1. Introduction

The proposed Hubei Yiba Expressway Project (HYBE) will support a expressway connection alignment as planned alignment under HYBE. At the time of project preparation and pre-appraisal, this connection alignment is not finalized. The involuntary resettlement and land acquisition could not be identified. The connection, located in Xinshan County in Yichang municipality, might affect involuntary resettlement in this connection area. In case such resettlement might occur during the connection implementation, this Resettlement Policy Framework would apply.

Under HYBE, the selection and design of the connection fully considered how to avoid involuntary resettlement caused by any permanent land acquisition and temporary land occupation. This Policy Framework for Resettlement and Land Acquisition is in compliance with the World Bank OP/BP4.12 and Guidelines for Involuntary Resettlement Action Plan, as well as Chinese laws and regulations. The objectives are as follows,

(a) Avoid and minimize potential negative impacts, which include involuntary resettlement and cropping compensation caused by tentative land occupation in project period;

(b) Strengthen monitoring and evaluation so as to find in time the possible land acquisition and resettlement;

(c) Some of the subprojects which would cause land requirement and resettlement have to be redesigned and re-selected, these subprojects will not be financed unless the resettlement plans are prepared and arrangements are properly made following the requirement of the Policy Framework;

(d) Develop measures to adequately mitigate the adverse impacts if they cannot be avoided, and to restore the livelihoods of the affected people; and

(e) Clarify institutional responsibilities to implement the rehabilitation measures; and the project participated municipalities/counties should prepare their individual policy framework guidelines, following the requirements of the Policy Framework.

2. Measures to Avoid Involuntary Resettlement and Land Acquisition

The investment of the connection mainly provided for supporting the existed local road components. According to previous experience accumulated locally, the following
measures are determined by the county expressway management bureau to avoid any land acquisition:

a. Limit the activities of widening the local roads.

b. Upgrade the quality to the local roads by repairing the existed drains;

c. Improve the surface of the local roads by paving bitumen instead of paving rocks and soil of farmland.

d. Road leveling will be finished in one segment and another segment will be filled with the filler instead of occupying farmland or using the soil of farm land.

e. Temporary land usage will be undertaken between autumn harvest and winter planting seasons. The loss of the crops will be compensated before the land usage.

f. Minimize curves cutting and increase traffic signals; and

e. Strengthen monitoring on local road land use and impact. Any land acquirement will be submitted for approval.

3. Resettlement and Land Acquisition Policies, Laws, and Regulations

In case when resettlement and land acquisition cannot be avoided, necessary rehabilitation measures will be developed in the form of action plans. These action plans will be based on the following laws, regulations, and policies.

a. The land acquisition of the connection will strictly abide by the Law of the PRC on Land Management, the Implementation Regulations of the Law of the PRC on Land Management and related laws, regulations issued by Hubei Provinces. The agency needing land for the construction of the local road components will make application to the local department of land management and acquire the right for land use through administrative planning or paid transfer.

b. The land acquisition for the local road components must follow the procedures stipulated by the Law of the PRC on Land Management. Related departments, including village councils, township governments, provincial, prefecture, and county departments of land management have to clear the purposes of the project and the quantities of land acquisition. The departments of land management at all levels have to guarantee to provide quantified compensation in the case of livelihood affected by land acquisition.

c. The definition of the components must follow the Water Law of the PRC, the policies for the water conservation by the state, the regulations for the management of subsidy funds for small-sized farmland water resources projects and water-soil conservation jointly issued by the ministries of finance, water resources, as well as the regulations for the management of water resources works in the subproject areas.
d. The definition of the components must follow the Forest Law of the PRC, the policies for the forest protection by the state, the regulations for the management of remaining forest areas.

e. Preparation and implementation of the resettlement plan and/or compensation for acquired land in any components must be in accordance with the World Bank OP/BP4.12.

4. Resettlement and Compensation Principles

The following principles will be binding under the project:

(a) Involuntary resettlement and land acquisition will be avoided/minimized as much as possible;

(b) If resettlement and land acquisition cannot be avoided, action plans will be prepared for compensation and rehabilitation of the affected people;

(c) Adequate funds will be timely provided for implementing such action plans;

(d) Preparation and implementation of such action plans will be conducted in consultation with the local governments and the affected people, on all the components with resettlement and compensation;

(e) Compensation will be paid at replacement costs without depreciation;

(f) Compensation will be paid prior to the move and acquisition of land;

(g) The affected people will be assisted during relocation and in their livelihood rehabilitation activities;

(h) The living standards of the affected people will be restored at least or improved after resettlement activities;

(i) All the costs related to land acquisition and structure demolition will be included in the project cost estimates; and

(j) The action plans will be prepared on an annual basis for each county, and the plans will be reviewed by the province/municipality and be accepted by the World Bank before the relevant civil engineering work.

