for implementation of LAR.

- Conduct DMS, consultation, information disclosure
- prepare the 1-Book-4-Plan/ Compensation and Relocation Plan before LAR and share with TVET school;
- documentation of the information disclosure, participation and GRM and share with TVET school;
- provide the information for the monitoring and evaluation reports to TVET school.

### **39. Village/Community Committee** play a key role in LA/HD since they are aware of the history and socio-economic situation of the affected residents.

- Participate in the DMS
- assist the LRB/HDO to conduct consultation, information disclosure, negotiation and GRM
- reallocate housing sites and contracted land after land acquisition and house demolition
- provide information on the affected vulnerable groups or those who may become vulnerable
- organize village meetings to discuss the compensation rates, restoration and relocation plan
- documentation of the information disclosure, participation and GRM and share with TVET school

40. Other Agencies. Apart from the key players above, other agencies will also be requested to support the program based on their specific roles and responsibilities:

- a) Civil Affairs responsible for identification Five-Guarantee and those eligible for the Minimum Living Guarantee System
- b) Women's Federation for cash or in-kind assistance to the women-headed HHs
- c) Health Bureau responsible for urgent assistance if the HHs have serious illness
- d) Construction and Housing Bureau responsible for affordable housing and low-rent housing to vulnerable groups; approval of the house relocation plan;
- e) Labor and Social Security responsible for endowment insurance system for the landless farmers, provide relevant training and access to job opportunities in the area including project-related employment opportunities

## **VIII. IMPLEMENTATION SCHEDULE**

41. According to the implementation schedule of the program, the subproject will be constructed from June 2018 to December 2022. In order that the resettlement schedule is coordinated with the construction schedule, the improved 1B4P and CARP will be prepared and implemented in 2018 and 2019, and the post-resettlement evaluation will be conducted in 2020. The basic principles for resettlement implementation are as follows:

- LA and HD should be completed at least 1 month prior to the commencement of construction
- All compensation fees will be paid to the affected persons/entities directly and fully.
- The contractor will commence construction in certain areas where land has been acquired, the AHs have received full compensation, cleared the land, and restoration measures are in place.

## **IX. BUDGET**

42. The TVET school of each subproject will bear all costs related to permanent land acquisition, house demolition, temporary land occupation and ground attachments compensation, if there are IR impacts. The cost evaluation and budget will be included in 1B4P and CARP documents and will specifically mention — cash or in-kind measures (e.g., replacement land, land adjustment, benefit sharing, etc.). All affected persons have rights to compensation, rehabilitation and other support measures if they are adversely impacted by loss of land, income or property assets.

43. Resettlement policies identified in the RF provide the basis for calculation of resettlement compensation and other costs. Resettlement compensation will be paid in full to the individual, entity or collective suffering from loss of land or other property. The basic principle is that fund flows will be as direct as possible, to minimize the coordination, arbitration and other intermediate links. The budget will include contingency expenses, to meet the needs of cost increase or unexpected resettlement expenses.

44. The costs for monitoring, supervision, grievance redress, reporting and engaging the external monitor will be borne by each TVET school as part of their subproject budget.

## X. MONITORING AND REPORTING

45. Both internal and external monitoring and evaluation of the resettlement implementation will be carried out to ensure all APs and communities are compensated adequately and timely, and that their lands, incomes and property assets are restored or adequately compensated in cash or kind as early as possible, in accordance with the RF.

### A. Internal Monitoring

46. The GPMO will be responsible for the internal resettlement monitoring activities. An outline of internal monitoring report is enclosed in **Appendix 5**. The internal monitoring will include the key information:

- Progress of LAR;
- Compensation money paid for land-occupancy and to the relocatees;
- Restoration measures of APs' income;
- Housing restoration;
- The allocation, disbursement, and use of resettlement compensation;
- Measures taken for vulnerable groups
- Information disclosing and participation activities
- Registration and handling of the APs' complaint and appeal .
- Implementation issues and proposed follow-up actions.

### B. External Monitoring

47. According to ADB's policies, one qualified, independent and experienced resettlement agency will be engaged as external resettlement monitor. A sample of TOR for external monitoring is presented as appendix 6.

48. The objectives of external monitoring are to:

- Verify resettlement implementation
- Evaluate the effectiveness, impacts and sustainability of LA, compensation and resettlement activities;
- Determine if such activities meet the safeguard policies and requirements as per RF;
- Draw on experience and lessons for future safeguard policy making and project planning.

