The World Bank Loan Project

WATER CONSERVATION PROJECT II
(WCP II)

Resettlement Policy Framework

Central Project Management Office of Ministry of Water Resources

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WATER CONSERVATION PROJECT (WCPII)

Resettlement Policy Framework

I. Project Background

The objectives of the World Bank Loan Water Conservation Project II (WCPII) are to promote water conservation on the original irrigation system and increase the comprehensive measures of the water conservation in agriculture, management, etc. This Project is located in three provinces (autonomous regions), i.e. Shanxi, Ningxia and Hebei, including 24 project counties (cities, districts). The construction mainly includes the following aspects: (1) water saving in water conservation projects and the measures to address and mitigate climate change; (2) agricultural water saving and the measures to address and mitigate climate change; (3) management water saving and the measures to address and mitigate climate change; (4) environment protection and management; (5) survey design and project management, etc. This Project focuses on the construction of small irrigation and drainage works and supporting field system in the project area, including ditch lining, low-pressure pipeline, sprinkling irrigation and micro irrigation; agricultural support and service; forestry and environment monitoring; organization development and support, etc. In addition, this Project includes the construction and reconstruction of main buildings and some main canals as well as the construction of small low-class ditches and drainage pipelines, etc. In the design of this Project, it is required to avoid adverse effects on individual or collective lands or houses.

II. Objectives to Establish the Policy Framework

At the preparation stage of this Project, through verification and investigation, except some small sub-projects and a potentially linked project in Shanxi Province¹, there are no involuntary resettlement problems found. However, because of the project nature of irrigation water saving and facility rehabilitation, land acquisition

¹The Longmen Canal Construction Project of Liang Region will need to prepare a resettlement plan.
or/and temporary occupation could not be totally ruled out. Once land acquisition and resettlement occur in the implementation of this Project in Hebei Province and Ningxia Autonomous Region, this Resettlement Policy Framework (hereinafter refer to RPF) shall be applied in the related work. Besides, since the potentially linked project of Shanxi Province (namely the Longmen Channel Construction Project) is still under its feasibility study, the scopes of land acquisition and house demolition to be caused by the project are not yet determined. It is required that the resettlement preparation and resettlement instrument of the linked project be made under guidance of this RPF, as well as guided by the relevant national laws and regulations.

At the stage of project design and selection of the sub-projects, it is required to completely consider how to avoid the issue of involuntary resettlement caused by permanent land acquisition or temporary land occupation. The RPF is established according to the World Bank’s Involuntary Resettlement Policies and the World Bank’s Procedures OP/BP 4.12 as well as the laws and regulations of China. Its objectives include the following aspects:

1. To avoid and reduce potential adverse effects, including the involuntary resettlement and crop compensation caused by temporary land occupation during the implementation of this Project;

2. To strengthen monitoring and evaluation so as to find the lands likely to be acquired and the APs;

3. Some sub-project areas likely causing land acquisition and resettlement need redesign and reselection; if resettlement is inevitable, a resettlement plan shall be made according to this RPF; the World Bank will not finance these sub-projects until this plan has been approved according to the stipulated procedures;

4. If some adverse effects are inevitable, they shall be reduced to minimum and the livelihood of the APs shall be restored to normal as possible;

5. In the process of the implementation of the restoration measures, the responsibilities of the involved organization shall be clarified; and the PPMO in each project province (autonomous region) shall respectively prepare and verify its own policy framework according to the demand of the policy framework of CPMO.
III. Measures to Avoid Resettlement and Land Acquisition

The investment in this Project is mainly used for the construction of the field irrigation projects of the small water conservation projects, the agricultural technologies and production service system of agricultural projects and the protection forest network of forestry projects. In the optimized selection of sub-projects, the purpose shall be clearly informed so that the local farmers can sufficiently understand and welcome the design and implementation of the sub-projects on their lands.