5. Management Organizations and Responsibilities

The PMOs at all levels will be responsible for the planning and implementation of the project. The selection and implementation of the connection will be made strictly
according to the Resettlement Action Plan on Hubei Shiman Expressway Project in principles.

The planning and statistics groups in PMOs at all levels will assign special persons to be in charge of review and management of land use under the connection alignment. If it happens that the connection change design/site for some reasons and hence need land acquisition, they must follow the procedures and requirements of the resettlement plan which will be compiled by the implementation agencies and submitted to the PMOs at higher level and the county land management sector.

Resettlement caused by changing design/site will be carried out by both PMOs and land management bureaus sectors at the same level. PMOs will guide implementation agencies to compile the allocation and implementation plan according to the Policy Framework as well as provide resettlement guidance. Meanwhile, PMOs will also assist rising of funds, adopting reasonable measures, handling problems, and supervising the implementation.

The governmental departments of land management at all levels will implement management by various levels according to the authorization given by the state, review and check the scope and quantity of land acquisition, record land acquisition, handle the procedures for land acquisition and supervise the implementation of compensation measures. Only after approval by the department of land management can the subprojects be included in the annual investment plan under the project.

6. Resettlement Action Plan

The connection with resettlement must have the plan as a basic condition for being financed under the project. For this purpose, a review mechanism will be established for examining the annual investment plan to identify the connection that require resettlement.

The basic planning procedure will involve: (1) socio-economic survey in the affected areas; (2) census of the population to be affected and inventory of the land to be acquired and other assets to be affected (e.g. numbers, households, villages, type and quantity of land to be requisitioned, severity of impacts); (3) preparation of the resettlement measures and compensation standard based on related policies, laws, regulations, and consultation with people to be affected; and (4) preparation of the action plan and implementation schedule.

The plan will include: (1) description of the civil work related, and location and scope of the land acquisition; (2) purpose of land acquisition; (3) related policies and laws; (4) basic data (basic information of the affected people); (5) compensation rates; (6) institutions, responsibilities, and staffing (7) community participation; (8) effect on livelihoods and communities; (9) land acquisition schedule; (10) detailed livelihood rehabilitation plan; (11) cost estimates and timeframe; and (12) supervision, monitoring and evaluation of land acquisition.

7. Monitoring and Evaluation
Construction land area, acquisition and compensation rates will be included in the implementation statement of PMOs and submitted for review. Monitoring staff will periodically inspect and visit the field to identify the problems and then make recommendations to PMOs to solve them.

Externally, an independent unit will be contracted to monitor and evaluate land acquisition and the implementation of the action plans. The independent monitoring will be conducted on an annual basis, covering both the physical progress of action plan implementation and the evaluation of livelihood rehabilitation.

The key monitoring indicators include:

(a) Whether the connection involving land acquisition has prepared the action plan according to the requirement of the land acquisition and Resettlement Policy Framework, and the World Bank OP/BP4.12;

(b) Whether there has been adequate consultation and participation by the affected people;

(c) Signature of land acquisition agreements; and use of land acquired;

(d) Time and amount of payment of compensation based on the village level and private;

(e) Use of land compensation funds (at village level and production team);

(f) Implementation of rehabilitation measures, such as type, quantity, and location of land for adjustment, and appropriate allocation of compensation to affected households;

(g) Functioning of grievance mechanism; and

(h) Changes of economic status of affected people/households

**Grievance Procedures**

The land acquisition and compensation of the project must follow laws, respect the willingness of affected people for those lands to be acquired, and encourage their consultation and participation. In the preparation stage of land acquisition, under the charge of PMOs, the agencies for the component implementation will go to villages and visit farmer households, invite village leaders and farmers to participate in the evaluation, selection, and discussion of the location and quantity of land to be acquired, and the compensation rates and relocation methods. Only the agreements are made after farmer consultation can the action plan for land acquisition be signed finally.

