

*Ministry of Agriculture – World bank 『Climate Smart
Agriculture』*

Resettlement Policy Framework

Contents

1. Project overview	3
2. Project impact.....	3
3. Objectives and principles of resettlement.....	4
4. Preparing and approving of the resettlement plans.....	6
5. Legal framework.....	7
6. Principles and standard of resettlement compensation	8
7. Organization structure.....	11
8. Resettlement plan.....	11
9. Grievance procedures	11
10. Public participation and consultation.....	12
11. Monitoring.....	13

1. Project overview

The project is a demonstration project which implemented by Ministry of China and funded by GEF of Word Bank. The object of the project is energy-conservation and lowing-emission in the process of crop production and improving the crop adaptability of climate change through effective technology demonstration and promotion, at same time, increasing the climate smart agriculture productivity through capacity building, knowledge management, monitoring and evaluation. The implement period of the project is 5 years, from January, 2015 to October, 2019.

The total fund of the project is 3143 U.S., of which the fund of GEF is 510 U.S., the rest is government counterpart funding. The project will implement in Huaiyuan County of Anhui Province and Yexian County of Henan Province, covering 4 townships, 40 administrative villages and including 19774 households and a population of 85238 people.

2. Project impact

The main intervening measures of the project are: achieve the goal of agriculture greenhouse gas low-emission through demonstration of main agriculture input reduction and soil carbon sequestration technology; increasing the adaptability for nature disaster and productivity through the improvement of comprehensive prevention and control technology of diseases, insect pests and weeds. Therefore, the large construction project is not going to be involved.

However, certain area land may be involved during the demonstration and application of carbon sequestration technology, and in the project activities which need install some equipment. So, the resettlement policy frame work is made to offer complete policy and law support and minimize all resettlement-related adverse impacts. If there is any problem related to land acquisition and resettlement, this

framework is going to be the guide for resettlement and implementation.

3.Objectives and principles of resettlement

The project construction involved involuntary displaced persons should follow the basic principles of resettlement policy framework to avoid or minimize the construction of resettlement project. As long as the effect of the land requisition and demolishing is conformed, the resettlement plan will be complied on the base of this framework.

The objective of the policy framework is to ensure that all the displaced persons will get rational compensation and necessary aid to improve and at least rehabilitate their production, income and living standard.

The definition of the affect person (displaced persons) in this framework is:

“Displaced persons” refers to all the people who, on account of the activities listed above, would have their (1) standard of living adversely affected ; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons.

World Bank’s OP/BP.12 establishes key principles to be followed in resettlement planning and implementation. The principle is as flows:

- a. Implement of the resettlement should be conducted on the base of social economic investigation and survey, combined with statistic data, local and national policy related to land requisition and demolishing, and business policy OP/BP.12 of World Bank;
- b. Optimizing project design and minimizing the adverse effect of land requisition and demolishing. Keep far away from the population center, avoid or minimize the unwilling displaced persons. Take various

- convenience-for-people measures and apply the construction scheme minimizing the interference of household;
- c. The compensation and resettlement for unwilling displaced person should be as an important component of the project construction. Offering enough funds for the displaced person in time and making them fully benefit from the process of project activities, service and relevant facilities construction;
 - d. Ensure that all the displaced person will get compensation prior to the implementation of the project and offer rational living location and effective production rehabilitation for them. Offering subsidies and support, and solve the temporary difficulty for them;
 - e. Make sure that the rehabilitation of productivity and income be maintained or improved after land requisition and demolishing;
 - f. Compensation rates established in resettlement plants refer to amounts to be paid in full to the individual or collective owner of the lost asset, without depreciation or deduction for any purpose;
 - g. Providing various source for the displaced person to select, including material and cash;
 - h. The displaced person will get compensation during transition or removal course;
 - i. Offering relocate subsidy and allowance to the non-local organization due to the loss of production and termination of business;
 - j. Grant sound care for the vulnerable groups and help them for temporary house selection and relocation;
 - k. Providing compensation for the infrastructure owner which will be used for relocation and infrastructure rehabilitation;
 - l. Providing reasonable for loss of land requisition;
 - m. According to the progress, various expenses should be paid in three months after the compensation for land requisition and resettlement is approved. And the land could be used for project construction only after the

- expenses are paid;
- n. Encouraging the displaced person to participate in process of resettlement plan compilation and of resettlement implementation; soliciting opinions and suggestions from the displaced person; propagandizing and publicizing resettlement policy, compensation standard and measures for resettlement;
 - o. Pay attention to the complaint and appeal of the displaced person and help them solve the problem and inconvenience related to land requisition and relocation. As for the complaint for compensating standard, it should be solved through negotiation, and if it still can't reach consensus, this may be solved by arbitration or accusatory;
 - p. The organizations in charge of resettlement work should strengthen coordination and cooperation, and training for the relevant staffs working for resettlement;
 - q. During the implementation of resettlement, any important changes, including demolishing compensation rate, the location of requisitioned land, new project etc. should report to the project office of the Ministry of Agriculture and project group of World Bank.