Identify issues or potential issues and recommend time-bound recommendations to allow the PMO and relevant agencies to take action or improve resettlement implementation

49. The scope and Methodology of external monitoring will be carried out as follows:

- a. **Baseline survey.** The external monitor will conduct a baseline survey of households in the affected villages and village groups affected by land acquisition or by house demolition to obtain baseline data on the households' production level and standard of living. The same households who were interviewed as part of the baseline survey will be surveyed again after two years to track variations of the APs' production level and standard of living. The sample size will be 20% of the households affected by land acquisition and 20% of households affected by house demolition. For vulnerable households, coverage will be 100%
- b. In addition to the survey, random interviews, field observations, small group meetings will be conducted. Separate meetings will be held with women and vulnerable groups.

- c. The external monitoring agency will attend some of the public consultation meetings held during resettlement implementation to evaluate the effectiveness of public participation

50. The M&E will cover the following:

- Payment and amount of compensation;
- Adequacy and effectiveness of consultation and participation;
- Preparation and adequacy of the resettlement site;
- House rebuilding;
- Relocation of the affected persons to new housing;
- Training of local official and livelihood training for APs;
- Support for vulnerable groups and improved living standards;
- Restoration and rebuilding of infrastructure and special facilities;
- Production and livelihood restoration measures;
- Relocation and/or rehabilitation of affected businesses or shops
- Compensation for lost properties and attachments;
- Compensation for lost work in affected businesses or shops;
- Payment and adequacy of transition subsidy;
- Timetables of the above activities (applicable at any time);
- Effectiveness of resettlement organizations;
- Effectiveness of GRM and complaint resolution;
- Use of compensation fees for collective land and income of APs;
- Income growth of households through income restoration measures; and
- Whether affected persons have benefited from the subproject.

51. Grievance Redress. The external monitor will visit the affected villages and groups periodically, and inquire with the agencies that accept grievances about how grievances have been handled. It will also meet complainants, assess the status of problem resolution. The external monitor's findings and assessment of complaints/grievances, including recommendations to address the complaints/grievances will be reflected in the external monitoring report.

52. Submission of External Monitoring Reports. The external monitor will submit monitoring or evaluation reports simultaneously to ADB and the GPMO on a semi-annual basis during resettlement implementation.

53. After completion of resettlement implementation, within 12 months, the external resettlement monitor will carry out post-evaluation to evaluate the program's resettlement activities on the basis resettlement objectives, and lessons learned. A Post-resettlement Evaluation Report will be submitted simultaneously to the PMO and ADB.

**Table 5: Resettlement M&E Schedule**

No.	Resettlement report	Time of survey	Submission date
1	Semiannual monitoring (including baseline survey report)	March 2018	April 2018
2	Semiannual monitoring	December 2018	January 2019
3	Semiannual monitoring	June 2019	July 2019
4	Semiannual monitoring	December 2019	January 2020
5	Annual monitoring	December 2020	January 2021
6	Annual monitoring	December 2021	January 2022
7	Completion report		December 2022

## **APPENDIX 1: Key Provisions of the PRC and Guangxi Laws and Regulations**

### **1. Document 28: State Council Decision to Deepen Reform and Strictly Enforce Land Administration, issued by State Council, October 2004**

54. Article 12: Improving land acquisition compensation practice. People's Governments at the county level and above shall adopt practical measures to ensure that the farmers whose land is acquired shall not be made worse off. It should be ensured that land compensation fees, resettlement subsidies and compensation for ground attachments and standing crops shall be provided in accordance to applicable laws and regulation in full and in time. If the land compensation fees and resettlement subsidies as stipulated by law still cannot be able to maintain the original standards of the land-losing farmers and are not adequate to cover the social insurance costs of the landless farmers, the provincial government shall approve an increase in the resettlement subsidies. If the sum of the land compensation fees and resettlement subsidies has reached the legal upper limit but still cannot maintain the original living standards of the farmers, the local government can provide additional subsidies with the use of revenues from the sales for the use of state land. The provincial government shall formulate and publicize the standard annual output or regional land prices for land acquisition in the cities and counties under the provincial jurisdiction. Land acquisition compensation shall be kept identical for identical quality of land in same locality. The full costs of land acquisition for national key development projects shall be included in the overall project budget.