PMOs will be responsible for explaining to farm households whose lands are to be acquired about their rights and grievance steps. If farmers are not satisfied with the methods of resettlement, they can report their opinions to the village councils, and the
councils can directly consult with the implementation agencies for solution. Farmers can also make grievance verbally or in written form to the higher level PMOs. The PMOs should record their grievances in the documents and consult with related sectors and the agencies to solve the problem raised by farmers within ten days after receiving the grievances. If the grievances/disputes cannot be solved through consultation, the village council can apply to the administrative department with jurisdiction for reconsideration, or take legal proceedings to the court. Written Reply on If Application Can Be Made for Reconsideration for a Case of Right of Land of Administrative Lawsuit and Regulations on Administrative Reconsideration. PMOs will be responsible for setting all the grievances and the solving process will be recorded.
Appendix 2.

Outline for Resettlement Action Plan

1. Description of Civil Work

Describe the civil works that will require land acquisition or resettlement

2. Scope of Land Acquisition or Resettlement

This section mainly describes the content, location, scale and quantity of land to be acquired and occupied of the component with indication map attached. If house removal and resettlement are involved, a detailed description will also be presented. All inventoried data (impacts of land acquisition or house demolition) will be broken down by different categories and presented in tabular forms by villages. Land will be broken down by different types and houses by different structures. The affected population will be presented against different categories of impacts.

3. Policy and Regulation on Land Acquisition and Occupation

Important policies and regulations on land acquisition including resettlement, if necessary, will be mentioned. They will refer not only to state laws and regulations such as Land Law and Water Law, etc., but also relevant implementation rules, regulations, and supplementary documentation issued in the province and municipality as well as World Bank OP/BP4.12. Emphasis will be attached to the introduction of important paragraphs directly relating to land acquisition. In addition, some local dings and policies possible to be adopted during land acquisition, although not included in official laws and regulations, will also be introduced and their roles such as the methods of land compensation, change and calculation of resettlement should be stated.

4. Baseline Socioeconomic Information on the Affected Population

The survey for local general social economic conditions and farmer per capita income will be summarized here for a baseline socioeconomic situation for future comparison in resettlement evaluations. Meanwhile, accurate inundation inventory should include the number and name of the affected item, the quantity and population of affected farm households as well as the area and quality, if necessary, relocation of buildings. In addition, the damaged young crops, fish ponds, etc. will be included in the survey as well.

5. Compensation Rates

The compensation rates for different categories of impacts will be summarized here. The calculation method for land compensation needs to be detailed. Compensation for structures will be at replacement costs and it will be explained how these rates are
arrived at. In the meantime, the compensation and resettlement can be classified into two types: compensation to the affected village, such as land, farmland and facilities, etc.; the direct compensation to individual farm households, including the private properties such as young crops, fruits, trees as well as houses (for employees, including unemployment subsidies and temporary subsidies). The purposes are to protect the rights and welfare of affected people and units.

6. Budgets

The resettlement budget will be presented here, including the basic costs and contingencies (and price escalation) if required and all administrative costs and fees. The cost estimate of land acquisition and resettlement will be determined by relevant laws and regulations, land types and resettlement criteria. Financing sources and disbursement channels need to be clearly stated here, too.

7. Timetable for Land Acquisition and Resettlement

An implementation schedule needs to be presented here, with critical target dates and linked to the construction schedule of civil works. An implementation bar chart will be more illustrative.

8. Institutional Organization and Staffing

The institutional organization for overall land acquisition and resettlement will be stated with clear responsibilities for each level of organization. The staffing arrangement needs to be specified.

9. Monitoring

Arrangements for internal and external monitoring will be explained here, including responsible units, scope of responsibilities, monitoring indicators and reporting requirements.

10. Village Participation

PMOs and construction units will fully discuss the land acquisition and resettlement caused by the local road components with units and individuals involved. They will inform each village and household of land acquisition in advance through conferences and other means and state specific relevant policies, compensation and arrangement in detail. The steps and methods to be adopted to consult with units and individuals involved will be described in the land acquisition and resettlement plan. In addition, their comments and recommendations will be taken into account during land acquisition and an attitude of understanding and consultation will be taken so as to promote their participation in land acquisition and resettlement.

11. Grievance Redress Mechanism
The affected people and units’ rights will be fully recognized, maintained, and protected. In addition to some adequate compensation, opportunities and rights for further development will be made available for them. The mechanism of claiming will be regulated and set up in the action plan of land acquisition and resettlement. In particular, if any project affected people have justified grievances during implementation, they will have an adequate channel to report and make claim to the departments concerned, and their claims found in conformity with plan and policy must be settled quickly.