

Resettlement Framework

April 2013

PRC: Yunnan Sustainable Road Maintenance (Sector) Project

Prepared by Yunnan Provincial Department of Transport for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 23 April 2013)

Currency unit	–	Yuan (CNY)
CNY1.00	=	\$0.1616
\$1.00	=	CNY6.1871

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	Affected Persons
EA	–	executing agency
HH	–	household
IA	–	implementing agency
PRC	–	People's Republic of China
RoW	–	right of way
RF	–	resettlement framework
RP	–	resettlement plan
YHAB	–	Yunnan Highway Administration Bureau

NOTE

In this report, "\$" refers to US dollars.

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Endorsement by EA

YUNNAN PROVINCIAL DEPARTMENT OF TRANSPORT
IFI-FINANCED PROJECT OFFICE

FACSIMILE

To:	Mr. Tyrrell Duncan Director EATC Asian Development Bank	
Fax No.:	(632)636-2426	Page one of: 1
Date:	April 1, 2013	

Dear Mr. Tyrrel Duncan:

Subject: Endorsement to RF

The Resettlement Policy Framework (hereinafter referred to as RF) for Yunnan Sustainable Roads Maintenance (Sector) Project is prepared and compiled in accordance with relevant involuntary resettlement safeguards requirements as per ADB's Safeguard Policy Statement (2009) and relevant laws and legislations of the People's Republic of China Government. During implementation of the Project, we will strictly abide by this RF and where required will prepare RPs for ADB approval following the procedures set out in the RF.

Sincerely yours,

Yang Yan


Deputy Director General

Yunnan Provincial Department of Transport

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I. Objectives

1. This resettlement framework is prepared to provide guidelines for subproject selection, screening, categorization, social impact assessment and preparation and implementation of resettlement safeguards plan for the sub-projects to ensure compliance with the requirements specified in Safeguards Policy Statement (SPS 2009) on involuntary resettlement. The framework has been prepared according to land laws and regulations of the Peoples' Republic of China (PRC) and Yunnan Province, and ADB's Safeguards Policy Statement – Safeguards Requirements 2; Involuntary Resettlement (SPS 2009).

II. Project Background

2. The Yunnan Sustainable Road Maintenance (Sector) Project (the Project) aims to improve the road network under the administration of Yunnan Highway Administration Bureau (YHAB) through carrying out three major components in sustainable ways: (i) trunk road rehabilitation (Output 1); (ii) performance-based maintenance pilots (Output 2); (iii) Road asset management system, and (iii) institutional development. The trunk road rehabilitation and the performance-based maintenance pilots will include asphalt concrete overlay, pavement reconstruction, drainage systems repairs or reconstruction, bridge or culverts repairs, installation of signs and markings, safety measures for bends, long steep grades and junctions, roadside safety treatment and traffic calming. The works under Output 1 will be divided in four annual phases.
3. The project will finance about 1,000km maintenance works of which 263km roads have been selected in the first year of the project. This includes seven subprojects under Phase I of Output 1, and two subprojects under Output 2 (associated with three road sections). The map of project roads is in the Annex.

III. Resettlement Impact of the Project

4. The subprojects implemented in the first year will be confined within existing rights-of way, very much focusing on road pavement repair without road widening and reconstruction. There will be no displacement of people from housing, land, and other livelihood sources. Initially it was planned that for S211 (Songyu road in Kunming General Section) works may temporarily require occupation of 5-10mu (0.3-0.6ha) of wasteland for the purpose of

blending construction materials. Subsequently, alternative arrangements have been made to avoid the land acquisition.