4.Preparing and approving of the resettlement plans

All the engineering project and relocation sites should be compiled and implemented procedures as follows:

- a. Prepare for the necessary resettlement plan after the preliminary design of the project;
- b. The brief resettlement plans should be submit to the office of project of Ministry of Agriculture and project group of Word Bank and it couldn't carry out resettlement work before the agreement of them;

- c. The project owner, the project office of the Ministry of Agriculture and Word Bank should be in construction site, examining the performance of resettlement. The project construction owner should coordinate and assist the above organization. If any problems occur during the implement of resettlement work, the project owner should take remedial measures immediately under the requirement of the project office of Ministry of Agriculture and project group of Word bank. If the problem could not be solved timely and effective after trying, the implement of the project will be suspended or discontinue.
- d. According to the policy framework, the resettlement should include:
 - A. A census survey of impact of displaced persons and valuation of impact factors.
 - B. Description of compensation and other resettlement assistance to be provided.
 - C. Asking displaced persons for the alternative solution.
 - D. Organization of resettlement and grievance procedures.
 - E. Arrangements for monitoring and implementation.
 - F. Timetable and budget.

5. Legal framework

The construction project and site of resettlement should follow the following relevant state laws and regulations:

- 《Regulations on the Disclosure of Government Information》 (Take effect on May 1, 2008)
- 《The Law of Land Administration of the People's Republic of China》 (2004)
- 《House Acquisition from State-owned Land and Compensation Ordinance》

(Take effect on January 21, 2011)

- 《Property Law of the People's Republic of China》(Take effect on October 1, 2007)
- 《Decision of the State Council on deepening the reform and strict land management》 (In document of State Council [2004] No. 28) (Take effect on October 21, 2004)

6.Principles and standard of resettlement compensation

The purpose of resettlement planning is to ensure that displaced persons have sufficient opportunity to replace assets they lose, and to improve or at least restore their incomes and living standards. Therefore, the resettlement and rehabilitation measures including:

- a. Compensation should be paid for the displaced person who lost house;
- b. Living rehabilitation subsidies should be paid for the displaced person whose life and social activities are affected;
- c. Offer help to the displaced person who lost life capita and operating income, and restore their income through offering alternative job or training;
- d. Provide community facility and service for the displaced person.

Displaced persons losing agricultural land will be entitled to the following types of compensation and rehabilitation measures:

- a. Land compensation is paid according to the unified land price that the governments declare;
- b. Land compensation, resettlement subsidies, and standing crops compensation should be paid;
- c. Displaced persons whose land is temporarily required to facilitate project construction will be compensated for their loss of income, standing crops and for the cost of soil restoration and damaged infrastructures;

d. Social security measure.

Displaced persons losing house and auxiliary structures will be entitled to the following compensation and rehabilitation measures:

- a. House compensation including relocation and transition which will be determined by fair and open market assessment method;
- b. Provision of replacement housing of equivalent value after the accomplishment of project;
- c. Compensation at full replacement cost;
- d. Relocation Grants;
- e. Transitional allowance. The allowance was calculated as actual transitional time.

A displaced person losing business income (or employment income) will be entitled to the following rehabilitation measures: Provision of alternative business opportunity in the other place.

- a. Replacement cost of the fixtures and the expense of impaired fixtures because of the replacement will be determined by appraisals.
- b. Transitional payment for all moving-related expenses and for loss of sales or income during the period in which the business cannot operate.
- c. Full compensation for the house unsafe or no longer could be used because of the partly requisition.

Pay attention to the vulnerable groups: the vulnerable groups, including the aged, the disabled and the household headed by a woman involved in the project should be identified during the survey.

They are entitled to enjoy the resettlement and rehabilitation measures mentioned above. In addition, the vulnerable groups will get extra assistance to ensure that their income and life quality will be rehabilitated or improved.