According to the experiences in the local places, the project management offices at every level shall take the following measures to avoid land acquisition:

1. Dredge and maintain the original ditches according to the applicable standards and ensure their quality;

2. Reduce the length of field ditches by means of adopting straight ditches rather than bent ditches so as to increase the use area of cultivated lands. Whether new ditches are constructed or not, when leveling the lands, properly adjust the lands of every farmer in order to ensure the area of their lands not decrease;

3. Make sure the land leveling and ditch dredging are conducted in the period between harvest and winter seeding. The small portion of the project that cannot be completed shall prepare for the rotatory seeding of crops in advance so as to reduce the loss. For the sub-projects that cannot be completed in the interval of crop plantings, no crops shall be planted in the designed construction area so as to avoid any crop waste;

4. By means of optimizing ditch design, reduce ditch section so that the land occupied by the ditch lining can be reduced to minimum;

5. Strengthen the control of land use and effect of the project. In regard to temporary land occupation, if the planting of crops is delayed due to construction, the APs shall be compensated due to losing the planting opportunity (at the local crop price prevailing at that time).
6. One aspect of this Project is to perfect the ditches by means of adopting ditch lining and underground water delivery pipelines, that is, reduce the maximum area of the section of the soil ditches with ditch lining; therefore, actually, this Project can reduce the area of the land occupied by ditches in the project area. After the implementation of the Project, the area of some lands can increase, which is beneficial to the inner adjustment of lands in the project area.

IV. Resettlement Impacts Covered

According to the World Bank Involuntary Resettlement Policy OP4.12, the effects of project resettlement include: (1) the involuntary taking of land resulting in (a) relocation or loss of shelter; (b) lost of assets or access to assets; or (c) loss of income sources or means of livelihood, whether or not the APs must move to another location; or (2) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-funded project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contempraneously with the project.

V. Land Acquisition and Resettlement Policies, Laws and Regulations

If resettlement and land acquisition are inevitable, necessary restoration measures shall be taken by reference to the following proposals, which are made according to the following laws, regulations and policies:

1. The land acquisition for WCPII shall strictly abide by the Land Administration Law of the People’s Republic of China (2004) and the related land administration regulations issued by the three provinces (autonomous regions). Any organization that
needs to acquire land shall make an application to the local land administration and acquire the land using right through administrative planning or compensation.

2. In accordance with the Land Administration Law of the People’s Republic of China, China carries out the system of using state-owned lands after compensation. In the construction of the project, the organization planning to use lands shall make an application for land use right according to the local procedures. The land administration of the province (autonomous region) or the project county (city, district) shall conduct an examination on the scale of land use and submit the application report within its authority to the government of county-level or above for review and approval.

3. The land acquisition in this Project must abide by the procedures stipulated in the Land Administration Law of the People’s Republic of China. The involved authorities including the land administration of the villagers’ committee, town (township) government, county (city, district) and province (autonomous region) must know the purpose of this Project and the quantity of the land acquired. The land administration at every level must ensure the provision of the reasonable compensation for the APs.

4. This Project must abide by the Water Law of the People's Republic of China, the Law of the People's Republic of China on Water and Soil Conservation and the fund subsidy management regulations on small-sized field water works and water and soil conservation projects and the management regulations on the water works in the sub-project areas jointly issued by the Ministry of Finance and Ministry of Water Resources.

5. The resettlement plan and/or land acquisition compensation in every sub-project must comply with the World Bank’s Involuntary Resettlement Policies and the World Bank’s Procedures OP/BP 4.12.

List of Project Policies, Laws and Regulations

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<td>The Land Administration Law of the People’s Republic of China</td>
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<td>Regulations for the Implementation of the Land Administration Law of the People’s Republic of China (Decree No. 256 of the State Council)</td>
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<td>The Water Law of the People’s Republic of China</td>
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<td>Regulations on the Implementation of Farmland Occupation Taxes of Shanxi Province</td>
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<td>Regulations on the Implementation of Farmland Occupation Taxes of Ningxia Hui Autonomous Region</td>
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<td>Land Acquisition Compensation Criteria of Ningxia Hui Autonomous Region</td>
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<td>Comprehensive Land Price and Uniform Land Production Value in the Land Acquisition Area</td>
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VI. Resettlement Compensation Principles and Rates

