Fujian Highway Project III – the World Bank Loaned
Fujian Rural Roads Reconstruction Project

Ethnic Minority People’s Development Framework

Fujian Provincial Communications Department
April 2006
Project background

1. Fujian is situated on the southeast coast of China, facing Taiwan across the Straits, with an area of 121,400 square kilometers and a population of about 35 million. Due to historical reasons and geographical limits, the construction of rural roads in Fujian has been comparatively slow for most of the rural roads are simply constructed mainly for the purpose of “connection”. The rural roads and those in mountainous areas in particular have the highlighted features in low technical grade, low harden rate of road surface and weak ability for disaster resistance. Restricted by mountainous terrain and less developed traffic infrastructure, there is a substantial difference between coastal areas and inland areas in Fujian. With difficult traffic conditions, there are fewer opportunities in the less developed areas to develop their economy to a higher level, thus decreasing the opportunities to expand economic potentials and to gain access to social service. The pavement of the roads with transport service has not yet been hardened in 7,656 administrative villages among 57 townships (or towns), and there is no road connection or connection only by simply constructed road with width of roadbed of less than 4.5 meters in 2,100 administrative villages.

2. According to Fujian Rural Roads Development Program, the launch of the “Project of Expanding Rural Roads Network to 5000-Km Each Year” in the later period of the “Tenth Five-Year Plan” and the reconstruction of rural roads network of about 35,000 km before 2010 are to connect about 7,500 administrative villages to any provincial or county arterial highways already paved to achieve the goal of building a hardened highway in every administrative village of the province. The Database of the World Bank Loaned Rural Roads Reconstruction Project has been drawn up in accordance with Fujian Rural Roads Project Database, which is used for project management in accordance with the principle of “authorizing any project by database, conducting management by grades, having quality control, rendering an account upon construction and making quarterly withdrawals”. There are totally 1,881 roads in the database with a total mileage of 10,000 km and a total investment of around RMB ¥4 billion. Any rural roads project to be financed by the World Bank shall come from the database.

Ethnic Minority Nationalities

3. Of its 35 million population in Fujian Province, only 1.7%, about 580,000 are ethnic minority population belonging to 55 different ethnic minority groups. The largest ethnic minority group is She with about 380,000 population and Hui population of over 10,000. Most of them are spread out in the relatively developed coastal areas, while the project roads will be mostly in the less developed northwestern part of Fujian. However, despite the focus on northwestern Fujian, the rural road program will cover
the entire province and it is possible to include roads in areas involving ethnic minority communities.

**Project Impacts on Ethnic Minority Nationalities**

4. *The World Bank Loaned Rural Roads Reconstruction Project* will greatly optimize the traffic conditions of low class roads (mostly highways of Class III or Class IV) that link every administrative village to the provincial highway network. It will further improve the road network of the province and will be favorable to giving play to comprehensive transport efficiency of the road network for the less developed mountainous areas to have easier connection to the more developed areas of the province, and will be of great significance to the promotion of the harmonious social and economic development in Fujian’s rural areas by improving rural production and livelihood especially in the poverty-stricken areas and expanding peasants’ access to economic opportunities and social service. It will facilitate the rural road program and benefit a large rural population, including ethnic minority areas. At the same time, since the rural roads are mostly rehabilitation and concrete-surfacing within its original alignment, adverse impacts such as land acquisition and house demolition are not expected in this project.

5. However, in response to possible land acquisition and house demolition, an overall policy framework for guiding the planning and implementation of the required resettlement measures for land acquisition is developed. *The Overall Policy Framework for Resettlement in Fujian Highway Project III – the World Bank Loaned Rural Roads Reconstruction Project* has been drafted up according to the national and Fujian local laws and regulations and in compliance with the principles of the World Bank’s OP/BP 4.12 on Involuntary Resettlement, the purpose of which is to appropriately relocate the project affected persons (PAPs) so as to make them benefit from the project and to improve or at least restore their standards of living to the pre-project level. At the same time, this framework is developed to guide treatment of ethnic minority related issues under the project.

**Legal Framework on Ethnic Minority Nationalities and Strategy**

6. The project will follow the legal framework based on the Chinese legal policies and regulations on ethnic minority nationalities as well as the World Bank Operational Policy 4.10 on Indigenous People. Stipulations regarding ethnic minorities in Chinese laws, regulations, circulars etc. are numerous. According to a classification issued by the State Ethnic Affairs Commission there are some 412 legal documents dealing with the subject ranging from comprehensive laws, such as the constitution, to documents
dealing with specific subjects such as political affairs, economic development, culture and religion, science and education, health marriage and family planning and personnel.

7. The Constitution. The preamble to the Constitution provides that the People's Republic of China is a unified multi-ethnic nation founded by all the nationalities of China, and that relationships of equality, unity and mutuality will be promoted. In the interests of national solidarity, the state undertakes to strongly promote common prosperity of all ethnic groups. References to ethnic minorities are frequent throughout the body of the Constitution generally covering:

- Equal rights of minorities, the prohibition of discrimination and activities that undermine ethnic solidarity and encourage separatism.
- The right of minorities to elect, to be elected and be represented in the National People's Congress and the standing committee thereof; in addition the governor of an autonomous region, prefecture or county should be an ethnic citizen from the group implementing local autonomy.
- The right of ethnic autonomous localities to substantial legal and administrative autonomy, including the right to adjust national laws and regulations as appropriate to the local situation, manage finances accruing to the locality under the state financial system, administer the local undertakings of education, science, public health, public security, and culture including the protection of cultural heritage.
- The rights of minorities to utilize and develop their own oral and written languages as well as the freedom to retain or reform their customs; at the same time the state undertakes to assist minorities in their economic and cultural development, and promote their development as civil officials, professionals and skilled workers at all levels.