5. Subsequent sub-projects under Output 2's Phase II-IV may require acquisition of land and may thereby cause direct or indirect impacts on fixed assets, incomes or livelihoods, and/or restrictions of access to income source, which would cause loss of incomes. For such sub-components, resettlement plans will be prepared as per the SPS (2009) requirements on involuntary resettlement and will be submitted to the ADB for review and approval prior to loan disbursement and commencement of work for those sub-projects.
6. The potential resettlement impacts of the sub-projects may include:
 - (i) Permanent land acquisition: arable or non-arable land within the Right of Way (RoW), including paddy field, dry land, vegetable plot, fishpond, orchard, woodland and other land required for road widening (including drainage) or strengthening of road sections or new bridges or culverts
 - (ii) Temporary land occupation: mainly including land occupied temporarily by sand and stone yards, construction machinery, temporary production and living areas, and temporary lands or construction roads during the construction period. Land occupied temporarily will be identified by the affected persons based on the construction needs during the construction period.
 - (iii) Demolition of buildings: buildings within the RoW including safety zone, including masonry concrete, masonry timber and earth timber residential houses, masonry concrete, masonry timber and earth timber buildings used by enterprises, stores and schools, etc., flat grounds, wells, enclosures and tombs, etc.
 - (iv) Demolition of facilities: ground attachments within the RoW, including enclosures, tombs, wells, tanks etc.
 - (v) Damage of crops or trees growing on acquired land and temporarily occupied lands.
7. The potential affected people will be roadside local villagers or small shop owners along the roadside. Although roadside vendors may not be legally registered, under ADB policy they will be eligible for assistance to continue their businesses in a safe locations a bit far away from construction sites during maintenance implementation. They will not be adversely affected by project construction or operation of the rehabilitation roads.
8. The screening process will involve selection and preparation of sub-projects on an annual basis for each phase and a Subproject Identification data sheet has been prepared that will be administered by the social safeguards focal point at the ESSU. Selection of sub-projects for subsequent phases (Phase II – IV) will be based on Sub-Project Selection Criteria and in accordance with screening process set out in Operation Manual. For LAR, the Sub-Project Selection Criteria shall involve:

Subprojects to be included in Phase II, Phase III and Phase IV will require ADB approval. They will be selected annually, in order of their economic returns, based on rankings prepared each year by YHAB, subject to the criteria below.

The subproject does not involve:

- (a) bridge construction widening or rehabilitation of more than 30 meters in length (while bridge rehabilitation of less than 30 meters can be included);
- (b) any tunnel rehabilitation or upgrading (widening, structural strengthening etc.);
- (c) widening outside of the existing right of way, and the width of the increase does not exceed one meter, unless the length of such increase does not exceed 5% as a percentage of the total length of the road section undergoing Heavy or Intermediate Maintenance works;
- (d) upgrading from one road class to another road class; (e) paving of gravel or dirt roads;
- (f) extension or change in alignment of more than one meter, unless such realignment is directly required to improve the safety of an intersection, of a curve, or a steep grade in the road;
- (g) major slope protection works, where 'major' means more than 25% of the estimated costs of the works.
- (h) The subproject has undergone environmental impact assessment and social impact assessment and has been found not to involve any significant environmental or social impacts or any negative impacts on ethnic minorities.
- (i) YHAB has prepared and submitted for the subproject a Data Sheet in the form set out in the Operations Manual.

9. For sub-projects resulting in LAR impacts and requiring preparation of resettlement plan, the borrower will conduct socio-economic surveys to assess the potential social impacts of the sub-project. A complete census of the affected people will be undertaken and an inventory of assets lost will be prepared. A separate resettlement plan will be prepared for each component in accordance with the Resettlement Plan Outline provided as annexure to the resettlement framework. No sub-component of the Project with significant land acquisition and relocation (LAR) impacts will be financed.