This Project shall abide by the following principles:

1. Try to avoid and reduce involuntary resettlement and land acquisition;

2. If involuntary resettlement and land acquisition are inevitable, the compensation for the APs shall be made;

3. Sufficient funds shall be prepared in time for the implementation of these plans;

4. The preparation and implementation of these proposals in resettlement and compensation must comply with the willingness of the local government and the APs;

5. The compensation shall be made on the basis of replacement cost without discount; the compensation shall be completely paid to the APs and shall not be reduced for any reason; in addition, the shortage of reasonable resettlement items shall not become the barrier to compensation or other financing forms;

6. The compensation must be made before the resettlement and land acquisition;

7. The APs shall be assisted in the process of resettlement;

8. The living standard of the APs after the resettlement shall be improved or at least restored to their previous level;

9. All expenses in relation to resettlement and compensation shall be included in the budget of the project;

10. This proposal shall be prepared on a yearly basis by every province (autonomous region) and until and unless the PPMO of every province (autonomous region) reviews and the World Bank approves the proposal, the World Bank will not provide funds for the civil work in relation to this Project.

Compensation and Restoration Measures

The objective of establishing the resettlement plan is to ensure the APs have sufficient opportunities to resettle their lost properties and improve or at least restore their income and living standard to their previous level. In order to achieve these targets, make sure all APs are identified and they all accept the reasonable
compensation in the resettlement plan. In consideration of the main affected types (such as land acquisition and occupation, residential house demolition (including rural and urban areas), non-residential house demolition (including enterprise, public institutions, stores), etc.), the following measures are generally taken:

1. The APs who lose farming lands shall be entitled to the compensations and remedies of the following types:

- The collective farmland remaining after land acquisition shall be redistributed by the villagers’ committee among all collective members. In the case where houses or buildings are unsafe or lose functions due to the partial acquisition of land, this land shall be completely acquired. All APs shall be entitled to participate in the redistribution of the land and get benefits from the investment projects with the collective land compensations.

- According to the Land Administration Law of the People’s Republic of China and other related laws, in the place that is impossible to have land redistribution, the APs losing farmland must be identified. In some circumstances, they may be provided with the employment opportunity with salary which shall be at least equal to the income they have lost. In other circumstances, they may be provided with the resettlement subsidies at the rate of 4-6 times as much as the average annual yield of the farmland in the past three years. If doing so their living standard cannot be restored to the original living level, the resettlement subsidies may be increased up to 15 times as much as the average annual yield of the farmland in the past three years.

- If the land compensations and resettlement subsidies can not restore their living standards, every city (or county) people’s government involved may provide subsidies for them with the incomes from the paid use of the state-owned land.

- The land compensations and resettlement subsidies shall be paid to the villagers’ committee or the APs of the affected village and used to (1) increase farmland area if the land can be used; (2) increase agricultural
output by means of providing irrigation, improving agricultural work, etc; (3) develop non-agricultural incomes on basis of the existing activities; (4) buy social insurance for the farmers losing lands. As fixed assets, the affected crop, fruit and economic forest will be compensated at the replacement cost.

The lost incomes, crop, land restoration expenses and infrastructure affected by the temporary land occupation will be compensated.

2. The demolished houses and attachments will be compensated as follows and restored by taking the following measures:

- Resettlement with the new homestead reoffered by the village collective;
- Provision of property right exchange;
- Compensation with full replacement price;
- Reconstruction or restoration compensations of all facilities and services (such as roads, water supply, electricity, telephone, cabled TV, school, etc);
- The subsidies in the transitional period shall be able to ensure the relocation of all properties or the acquisition of temporary houses.

VII. Resettlement Costs

If resettlement is involved in the implementation of this Project, the resettlement plan submitted for approval shall include estimated expenses, capital flow and contingency fee.