Table 1 The resettlement and rehabilitation right of various displaced person

affected type	affected person	compensation	resettlement policy
Permanent land acquisition	The farmer who has legal land use right	Compensation for land, subsidies for resettlement and compensation for standing crops	Land adjustment; cash compensation; technical training; facilitation and supporting of the job, social security measures
	The person who temporarily rent the land	Compensation for standing crops	Assisting renter to rent the land of the other farmer
House relocate and rebuilt	The owner of the affected building on the rural collective land	Compensation for new house, the case compensation for the affected building of completely reset price, subsidies for removing and temporary transition settlement allowance	A new land with same scale and convenient transportation
	The owner of the affected building on the state owned land	Case compensation on base of market assessment; arrange temporary homes; subsidies of removing, temporary transition settlement allowance	Provision of replacement housing of acceptable scale, location and quality. or compensation at full replacement cost
	The tenant of the house	Negotiate with house owner about the compensation of tenancy cancellation	Assisting renter to rent another house
Loss of non-residential buildings	Displaced industrial and commercial operators and their staffs	a. New operating land or cash compensation for replacement cost; b. Cash compensation for the loss of operational building; c. The transition subsidies for the loss of income (including staff wage); d. subsidies for the cost	Provision of replacement land of the acceptable size, location and operating condition

		of removing	
losses of appendants and other assets	The owner of appendants and other assets	Cash compensation for replacement cost	
Direct losses	Vulnerable groups, for example, the poor, the aged, the disabled and the household headed by women	Rendering extra assistance to ensure that their income and life quality will be rehabilitated or improved	

7. Organization structure

The displaced person resettlement office will be set up in smart agriculture production project which will be in charge of the related work, including compile displaced person resettlement plan and implement

8. Resettlement plan

Resettlement plan including all the activity implementation schedules in detail, compensation and the other rehabilitation measures (in cash or the other ways), etc. and the displaced person will be batch compensated according to the progress of resettlement implement.

9. Grievance procedures

To guarantee the affected person's rehabilitation and improvement in aspect of production and livelihood is the main object of the resettlement. Therefore, the resettlement will be carried out in consultation with relocated persons, and major grievances are not likely to arise. However, to ensure that relocated persons have

avenues for redressing grievance related to any aspect of land acquisition and resettlement, the following grievance procedures are established:

Stage 1, any person aggrieved by any aspect of land acquisition and resettlement can lodge an oral or written grievance to the Village Committee; the oral or written grievance should be solved by Village Committee and record. Village Committee should solve it in 2 weeks.

Stage 2, if the aggrieved person is not satisfied with the decision of the village authorities at Stage 1, s/he can present the case to township/ town government.

Stage 3, if the aggrieved person is not satisfied with the decision of the grass-roots authorities at Stage 2, s/he can present the case to the county land administration bureau or bureau for letters and calls from those immediately above Stage 2 level .The county land administration bureau should handle it in 2 weeks and bureau for letters and calls should handle it in 1 weeks or hand it to county land administration bureau.

Stage4, if the aggrieved person is still dissatisfied with the decision of the higher authorities, the case may be submitted for consideration by the People's Court in Accordance with the "Civil Procedure Act".

Grievance procedures should be declared in an easy-understanding way for the displaced person and make them know the grievance right they have. The problem of grievance should be investigated by related department, adequately consult displaced person, and point out handling opinions fairly and objectively.

10. Public participation and consultation

The project pays attention to public participation and consultation in the process of resettlement policy-making, action plan compilation and project implementation, and it widely listens to the suggestions of social organization, government, village and displaced person and encourages them active participation in the work of resettlement and rehabilitation.

The responsible organization will carry out relevant procedure about public

participation and consultation. The resettlement plans and treatment should be made ahead of the project implementation, and should be widely accepted by the public, including resettlement area, replacement of land, compensation policy and standard, production rehabilitation and life income, etc.

The displaced persons will take part in the whole process of resettlement plan-making and implementation. Therefore, the household have the right to learn the policy framework through open meeting prior to resettlement plan-making.

The local government should declare the related treatments of affected households and nondomestic organizations, for example, the choices they could make about the resettlement plans.

11. Monitoring

The basis of resettlement monitoring including: a. Law and administrative regulation related to resettlement; b. Related guide rule of World Bank; c. Legal documents directly related to the project, such as the resettlement plans accepted by World Bank and project owner.

The principals of the resettlement including: a. investigating, learning and evaluating the implement of the resettlement plan periodically. b. Collect data and analysis accurately to guarantee the accuracy of monitoring and evaluation results. c. Scientific, objective and fair evaluation of the condition of resettlement implementation; d. Report to the project owner and World Bank in time so as to know the progress of the project implementation and make scientific decision.

The project owner should monitor the effect of resettlement. The decision-making should be an organic component of project implementation. In the process of monitoring, the evaluation should be made on main resettlement object. Any problem happens in the process of resettlement implementation should be reported to project group of the Word Bank. If necessary, the monitoring work could be done by a qualified independent organization, and make reporting twice a year.