IV. Legal Framework and Policies

A. ADB Resettlement Policies

10. ADB's "Safeguard Policy Statement" (May 2009), "Safeguard Requirements 2: Involuntary Resettlement" is the key document to define involuntary resettlement impacts and regulate principles of mitigating negative impacts. The objectives of ADB's safeguard policy are to avoid adverse impacts of projects on affected persons, where possible, to minimize, mitigate or compensate for adverse project impacts on affected persons when avoidance is impossible and to help borrowers or clients to strengthen their safeguard system and develop the capacity to manage social risks.
11. ADB policies defines displaced persons in project areas as three types: i) persons with formal legal rights to land lost in its entirety or in part; ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of displaced persons.
12. Three important elements of involuntary resettlement are: (i) compensation for lost assets at replacement cost and compensation for loss of livelihood and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the pre-project level of well being. Some or all of these elements may be present in projects involving involuntary resettlement. For any project that requires relocating people, resettlement should be an integral part of project design and should be dealt with from the earliest stages of the project cycle.

B. Laws and Regulations of PRC

13. Land Administration Law (2004) of the People's Republic of China is the major legal basis. It defines that the ownership of land that is either state-owned or collectively owned by the villages. Village-owned farmland is contracted to individual farmer for a long-term use. The loss of land use rights is compensated. Affected persons will be paid compensation for acquired land, demolished houses and other structures, attachments, trees and young crops and other civic facilities like electricity and phone lines, water supply and sewage etc. Relevant national regulations include:

- (i) Land Administration Law of the People's Republic of China (effective from 1st January 1999, revised 28th August, 2004);
- (ii) Regulations on Examination and Approval of Forestry Land Occupation (Decree No.2, National Department for Forestry Administration, effective from Jan. 4, 2001);
- (iii) Guidelines for Strengthening Land Acquisition Compensation and Relocation System, (Ref. No. GTZF[2004]238), (effective from November 3, 2004);
- (iv) Methods for Announcement of Land Acquisition (Decree No.10, Ministry of Land Resources, effective from January 1, 2002);
- (v) Decision of the State Council on Deepening Reform and Strengthening Land Administration, Ref. GF[2004]28.(effective from October 21 of 2004).

C. The Relevant Policies of Yunnan Province

14. The Regulation of Yunnan Province on Land Administration (1999) is formulated on the basis of Land Administration Law of the People's Republic of China and the local practices. The main content is similar with the national law, but the regulation on land acquisition and compensation is more detailed.
15. The Unified Standard for Annual Output Value and Regional Integrated Land Price Compensation in Land Acquisition in Yunnan Province (tentative) (Implemented on 1st Jul. 2009) is the official document to define compensation standards for permanent land acquisition and to define principles for calculating compensation fees.
16. The relevant regulations are listed as follows:
 - (i) Regulations on Land Administration in Yunnan Province (Implemented on 1st Jan. 2000), including permanent land acquisition and temporary land occupation;
 - (ii) Methods of Forest Land Administration in Yunnan Province (No.43 File in 1997);
 - (iii) Unified Standards for Annual Output Value and Regional Integrated Land Price Compensation in Land Acquisition in Yunnan Province (tentative) (Implemented on 1st Jul. 2009). Compensation rates for temporary occupation of land will be based on average annual output value (AAOV) of each year of use.
17. Unified Standards for Annual Output Value and Regional Integrated Land Price Compensation in Land Acquisition in Yunnan Province (tentative) (Implemented on 1st Jul. 2009). For the sub-projects requiring land acquisition and relocation, a policy gap analysis between domestic policies and ADB safeguards policy (IR) will be undertaken, the gaps, if any, will be addressed to ensure that the ADB safeguards policy (IR) requirements are adequately met.
18. In the case of temporary using State-owned land or land owned by farmer collectives by construction projects or geological survey teams, approval shall be obtained from the land

administrative departments of local people's governments at and above the county level.

Whereas the land to be temporarily used is within the urban planned areas, the consent of the urban planning departments shall be obtained before being submitted for approval. Land users shall sign contracts for temporary use of land with relevant land administrative departments or rural collective organizations or villagers committees depending on the ownership of the land and pay land compensation fees for the temporary use of the land according to the standard specified in the contracts. Users who use the land temporarily shall use the land according to the purposes agreed upon in the contract for the temporary use of land and shall not build permanent structures. The term for the temporary use of land shall not usually exceed two years.