(i) Expenses

The expenses for resettlement shall include the permanently acquired land compensations, temporarily occupied land compensations, residential house compensations, non-residential house compensations (including operation loss and equipment relocation compensations), infrastructure restoration expenses, other expenses (administrative fees, survey and design fees, supervision fees and technical training fees), related taxes and levies (farmland occupation taxes, farmland reclamation fees and farmland assart fees), basic reserves and contingency fee.
(ii) Yearly Investment Plan

The construction of this Project will last from 2011 to 2015. The yearly resettlement fund shall be preferentially guaranteed and distributed according to the progress of the resettlement.

(iii) Source of Fund

The fund for the resettlement is provided by the involved local governments.

(iv) Funds Flow

According to the ownership and use rights of every affected items, the resettlement funds of this Project will be distributed to the APs. The land compensations and the resettlement subsidies shall be directly paid to the villages or teams; the crop compensations shall be directly paid to the land contractors; the house compensations shall be paid directly to the property owners; and the infrastructure compensations shall be directly paid to the property owners. In order to ensure that the fund for resettlement be sufficiently and in time distributed to the APs or units, on the one hand, bring the roles of the external M&E institution, internal M&E institution and national auditing institution into full play, on the other hand, distribute the resettlement fund in simple and easy manner directly to individuals or units.

VIII. Organizational Arrangement

The project management offices at various levels shall be fully responsible for the planning and implementation of this Project. The selection and implementation of the sub-projects must strictly follow the principles of the World Bank for assisting water conservation and irrigation projects and project development strategies.

The planning and statistic teams of the project management office at every level shall appoint special personnel to be responsible for the examination and the management of the use of the land for this Project. If land acquisition is needed due to changes in project design or site, they shall abide by the procedures and requirements in the resettlement plan established by every executing agency and submit the plan to
the superior project management office and the land administration agency of the project county (city, district) for review and approval.

The resettlement caused due to changes in project design or site shall be within the responsibility of the project management office and the land administration agency of the same level. The project management office shall guide the executing agency to establish the distribution and implementation plans according to this RPF and forward suggestions for the resettlement. Similarly, the project management office shall raise funds, take reasonable measures to deal with problems occurring and monitor the implementation of this Project, etc.

The land administration agency at every level shall, according to the rights endued by the State, have land management, examine the scope and quantity of land acquisition, register the acquired lands, deal with all affairs in relation to land acquisition and supervise the implementation of the compensation measures. Without the agreement of the land administration, each sub-project cannot be included into the annual investment plan of this Project.

IX. Resettlement Plan

For the sub-projects involving resettlement, a resettlement plan shall be established according to involuntary resettlement policies and the World Bank Procedures OP/BP 4.12; after the plan is submitted and approved, which is the basic condition, the financial aid can be obtained. For every project province (autonomous region), this resettlement plan shall be established on a yearly basis.

(i) Resettlement Plan Categories and Review and Approval Procedures

(1) If the impacts is minor (if the APs do not need to be relocated and the loss of their productive material is less than 10% of the total, the impacts will be deemed as “minor”), or the number of APs is less than 200 people, the brief resettlement plan is required; the brief resettlement plan will be established by every provincial-level project management office and submitted to the World Bank for approval.
(2) If the number of the APs is above 200, a complete resettlement plan shall be established; the complete resettlement plan will be established by every provincial-level project management office and submitted to the World Bank for approval.

(ii) Procedures to Establish Resettlement Plan

(1) Conduct social and economic survey on the affected project area;
(2) Review the affected population, list the acquired lands and the affected assets (for example, quantity of farmers and villages, type and quantity of acquired lands, effect degree, etc);
(3) According to the related policies, laws and regulations and through the negotiation with the APs, prepare resettlement measures and compensation criteria;
(4) Prepare proposals and implementation plans; and
(5) Submit to the World Bank for approval.

(iii) The resettlement plan includes the following aspects:

(1) Description of related projects, location and scope of the acquired lands;
(2) Purpose of land acquisition;
(3) Related policies, laws and regulations;
(4) Basic data (e.g. the basic information about the APs);
(5) Compensation rate;
(6) Organization, responsibility and personnel composition;
(7) Community participation;
(8) Effect on community life and livelihood rehabilitation;
(9) Land acquisition plan;
(10) Budget and implementation timetable; and
(11) Land acquisition monitoring and evaluation.