55. Article 13: Properly resettling farmers whose land is acquired. People's Governments at the county level and above shall formulate concrete measures to guarantee the long-term livelihood of the farmers whose land is taken. The farmers shall be given stocks for land-taking projects that have stable revenues. In a prescribed urban zone, the local government shall place the farmers who are made landless because of land acquisition in the urban employment system, and set up a social insurance system for them. If the acquisition of collective land takes place outside the prescribed urban area, the local government shall set aside essential farmland within the administrative area or assign suitable jobs. Resettlement in distant areas should be considered for farmers who can no longer have adequate land to continue farming. The labor and social insurance departments shall cooperate with other relevant departments to provide guidance on the establishment of employment training and social insurance program for land-losing farmers.

### **2. PRC Land Administration Law**

56. The Land Administration Law of the PRC was passed at the 16th session of the Sixth Standing Committee Meeting of the National People's Congress on June 25, 1986. It was subsequently amended at the Fourth Session of the Ninth Standing Committee Meeting of the National People's Congress. The newly amended law was brought into force on January 1, 1999, according to the Decision on the Amendment to the Land Administration Law of the PRC that was adopted at the Fifth Session of the Seventh Standing Committee Meeting of the National People's Congress.

57. Article 47: Land acquired shall be compensated for on the basis of its original purpose of use.

58. Compensation for acquired cultivated land shall include compensation for land, resettlement subsidies and attachments and young crops on the acquired land. Compensation for acquisition of cultivated land shall be six (6) to ten (10) times the AAOV of the acquired land for three years preceding such acquisition. Resettlement subsidies for acquisition of cultivated land shall be calculated according to the agricultural population to be resettled. The agricultural population to be resettled shall be calculated by dividing the amount of acquired cultivated land by the average amount of the original cultivated land per person for the unit of the land is acquired. The standard resettlement subsidies to be divided among members of the agricultural population needing resettlement shall be four (4) to six (6) times the AAOV of the acquired cultivated land for three years preceding such acquisition. However, the highest resettlement subsidies for each hectare of the acquired cultivated land shall not exceed fifteen times its AAOV for the three years preceding such acquisition.

59. Standards of land compensation and resettlement subsidies for acquisition of other types of land shall be prescribed by provinces, autonomous regions and municipalities directly under the

Central Government with reference to the standards of compensation and resettlement subsidies for acquisition of cultivated land.

60. Standards for compensation of attachments and young crops on the acquired land shall be prescribed by provinces, autonomous regions and municipalities directly under the Central Government.

61. For acquisition of vegetable plots in city suburbs, the land users shall pay towards a development and construction fund for new vegetable plots in accordance with the relevant regulations of the State.

62. If land compensation and resettlement subsidies paid in accordance with the provisions of the second paragraph of this Article are still insufficient to help the farmers needing resettlement to maintain their original living standards, the resettlement subsidies may be increased upon approval by people's governments of provinces, autonomous regions and municipalities directly under the Central Government. However, the total land compensation and resettlement subsidies shall not exceed 30 times the AAOV of the acquired land for the three years preceding such acquisition unless approved and financed by local government.

### **3. Demolition and Compensation of the Housing on the State-owned Land**

63. Article 2 In order to meet the demands of public interests, for the house demolition from units and individuals on the state-owned land, the owner of the expropriated houses (hereinafter referred to as expropriate ) should be compensated fairly.

64. Article 4 The city and the county people's governments shall be responsible for the administrative divisions of the house demolition and compensation in their own administrative area.

65. Article 5 The house demolition departments can entrust the implementation unit to undertake the concrete work of house demolition and compensation, and the implementation unit cannot seek to make profit as its goal.

66. Article 7 Any organization or individual have the rights to report to relevant people's government, house demolition department and other relevant departments the behavior against the provisions of this regulation. The relevant people's government, house demolition department and other relevant departments that receive the report should check and deal with the report in time.

67. Article 8 In order to meet the public interests such as safeguarding the state security and promoting national economic and social development, the house demolition is definitely needed for any of the following conditions. Then the city or county people's government can make the decision of house demolition.