19. If a sub-project will result in LAR impacts and a RP is prepared, a policy gap analysis will be undertaken between the domestic policies and ADB's social safeguards policy. The social safeguards focal point at the ESSU will be responsible for undertaking such gap analysis and will be provided required training under the institutional development output of the project.

V. Resettlement Principles and Eligibility of Compensation

20. Based on laws and regulations on land acquisition and resettlement of the PRC and Yunnan Province, and ADB's SPS (2009), resettlement principles will include the following key factors:

- (i) Minimize negative impacts as much as possible;
- (ii) Assess the significance and degree of impact of land acquisition and relocation;
- (iii) Make compensation including replacement land or cash to restore income and livelihood sources of affected persons;
- (iv) Compensation based on replacement cost for demolished housing, shops or other private assets prior to commencement of maintenance work;
- (v) Fully inform and consult with affected persons on compensation arrangement;
- (vi) Adequately address project related grievances of the affected persons;
- (vii) No physical displacement or economic displacement will occur until (a) compensation at full replacement cost has been paid to each displaced person; (b) other entitlements listed in the resettlement plan have been provided to displaced persons; and where necessary (c) a comprehensive income and livelihood rehabilitation program, supported by adequate budget is in place to help displaced person.

21. All affected people will be entitled to compensation and rehabilitation for the following impacts: (i) their contracted land area is reduced, (ii) income source is adversely affected, (iii) houses partially or fully demolished, and (iv) other properties (crops, trees, and other facilities) or access to these properties are reduced or damaged due to land acquisition or temporary construction impacts. Lack of legal documents of their customary rights or occupancy certificates shall not affect their eligibility for compensation. People engaged in

informal businesses such as roadside vendors will be assisted and will be allowed to continue their business at a safer site.

22. This resettlement policy shall apply to all roads under the project regardless whether or not they are directly funded by ADB. This policy framework has established entitlements, land compensation standards, other compensation rates and rehabilitation approaches to address all anticipated impacts of the project. The policy applies to all affected persons regardless of the number or the severity of impact.
23. Particular attention will be paid to the needs of the poorest affected persons, and other vulnerable groups that may be at high risk of impoverishment. This may include those without legal title to land or other assets, households headed by females, the elderly or disabled and, other vulnerable groups, particularly ethnic minorities with very small population numbers. Appropriate assistance will be provided to help them improve their socio-economic status.

VI. Entitlements

24. The affected households will receive their entitlements in accordance with the type of impact. Their eligibility and compensation standards set out in Table 1.

Table 1 Entitlement Matrix

Type of Impact	Eligibility	Compensation and Rehabilitation measures	Implementation Issues
1. Loss of Land			
Permanent land acquisition	Households with land use rights or lease rights.	i) The compensation standards for permanent land acquisition are based on Yunnan Annual Output Value of Land Price Compensation, but compensation rates are different from county to county. ii) In case of land belonging to village collectives, compensation will be paid to the collectives. In case of land contracted to farmers, compensation will be paid directly to the farmers. In case of rent-out land, compensation will be paid to farmers signing land contract certificates. iii) Affected Persons (APs) will	County/city coordination office (CCO) and village committees will be responsible for disbursing compensation. APs will be free from taxes, registration and land transfer resulting from land loss.
	Villages with land ownership.		