X. Resettlement Implementation Arrangement

The arrangement of resettlement will be made according to the progress of the implementation of this Project. This Project will be completed from 2010 to 2015. The implementation timetable of the resettlement will be connected with the construction plans of all sub-projects; the main work of land acquisition, house
demolition and resettlement will start from 2010 and end at 2015. The basic principles of the schedule are shown as follows:

① The land acquisition and house demolition shall be completed one month before the start of this Project to use the land. The starting time shall be coordinate with the demand of land acquisition, house demolition and resettlement.

② Before the commencement of this Project, sufficient time must be available for land acquisition, house demolition and resettlement.

The principles for the making the timetable of resettlement key tasks are as follows:

① The scope of the project land acquisition and house demolition shall be determined according to every engineering design drawing and shall be completed before starting the measurement and calculation of the impacts.

② The impacts measurement and calculation shall be conducted jointly by the PPMO and related authorities and property owners according to the land acquisition and house demolition redline drawing.

③ The PPMO shall hold the relocation mobilization meeting with the participation of APs and demolition units, publicize the policies and regulations on land acquisition, house demolition, resettlement and compensation before signing the agreements of the compensation and resettlement, and formally issue the land acquisition and house demolition notice after the meeting.

④ The compensation and resettlement agreement shall be made by the demolition units and the APs after the impacts measuring and calculating and the land acquisition and house demolition notice issuing.

⑤ The infrastructure shall be removed after being reconstructed.

⑥ The compensations shall be paid after signing the agreement and before resettling.

⑦ The resettlement shall be monitored in order to satisfy the APs.
XI. Public Participation

In order to ensure the smooth operation of the land acquisition and house demolition, authorities of every level shall provide optimal participation approach for the APs. They should take active measures, by means of issuing propaganda data, radio, bulletin, etc, publicize the proposal of the project construction, the related laws, policies, regulations, compensation rates and proposals, complaints redressing procedures, the World Bank OP/BP4.12, etc. By means of keeping the APs (units) informed, encourage them to bring forward their suggestions and comments at the planning and implementation stage of the project.

(i) Participation at the Preparation Stage

After the wide publicity of media, sum up the suggestions and comments from the APs; then as per different types, specifically, the project management office shall go to the site with the involved authorities to visit the families affected by the project, communicate with them about the issues related to land acquisition, house demolition and resettlement, and also hold various seminars etc. to have site analysis and study and then fix the land acquisition, house demolition and resettlement plan so that it can allow the APs to get benefited from the construction of the project, and make sure the APs and all people in the area can effectively participate in the land acquisition, house demolition and resettlement of the project.

In order that the APs can effectively participate in the resettlement, it is necessary to have a public consultation meeting. The authorities at various levels shall often meet with some representative people, such as the people affected by the project, the representatives of township and village enterprises, women, teachers of secondary and primary schools, the representatives of other units related, etc, have public consultations, widely seek for their suggestions and comments on every step and detailed work, etc in regard to the land acquisition, house demolition and resettlement, in time deliver the related information to them so that they can completely understand and master the policies, laws, regulations and compensation rates. In addition, the effective suggestions and comments from the APs and the public shall be finally considered in the implementation of the resettlement.
(ii) Participation at the Implementation Stage

In the implementation of the resettlement, the APs will continue participating in house reconstruction, income restoration and project construction:

1. Participation in house reconstruction and resettlement. The house compensation rate will directly impact the interest of the affected households. Before house demolition and relocation, the related resettlement authorities shall negotiate with the affected households about the house compensation rate and then make an agreement. The negotiation result must be publicized before the agreement making so as to receive the supervision of the public. House demolition and resettlement may have three options of property exchange resettlement, currency resettlement and relocation resettlement; and the affected households may choose one according to their own actual situation. Meanwhile, the local government shall provide help at every stage of the house demolition and resettlement. Within the specified time, the affected households may choose “house demolition first and then construction” or vice versa according to their willingness; and the old materials from the original houses will be under the control and use of the removed households.