- a. the need of national defense and foreign affairs;
- b. the need of infrastructure construction for energy, transport, and water conservancy organized and implemented by the government;
- c. the need of public affairs for science and technology, education, culture, health, sports, environmental and resources protection, disaster prevention and mitigation, cultural relic protection, social welfare, and municipal utilities organized and implemented by the government.
- d. the need for low-income house organized and implemented by the government;
- e. the need for reconstruction of the dangerous houses and poor infrastructure district in accordance with the relevant provisions of the urban and rural planning organized and implemented by the government;
- f. the need for other public interests needs set by laws, administrative rules and regulations.

68. Article 10 The house demolition department makes an initial draft for demolition and compensation and submit to city or county people's government.

69. The city or county people's governments shall organize relevant departments to demonstrate and publish the demolition and compensation draft to ask for public opinion, the period of which should not be less than 30 days.

70. Article 12 Before the city or county people's government makes the decision of house demolition, the government should make a social stability risk assessment. If the amount of house demolition is large, it should be discussed and decided by the executive meeting of the government.

71. Before the decision of house demolition is made, the fund of demolition and compensation should be in full amount in place, be deposited in special account and used only for this purpose.

72. Article 13 After the decision of house demolition was made, the city or county people's government should announce it in time. The announcement should include the house demolition and compensation plan, the rights for the administrative reexamination and administrative proceedings and so on.

73. The city or county people's governments and the house demolition department should do well in propagating and explaining the house demolition and compensation.

74. The house is expropriated legally, at the same time, the use rights for state-owned land is also taken back.

75. Article 16 After the range of house demolition is determined, it is banned to newly build, expand, rebuild houses and to change the use of houses for more unreasonable compensation; no compensation will be paid to the implementation against the regulations.

76. The house demolition department should inform the relevant departments the above-mentioned behavior in written form to suspend relevant procedures. The written form should make the period of suspension clear, which should be no longer than one year.

77. Article 17 The compensation to expropriate by the city or county government that makes the decision of house demolition should include the following:

- a. Compensation for the value of expropriated house;
- b. The compensation for moving house and temporary shelters caused by house demolition;
- c. The compensation for production shut-down or business shut-down caused by house demolition.

78. The city or county people's government should formulate subsidies and incentive measures to subsidize and reward the expropriated household.

79. Article 19 The compensation of the expropriated house should not be lower than the market price of the similar house on the publish date of the house demolition decision. The value of expropriated house is decided by the qualified house evaluation organs according to the formulations of expropriated house evaluation.

80. Article 21 The expropriated household/entity can choose monetary compensation or choose house property right exchange.

81. Article 25 Based on the provisions of this regulation, the house demolition department and the expropriate sign compensation agreement on compensation method, compensation amount, payment period, the location and area of the house for property right exchange, moving fee, temporary relocation fee or temporary shelter house, production shut-down and business shut-down loss, time limit for removal, the transition way and transition period, and so on.

82. After the signing of the agreement, if one party does not fulfill the appointed obligation in the agreement, the other party can lodge a lawsuit according to law.

83. Article 26 If the house demolition department and the expropriate can not reach a compensation agreement during the signing period defined by the house demolition plan, or the

owner of the expropriated house is not clear, the house demolition department reports to the city or county people's government to make compensation decision and shall make public announcement in the house demolition range according to the provisions of this regulation and the house demolition plan.

84. The compensation decision should be fair, including the relevant compensation agreement in Item 1, Article 25 of this regulation.

85. If the expropriate refuses to accept the compensation decision, he can apply for administrative the administrative reexamination or lodge a lawsuit according to law.

86. Article 27 The implementation of house demolition shall compensate first and then move.

87. After the city or county people's government that makes the house demolition decision compensates the expropriated household/entity, the expropriated household/entity should finish moving within the deadline defined by the compensation agreement or compensation decision.

88. No unit or individual can force the expropriate to move by violence, threat or illegal ways such as cutting off water supply, heat supply, gas supply, power supply and traffic, and the construction unit is banned to take part in the removal activity.

89. Article 29 The house demolition department shall establish house demolition and compensation files according to laws, and publish compensation for each household for expropriate in the house demolition range.

#### **4. Implementation Method of Guangxi Zhuang Autonomous Region for Land Administration Law**

90. Article 7: The ownership of the state-owned and rural collective-owned land shall be determined by the Land Administration Law, the implementation regulation of the Land Administration Law and other laws and statutes.