8. The primary objectives of World Bank Operational Policy 4.10 are:

- to ensure that such groups are afforded meaningful opportunities to participate in planning that affects them;
- to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

9. The purpose of the Framework is to ensure culturally appropriate consultation with indigenous minorities (where present), an opportunity to participate in the project, and additional support needed for coping with the adverse impact. The strategy for ethnic
minority communities will emphasize on the following main elements:

- information dissemination and disclosure of project information;
- full participation of ethnic minorities
- additional attention and targeting will be given to the poorest, remote and most vulnerable groups;
- culturally appropriate mitigation measures

**Action Plan on Ethnic Minority Nationalities**

10. **Information Dissemination.** Project information, particularly local road development program, will be distributed among ethnic minority population. This is to inform them of the project road programs, necessary mitigation measures against any adverse project impacts such as land acquisition and its implementation arrangements as well as its intended benefits to local population. This would also allow local ethnic minority population to participate in the planning and implementation of the necessary mitigation measures and enable them to monitor the project road construction.

11. **Possible land acquisition and its mitigation measures.** A resettlement policy framework has been developed to deal with possible land acquisition needs. In case of land acquisition needs from ethnic minority communities, the project resettlement offices (PROS) should draw up a necessary resettlement and development plan to let the affected minority nationalities always enjoy the social and economic benefits that accord with their cultural characteristics. The project should comply with all local laws and regulations regarding ethnic minority nationalities and the World Bank Policy 4.10 on Indigenous People.

12. Specifically, the project offices will take the following measures for affected minority nationalities:

- The affected minority nationalities shall be fully consulted and participate in the project impact assessment and development of necessary mitigation measures. Their opinions and views should be fully integrated into the project design and mitigation plans.
- For the land-affected minority nationalities, the project office shall give them priority to land readjustment in nearby areas to maintain their original customs of life and production and their sense of final cultural settling place.
- For the house-affected minority nationalities, the project office shall give them freedom of selection of resettlement sites and architectural types and styles during reconstruction so that they can keep on enjoying their social and economic life that
accords with their cultural characteristics.

- When public buildings of the minority nationalities may possibly be affected, the project offices shall decide whether to revise the construction scheme by soliciting opinions of the representatives of minority nationalities. Only when they agree to remove or reconstruct their public buildings can the construction scheme be further implemented, otherwise the elements of the scheme should be properly adjusted.

- During relocation and reconstruction of houses and public buildings, the project offices shall also offer them special financial assistance according to the practical difficulties and requirements of the minority nationalities so as to help them smoothly finish their relocation and reconstruction work.

- Resettlement measures for labor employment will rely mainly on relocation in the agricultural sector, particularly for ethnic minority communities.

- The project offices shall coordinate with other governmental sectors, such as local departments of civil affairs and departments of water resources to give priority arrangement to government assistance and development programs for the affected minority nationalities.

13. **Grievance redress mechanism.** To ensure that the affected have the opportunities to make complaints and appeals when they have grievances, channels for complaints and appeals has been set up under the project so that the opinions and requests of the PAPs will be quickly and transparently reflected and duly responded to and solved. This mechanism is detailed in the Resettlement Policy Framework. The procedures are summarized as followed:

- Any complaints can be filed in oral or written submission to the villagers’ committee or the township office, which shall make a reply or find a solution within two weeks.
- If not satisfied with the reply or decision made by the villagers’ committee or the township office, the complaint can be filed within one month to the communications bureau at the county (city or district) level, which shall respond to such a complaint within two weeks.
- If still not satisfied, the complaint can be further filed to the office for World Bank projects of the communications bureau at the prefecture-level city level, which shall respond to such a complaint within three weeks.
- If still not satisfied, the complaint can be further filed with the FPCD Office for World Bank Projects, which shall make a reply within four weeks.
- The affected population could always appeal in court according to Civil Procedure Law and Administrative Procedure Law.

**Planning and Implementation Arrangements**
14. Where ethnic minority communities are identified to be impacted by any roads under the project, the project county offices will be responsible for disseminating project information, carrying out the consultation work, planning out and implementing necessary measures. These measures will be documented in an ethnic minority development plan and submitted together with other project safeguard documents for review approval. In situations where ethnic minority communities are affected, preparation and implementation of the ethnic minority development plans is an eligibility requirement for financing under the proposed World Bank Project.

Management Organization

15. To strengthen the coordinated management of Fujian Highway Project III – the World Bank Loaned Rural Roads Reconstruction Project, the office for World Bank projects of FPCD will be responsible for necessary related to ethnic minority nationalities under the project. The offices for World Bank projects have also been established in the communications bureaus (or committees) of all prefecture-level cities to be in charge of coordination and management of resettlement and minority-nationality related work in their administered areas. The detailed resettlement work for land acquisition and house demolition for rural roads reconstruction project shall be conducted by the rural roads construction directorate offices and communications bureaus at the county level. Their responsibilities are detailed in the project resettlement policy framework.