2. Participation in production resettlement. The local government at every level and the villagers’ committee shall help those households that have special demand on land to obtain land resources and restore their production.

3. Participation in the use and management of land compensations. Any unit or individual shall not retain or appropriate the land compensations owned by the village or team collective. After paid to the village or team collective, the compensations shall be under the control of the village or team collective in order to ensure special fund can be used for special purpose. Any use of the compensations must be subject to the discussion and resolution of the villagers’ meeting of every team and under the supervision of the villagers’ representative.

4. Participation in project construction. More or less, the project construction will affect the local area. In order to ensure that the APs can get benefited from the project construction, the participation of the public in project construction is actively encouraged, and the use of materials, labor, etc. shall be given priorities to the local
people. The livelihood restoration measures shall be detailed to be practical and correspond to the impacts analysis.

**XII. Appeal and Complaint Procedures**

The land acquisition and compensation for this Project must abide by the national laws, fully considering the willingness of the APs and encouraging their participation in this Project. At the initial stage of land acquisition, under the leadership of the PPMO in the project county (city, district), the sub-project implementation agency shall visit the farmers, invite village leaders and farmers to participate in the discussion of appraisal, selection, location and quantity of the land acquisition as well as compensation rate and redistribution methods. The agreement on the land acquisition cannot be finally made unless sufficient negotiation is made with farmers.

The PPMO in the project county (city, district) shall be responsible for the explanation to the APs their rights and the procedures to feed back their opinions. If the farmers are unsatisfied with the resettlement method, they may bring forward their opinions to the villagers’ committee and then the villagers’ committee may directly negotiate with the project implementation agency for solutions. Farmers can also bring forward their opinions orally or in writing to the PPMO in the project county (city, district). The PPMO in the project county (city, district) shall record the opinions of the farmers and negotiate with related organizations and the responsible organization shall solve the problems within ten days after the receipt of the opinions. If these opinions cannot be solved through negotiation, the villagers’ committee may make an application to the local administration agency to reconsider the issue, or solve the problems via legal proceeding according to the Paper (1994)24 of the State Land Administration Bureau. The PPMO in the project county (city, district) shall be responsible for the settlement of all opinions and recording the solutions.
XIII. Monitoring and Evaluation

The PPMO in the project province (city, district) shall supervise and monitor the implementation of the resettlement plan, record and file the monitoring results properly so as to report to the superior PPMO and the World Bank.

The resettlement monitoring and evaluation includes internal monitoring and external monitoring. The internal monitoring is within the responsibility of the provincial project management office which shall conduct internal supervision and management on the progress, compensation rate, fund payment, information disclosure, etc. of the resettlement. The external monitoring shall be independently conducted by a third party entrusted by the project management office. The internal and external monitoring shall be conducted on a yearly basis, including the evaluation of the implementation of the resettlement plan and also the livelihood restoration of the APs.

The monitoring mainly includes the following indicators:

1. In terms of the sub-projects involving in land acquisition and resettlement, whether the resettlement plan according to this RPF and the involuntary resettlement policy and the World Bank Procedures OP/BP 4.12 has been prepared;
2. Whether sufficient negotiation has been made with the APs and whether they have sufficiently participated in the project;
3. Land acquisition agreement signed and the usage of the land acquired ;
4. Compensation time and amount;
5. Usage (by the village and its inferior) of the land compensations;
6. Implementation of restoration measures, such as type, quantity, location of land after adjustment and reasonable distribution of the compensations for the affected farmers;
7. Discussion of the operation mechanism of the resettlement plan and operation of the mechanism; and
8. Changes of the economic status of the APs or farmers.
In regard to the linked project in Shanxi Province, the monitoring and evaluation of this project shall be made according to the requirements on the resettlement of the domestic water conservation and hydropower projects; and the periodical monitoring and evaluation report shall be submitted to the World Bank.