91. Article 8: The rural collective-owned land is legally owned by the farmer's collectives and managed and administrated by the village collective economic bodies. If the village collective economic body is not complete, the villager committee shall manage and administrate the land. If the land in a village is owned by more than two rural collective economic bodies, each of the bodies or village group shall manage and administrate the land. If the land is owned by town/township, the rural collective economic bodies of the town or township shall manage and administer the land. If the rural collective economic body of the town or township is not complete, the town or township government shall manage and administer the land.

92. Article 21: Preparation of the yearly schedule of land use shall follow the following principle.

- a. strictly follow the overall land use plan and dominate the gross land size used for construction and protect the cultivated land.
- b. Guide the land demand by land supply, and rationally and effectively utilize the land.
- c. Preference of use of land shall be given to the key capital construction projects, and the projects supported by the state industrial policies of the region and state.
- d. Protect and improve the ecological environment and the sustainable use of the land resources.

93. Article 26: The following shall abide by in reclaiming new cultivated land in same size and quality of the cultivated land requisitioned for non-agricultural construction. (i) Within the land boundary for urban construction defined in the overall land use plan, the local city, county government shall be responsible for organizing reclamation for implementation of the planned urban construction; (ii) Within the land boundary for construction of village or town facilities defined in the overall land use plan, the town or township government shall be responsible for organizing the rural collective economic bodies or the land occupying organization to reclamation for implementation of the planned construction of village or town facilities; and (iii) For the cultivated land occupation for construction of power generating, transportation, water conservancy, mining and military facilities beyond the land

boundary for urban and rural construction defined in the overall land use plan, the land occupation organization shall be responsible for reclamation of new cultivated land.

94. Article 27: For the cultivated land occupied for non-agricultural construction, the organization or individual shall pay the reclamation fee if he has no means for reclamation.

95. Article 34: The land use organization and individual shall restore the destroyed land due to excavation, collapse and occupation during production and construction according to the State's and Regional stipulations concerning reclamation of land, and in 30 days of completing such reclamation, applies to the land administrative department of local municipality, county (city) government for inspection and acceptance. In case the land use organization or individual who has not means to conduct reclamation or whose such reclamation is not in compliance to the requirement in acceptance, he shall pay to the land administrative department of local municipality, county (city) government the land reclamation fee at a rate of CNY 20-80 per square meter. The said land administrative department shall organize the land reclamation.

96. Article 45: Each rural villager's household shall have only one piece of house plot. Construction of villager's residence shall be in compliance to the overall land use plan of the town/township, and shall be in combination of the reconstruction of the old village and take full advantages of the old house plot, idle land and waste land on hills within the village. Occupation of farmland shall be strictly limited. The area of approved new house plots shall observe the following criteria: (1) size of house plot in plain and suburban areas shall not exceed 100 square meters for each household; and (2) size of house plot in uplands and hilly areas shall not exceed 150 square meters for each household.

**5. Notification on Announcement for Average Annual Output Value for Land issued by Land Resource Department of Guangxi Zhuang Autonomous Region (effective from January 1, 2016)**

- a. Land acquisition approved by Guangxi Zhuang Autonomous Region and State Council should apply the new compensation standards.
- b. The integrated compensation consists of land compensation and resettlement subsidy. The compensation for standing crops and ground attachments, and social security fund is not included, and these 3 parts should be listed as separate expenditure.
- c. In addition to cash compensation, agricultural production resettlement, reemployment resettlement, using the land as share of the project and relocation resettlement can be applies. Skill training should be provided.