Type of Impact	Eligibility	Compensation and Rehabilitation measures	Implementation Issues
		receive one or a combination of: <ul style="list-style-type: none"> - replacement land from reserve land, forestland or land readjustment. - cash compensation in the form of lump sum or annual payments. - AAOV based compensation will be calculated to maintain the original living standards of the people. iv) Compensation for standing crops will be directly paid to the owner of the crops.	
Temporary land occupation	Households with land use rights or lease rights. Villages with land ownership.	Cash compensation for loss of income shall be paid to APs. Which will be paid highest rate usually based on Yunnan provincial annual output value standard.	Affected Persons must be notified in advance and paid accordingly The occupation duration cannot be over two years, once exceeded, the land use permission needs re-approval. Land must be satisfactorily restored prior to final payment of contractor. Contractor will be responsible for land restoration.
2. Loss of Houses or Other Facilities			
Houses or other facilities demolition (private and	Houses or other facilities owners	Demolition compensation shall be paid to owners directly at replacement costs without deduction for depreciation or salvaged materials	The losses and compensation paid will be recorded in the household agreements.

Type of Impact	Eligibility	Compensation and Rehabilitation measures	Implementation Issues
collective)		<p>In consultation with affected persons, alternative housing plot or cash compensation will be provided.</p> <p>The affected households (HHs) will also receive a moving subsidy and a transition allowance.</p>	
3. Loss of Land Attachments			
Affected land attachments including young crops and trees	Property owners	Compensation shall be paid based on local regulations and negotiation with affected owners.	The losses and compensation paid will be recorded in the household agreements
4. Loss of Collective Property Resources			
<p>Irrigation or other common property.</p> <p>Special facilities such as power lines and poles, telephone lines and poles</p>	<p>Affected villages and households</p> <p>Management Agencies</p>	<p>Restoration of irrigation and other affected facilities by the contractor to be at least at the previous condition</p> <p>Compensation to property owners at replacement costs based on negotiations</p>	<p>Disruption of facilities will be avoided or minimized and any resulting income losses will be compensated.</p> <p>Property owners will restore the facilities.</p>
5. Special Measures			
Special assistance for vulnerable households.	Poor AHs; elderly or disabled AHs or female-headed AHs or ethnic minority APs	These people will have priority to receive opportunities for free technical training for the unskilled jobs of the project. Such as cleaning drainage ditches or vegetation.	The village committee and local poverty reduction office will assist to identify vulnerable households

Type of Impact	Eligibility	Compensation and Rehabilitation measures	Implementation Issues
	with very small population	control activities.	and appropriate training. Various training (agricultural technology, non-farm skills) are usually combined into poverty reduction program for poor people.

VII. Compensation Principles

A. Compensation Principles for Permanent Land Acquisition

- 25. The compensation standard for permanent land acquisition will be applicable where the subsequent sub-projects may have road widening or road surface reconstruction. Where collectively-owned or state-owned farmland is requisitioned, its compensation standard will be calculated and set with reference to the standards defined in the Unified Standard for Annual Output Value and Regional Integrated Land Price Compensation in Land Acquisition in Yunnan Province and other related regulations.
- 26. Yunnan provincial annual output value standard is the integrated and unified annual output value. It is primarily set based on the average outputs and prices of major agricultural products in the recent 3 years that are produced by Class-I lands, including irrigated paddy land, arid land, vegetable land, garden plot, and aquaculture water ponds, etc., for which a number of factors are considered in a comprehensive manner including land quality, land classification, and price of agricultural product, etc.
- 27. On the basis of annual output value calculation a county (city, district) is divided into several regions with relatively identical economic and social status according to the average level of annual output value of each town and considering its location conditions, economic development level, and agricultural production level, etc. which will work as the regional classification of unified annual output value. One county (city, district) may have several annual output value regions.
- 28. The multiple of uniform annual output value for compensation fee for land acquisition and allowance for resettlement shall be set within the range specified by law and in the principle that the affected person’s living standard will not be lower than the original one. Where the calculated compensation fee for land acquisition and resettlement cannot maintain the affected person’s original living standard, the multiple shall be increased appropriately.

29. The affected persons will be informed and consulted about the standards of payment and these should be acceptable to the affected persons.