## APPENDIX 2: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Name of School: \_\_\_\_\_

Location: \_\_\_\_\_

Land Area Required: \_\_\_\_\_

Other Useful Information: \_\_\_\_\_

Land Acquisition and Resettlement Issues	Yes	No	Remarks
<b>A. For Projects with Prior Land Acquisition or Resettlement</b>			
1. Did the project require any permanent land acquisition or temporary land occupation? If yes, provide information on			Please determine the arrangements made by the local/provincial government on matters pertaining to land acquisition, compensation and resettlement and rehabilitation.  <i>If there are any outstanding involuntary resettlement issues, the PMO will report these to ADB together with proposed corrective actions. ADB will decide if the proposed subproject can be financed under the Program.</i>
– Name of village/s and county where project is located and from whom land was acquired			
– Total land area occupied by the project			
– Status of land acquisition for the facility/project			
– Information on status of payment of compensation			
– Type of land acquired (i.e. land classification prior to project construction)			
– Amount paid by the government agency to original land users for land and/or fixed assets			
– Name of local government agency who handled land acquisition and resettlement activities			
– Number of persons/households affected by land acquisition by the Government			
2. During the ground clearing works for the project, was there any			
– Demolition of residential houses and relocation of affected persons?			
– Demolition of commercial structures or any other structures?			
– Loss of businesses and other livelihoods?			
– Loss of crops and trees			
3. Are there any outstanding grievances or unpaid compensation?			
<b>B. For Projects with New/Additional Land Acquisition or Resettlement</b>			
1. Will the project require acquisition of collectively owned land, state-owned land or land held by community under traditional, customary and usufruct rights?			
2. Will access to common properties (e.g. burial grounds, community facilities, public grazing lands, forest, etc) be restricted by project activities?			
3. Will land acquisition result in loss of housing and/or affect other structures?			
4. Are there any non-titled people whose living arrangements and/or livelihoods will be affected by the project?			
5. Will there be loss of agricultural plots?			
6. Will there be losses of crops, trees, and fixed assets?			
7. Will there be loss of businesses or enterprises?			
8. Will there be loss of incomes and livelihoods?			
9. Will any social or economic activities be affected by land use-related changes?			

## APPENDIX 3: Suggested Outline for DDR

### I. Introduction

1. **Subproject Description.**
2. **Objectives and Scope of the Report.** *{Please describe the purpose/objectives of this report.}*
3. **Methodology.** *{Please describe the methodology for conducting the due diligence. Please also describe what activities were undertaken to complete the due diligence - this can be a review of relevant policies, national laws, interviews with representatives of local government agencies responsible for land, interviews with local people from the village collective from whom lands were acquired and conduct site inspection. Please attach a list of persons met/interviewed and all secondary documents reviewed.}*

### II. DUE DILIGENCE FINDINGS

4. **Scope of Land Acquisition and Resettlement Impacts.** *Please enumerate in matrix format all the subproject components requiring land acquisition, the amount of land required for each component. Provide information on whether acquisition of the land or right of way required any physical or economic displacement or affected any buildings or structures and required the payment of compensation. Please attach copies of pictures of the subproject site, maps of the subproject site showing the project and the locations of communities.*
5. **Applicable Laws and Regulations.** *Describe the national, provincial, prefectural laws, regulations, and policies related to land acquisition.*
6. **History of Land Acquisition and Resettlement.**
  - *Please discuss how the land was transferred from previous owners/users to the subproject.*
  - *Information on whether prior land acquisition required any physical displacement from housing or economic displacement from land. Please provide information on amount of compensation paid and how the compensation rate was negotiated with the village collective or land user households.*
  - *Please provide information on the year land was acquired and by whom, type of land acquired (whether state owned or collectively owned). If collectively owned, indicate land classification - is it agricultural land, commercial land, residential, cultivated dry land, irrigated land, or wasteland, etc.*
  - *Please indicate number of villages and farmers from whom the land was acquired, the amount of compensation paid for the land and whether the compensation has been paid; whether affected village collective is satisfied with the compensation, whether compensation amount is equivalent to replacement value.*
  - *Please provide information on options for relocation, arrangement during transition, progress of relocation of AHs;*
  - *Please attach copies of documents in English related to land ownership to show that the Project has legal tenure over the land.*
  - *Please describe the detailed consultation procedures for land including who are participants, where and when the consultation took place, what issues were discussed? Please attach the documents, photos.*
  - *Information on any outstanding issues, complaints or grievances related to land acquisition and the actions proposed to address these issues/grievances.*

### III. CONCLUSION

*{Please discuss whether (i) subprojects entailed any land acquisition, restricted access to land, relocation of housing or loss of livelihoods, crops, trees, etc.; (ii) all land acquisition and compensation complied with national laws; (iii) all mitigating measures implemented complied with ADB and national requirements; (iv) there is any outstanding non-compliance issue.}*

### IV. CORRECTIVE ACTION PLAN

*If the findings of the resettlement due diligence of subprojects identified any gaps in the entitlements of affected people as per national law and ADB's requirements, what are the corrective actions required to ensure compliance with the SPS. Please provide information on corrective actions, budget and timing of implementation.*

**APPENDIX 4: Tables for Improved 1-Book-4-Plans and Compensation and Relocation Plan**

**Appendix 4-1 Socio-Economic Information of Affected Households by Village/Community**

Name of School:	
Location (Name of Village, etc):	
Land Area Affected	In mu: _____