B. Compensation Principles for Temporary Land Occupation

30. Based on Regulation of Yunnan Province on Land Administration, the compensation standard for temporary land occupation will be applicable where the subsequent sub-projects may need temporary use of farming or non-farming land for construction purposes. Compensation will be paid directly to affected land users (households or collectives) for the time of occupation, based on average annual output value for each year of use. Also, the contractor is responsible for the cost of restoring the land and any facilities to their original condition. The compensation standard for temporary land occupation is different from county to county.

C. Compensation Principles for Land Attachments

31. Affected attachments may include immovable young crops and trees. Compensation fees for ground attachments and young crops shall be paid to their proprietors according to the following standards formulated in Regulation of Yunnan Province on Land Administration and all compensation rates will be specified in the resettlement plan:

- (i) Where the requisitioned land has crops or trees, they shall not be uprooted in normal circumstances. If uprooting is necessary, compensation shall be made at the actual output value of the crop or the tree.
- (ii) No compensation shall be made for those attachments planted after the competent land administration authority has issued the notice of land acquisition/construction, including permanent and temporary impacts. Such notice will be issued well in advance and will be publicized amongst the affected persons.

D. Compensation Principles for Houses and Other Facilities Demolition

32. Houses or other facilities including private and collective ones demolished during land acquisition shall be compensated directly to the affected persons. The township government or village committee will provide affected households a comparable or better housing plot. The compensation standard is presented as follows:

- (i) the collective affected by land acquisition reallocates housing plots to displaced persons for self-rebuilding, the municipal, county or autonomous county

government shall pay housing plots compensation fees to the affected collectives, and house and attachment compensation fees to displaced persons.

- (ii) If displaced persons select cash compensation, the municipal, county or autonomous county government shall pay housing site, house and attachment compensation fees to the AP at the same time.
- (iii) Where the buildings or facilities on the requisitioned land need removing, compensation may be made in such ways as exchange of property right or evaluated price, or in combined way of both. The area for exchange of property right shall be calculated based on the floor area of the removed buildings. The compensation sum in evaluated price shall be calculated at the replacement cost based on the floor area of the removed buildings.
- (iv) The standard of compensation for removal of tombs and scattered trees (including fruit trees) shall be provided by the people's government of the autonomous prefecture or city, or district administrative office and paid directly to the AP.
- (v) No compensation shall be made for those buildings or structures built after the competent land administration authority has issued the notice of land acquisition or the 'cutoff date' that will be publicized to ensure that the people are well aware of the provision. No compensation for land occupied illegally shall be made but the AP will be compensated for the loss or relocation of other assets, such as dwellings or shops, provided they occupied the land or structure in the project area prior to the cutoff date.

VIII. Rehabilitation Measures

33. The foreseen impacts of the Project will be very minor in most cases and rehabilitation measures will be selected by each individual household. However, a few households may be seriously affected, vulnerable or at risk of becoming worse off. Such households will receive entitlements including: guarantee of replacement land or payment in-kind; providing cash compensation if demanded by the APs; skills training (at least one person per household, at least 50% females); and inclusion of vulnerable households within local poverty reduction programs.

IX. Institutional Arrangement

34. YHAB will handle overall coordination, planning, implementation, and financing responsibilities. Prefecture sections of YHAB will be responsible for contracting and supervising implementation of road maintenance works.

35. Local prefecture/municipal offices of YHAB through local land management bureaus' resettlement offices, will be responsible for preparation and implementation of the agreed resettlement plans, including assets valuation, consultation, and delivery of entitlements. The relevant municipal land management bureaus are responsible for land recording and acquisition approvals. Field tasks such as payment of entitlements, replacement land selection, provision of livelihood support, and monitoring will be responsibility of township officers. YHAB officials and village committee will be responsible to inform and consult with affected persons.

X. Resettlement Budget

36. YHAB will be responsible for the budget requirements for land acquisition and relocation. All costs of compensation, relocation, and livelihood restoration will be considered project costs. For sub-projects with resettlement impacts, the RP and the sub-project budget will provide an itemized budget for all resettlement activities including provisions for setting up resettlement unit, staff training and capacity building, monitoring and evaluation, and resettlement plan preparation. Based on confirmation with project EA, resettlement budget will be part of project budget.