<b>Name of Affected Village/Community</b>	
<b>Total No. of Affected Households</b>	
<b>Affected Population</b>	
<b>Ethnicity (in percentage)</b>	Han (____%)
	Zhuang (____%)
	Others: _____ (____%)
	Others: _____ (____%)
<b>Source of Income of Village</b>	Main Source of Income: (i) _____ (ii) _____
	Other Sources of Income : (i) _____ (ii) _____
<b>Poor and Vulnerable HHs</b>	
Are there any households who fall under the 5-Guarantee HH?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, how many HHs are there?	Male- Headed HH: _____ (Of which, ____ MHHs belong to ____ ethnic group  Female-Headed Household: _____ (Of which, ____ FHHs belong to ____ ethnic group
Are there any households who fall under MSL HH?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, how many HHs are there?	Male- Headed HH: _____ (Of which, ____ MHHs belong to ____ ethnic group  Female-Headed Household: _____ (Of which, ____ FHHs belong to ____ ethnic group
<b>Other HHs that may Need Special Attention and Support</b>	
Are there households who do not belong to 5-Guarantee or MSLHH who may become at risk of being vulnerable or experience hardship due to impacts and may need special support during the transition period? (eg during relocation such as labor, transport ) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, why? _____ _____	
Please provide information on the number of HHs: Male- Headed HH: _____ (Of which, ____ MHHs belong to ____ ethnic group)  Female-Headed Household: _____ (Of which, ____ FHHs belong to ____ ethnic group)	
<b>Other information:</b>	

## Appendix 4-2 Documentation of Information Disclosure and Consultation

Reporting Period: \_\_\_\_\_ to \_\_\_\_\_

Name of School:	
Location:	
Name of Village/Community	

	Date	Location	Number of participants	Number of EM	Number of Female	Key issues discussed	Proposed actions	Material distributed	Remark
1									
2									
3									
4									
5									
6									

Additional Notes:

### Appendx 4-3: Documentation of Grievance Redress Mechanism

Reporting Period: \_\_\_\_\_ to \_\_\_\_\_

Name of School:	
Location:	
Name of Village/Community	

New Grievances Received this reporting period	See details as per table below
---	--------------------------------

#### Grievances Received during the Reporting Period

Number	Date of receiving the grievance	Name of the AP	Contact information (county/township/village /telephone number)	Agency which received the grievance	Nature of grievance	Proposed solution	If the AP is satisfied	Remarks

Additional Notes:

## APPENDIX 5: OUTLINE OF INTERNAL RESETTLEMENT

### Resettlement Monitoring Report

Reporting Period: \_\_\_\_\_ to \_\_\_\_\_

#### I. Preparation of Resettlement Documents

	No. of 1B4P prepared	CARP prepared	CAP prepared
Total No. of Documents required for the Program			
Total No. of Documents Prepared as of this monitoring period			

#### II. Improved 1B4P and CARP : Status of Implementation

School	Location	No. of AHs		LA Progress	HD	Is Implementation On Track Y/N*
		LA	HD	(In Percentage) e.g 100%	(In Percentage) 80%	
1						
2						
3						
4						
5						

\*Yes - If LA/HD is on schedule based on agencies time-frame. No – delay in payment, resettlement site development not yet completed so AHs cannot relocate.

#### III. Consultation and Disclosure

School	Location	No. of Consultations Carried out for monitoring period*	Notes
1			
2			
3			
4			
5			

\*If LA/HD implementation already completed. Please state. "Not applicable. LA/HD completed)

#### IV. Relocation and Rehabilitation Program

School	Location	Issues Identified	Notes
1			
2			
3			
4			
5			

\*If relocation/rehabilitation are already completed. Please state: "Not applicable. Completed"



## **APPENDIX 6: SAMPLE TERMS OF REFERENCE FOR THE EXTERNAL MONITOR**

### **A. Introduction**

1. Monitoring and evaluation will include, but will not be limited to, (i) the progress and effectiveness of the implementation of the LAR; and (ii) the evaluation of income restoration and post-resettlement conditions of the affected persons (APs) and affected communities, including host communities.

### **B. Objectives and Requirements of Monitoring and Evaluation**

2. The objectives of monitoring and evaluation are to assess whether the LAR is implemented on schedule and within budget and whether the goals and principles of the RF are achieved. Specifically, monitoring and evaluation will focus on the following aspects of the APs' situation and the resettlement process.

- Social and economic situation prior to and after land acquisition and/or resettlement;
- Timely disbursement of funds and compensation payments to APs;
- Measures taken to restore APs' income/livelihoods;
- Functioning of the grievance redress mechanism
- Social adaptability after resettlement, where required;
- Restoration of APs' incomes/livelihood, including vulnerable groups
- Special items related to the vulnerable groups;
- Condition and quality of land temporarily acquired when it is returned to the original land users;
- and,
- Living conditions and economic status of APs following resettlement in comparison to the "without project" scenario.

3. Monitoring and evaluation will include (i) the verification or establishment of a socio-economic baseline of the APs prior to actual land acquisition, physical displacement/relocation, loss of assets or disruption of businesses (as relevant); (ii) verification of internal monitoring data and reports; (iii) the regular monitoring of their house demolition and displacement/relocation to new housing (as relevant) and adjustment during subproject implementation; and (iv) evaluation of their situation for a period of two years after land acquisition or house displacement (as relevant). In addition, qualitative and quantitative evaluation will be made on the sustainability of living conditions of APs. Investigation will include consultations and observations with APs, IAs, local officials, village leaders, as well as a quantitative sample survey of at least 20% of affected households. Focus group discussions will be conducted with male and female APs, vulnerable groups and others.

4. If the findings of the M&E indicate significant compliance gaps, the external monitor will work with the GPMO to prepare a corrective action plan (CAP) in cooperation with the relevant stakeholders, to address pending issues. The external monitor will also monitor and report on the implementation of the CAP.

### **C. Monitoring Indicators**

5. Monitoring will include process, output and outcome indicators. The monitoring framework and formats stipulated in the RF will be adopted. The following general indicators should be covered where relevant.

- Disbursement of entitlements to APs and enterprises/businesses: compensation, relocation, housing, cultivated farmland, and employment.
- Provision of relocation options, progress of distribution of cash compensation/housing plots and relocation houses; the compensation for construction of houses should at least be replacement cost; the APs must receive their compensation prior to dispossession and other entitlements and allowances as stipulated in agreements.

- Development of economic productivity: re-allocation of cultivated land, land restoration, job opportunities available to APs, number of APs employed or unemployed as a result of the subproject.
- Standard of living: Throughout the implementation process, the trends in standards of living will be observed and the potential problems in the way of restoration of standards of living will be identified and reported. The Monitor will carry out a tracer survey of baseline AHs before and after the completion of resettlement implementation to document the standards of living and the conditions of the APs for 2 years.
- Restoration of public infrastructure: all necessary infrastructure should be restored at least up to a standard equal to the standard at the original location; the compensation for all infrastructure should be sufficient to reconstruct it to the same quality
- Resettlement sites. Land for resettlement sites should be acquired in a timely manner and public infrastructure provided prior to commencement of house construction. Long transition period should be avoided through good planning and scheduling of resettlement activities and house demolition.
- Effectiveness of resettlement planning. Adequacy of assets measurement, entitlements, sufficiency of budget, and timeliness of mitigation measures.
- Level of satisfaction of APs: level of satisfaction of APs with various aspects of the resettlement program; the effectiveness of the grievance redress mechanism will be reviewed and the speed and results of grievance redress measures will be monitored.
- Social adaptability of vulnerable groups: impacts on children, ethnic minorities and other vulnerable groups, public participation, APs' attitudes and reaction to post resettlement situation, implementation of preferential policies, income restoration measures, and improvements in women's status in villages.
- Other impacts. The monitor will verify if there are unintended impacts on employment and incomes.

#### **D. Special Considerations**

6. Special attention will be paid to women, ethnic minorities, as well as the poor and other vulnerable groups during monitoring; these include:

- The status and roles of women: Closely monitor any change in women's status, function and situations. At least 40% of APs surveyed will be women.
- Differential impacts on ethnic minority groups. Closely monitor their socioeconomic status to ensure that they have not been marginalized. Monitoring indicators should be disaggregated by gender, income level and ethnicity.
- Care and attention to vulnerable groups: Closely monitor living conditions of the poor, the elderly, persons with disability, other vulnerable groups after resettlement, to ensure that their livelihood and/or living condition is improved.
- Monitoring and evaluation will provide information on the utilization and adequacy of resettlement funds.