37. YHAB will ensure the flow of funds to its project prefecture level general offices that will be responsible for the payment of compensations. All compensations will be paid prior to mobilizing the contractors. Any temporary land occupation impacts will be paid by the contractor directly to the property owner. Full compensations for house and house attachment demolition, housing plot acquisition and standing crops as well as various subsidies will go directly to APs. Compensation for farmland acquisition will be paid to APs through Village committee.

XI. Disclosure, Consultation and Grievance Redress

38. The consultation with the APs will take place in the early process of maintenance planning. Prior to project construction, county officer, township officials and village leaders will conduct a survey of all affected land and assets. The village committee will consult with affected groups and households to discuss options to avoid resettlement impacts. When impacts are unavoidable, they will discuss options for replacement land or cash compensation. During these consultations, the APs will be informed about the project impacts, both positive and negative; measures to minimize negative impacts and enhance project benefits will be discussed and the outcomes will inform project design.

39. Compensation levels will be determined by local authorities in consultation with the affected persons and their representatives. The compensation amounts will be finalized only after agreement between the authorities and affected persons is reached. Resettlement information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to the affected persons. Complaints and grievance procedures acceptable to ADB will be specified in the resettlement plan and established before finalization of approvals.
40. Grievances can first be addressed to the village committee. If no settlement is reached within two weeks, the complainant has one month to resubmit the grievances to the township government office. If it still unresolved within two weeks, the case can be sent to the relevant prefecture section of YHAB. The affected persons can approach at any time the civil courts at county level, as established by the Regulations for Administrative Redress.

XII. Reporting, Monitoring and Evaluation

41. The internal monitoring agency is YHAB and its prefecture general sections. The scope of internal monitoring will include: (i) progress in land acquisition and compensation payment (ii) progress in identification of plots for displaced peoples and progress in resettlement site development (iii) progress in compensation payment for land, house and other structure demolition (iv) The restoration level of the household income of APs after land acquisition; (iii) The transition period monitoring after house demolition; (iv) implementation of measures for the vulnerable groups; (v) Budget allocation and flow of funds; (vi) The degree of participation and consultation of APs during implementation; (vii) Resettlement training and its results; and (viii) The management agencies for resettlement implementation in the affected areas, the training and working efficiency of the implementation personnel.
42. The YHAB and its prefecture general sections will submit the quarterly internal monitoring report to YPDOT and ADB. In such reports, the statistical data of the past 3 months will be tabulated to reflect progress through comparison of the actual and planned use of the land acquisition, resettlement and compensation fees. The information in these reports will be verified by the construction supervision engineer (or environmental monitor) Table 2 and Table 3 provide some sample formats. If there are no impacts (i.e. the first three rows are zeros), on further monitoring is required and the other columns are left blank. If some road rehabilitation sections will cause impacts, a RP is required, in which case, planned quantities will be specified in these tables.

Table 2 Implementation Progress

_____, _____ Township, _____ County Road section from -----to-----					
Cut-off date: MM/DD/YY					
Date completed: MM/DD/YY					
Item	Unit	Planned quantity	Actual quantity	Accumulative total	Proportion of completion
Permanent land acquisition	Mu				
Temporary land use	Mu				
House demolition area	m ²				
Payment of land compensation	CNY				
Compensation for house demolition	CNY				
Personnel training	Person				
Job arrangement	Person				
Land adjustment	Mu				
Reported by: seal:	Signature (YHAB person responsible): Signature of supervision engineer			Official	

Table 3 Fund Use

_____, _____ Township, _____ County						
Cut-off date: MM/DD/YY						
Date completed: MM/DD/YY						
Affected unit	Description	Unit/Qty.	Investment required (CNY)	Compensation received (CNY)	Adjusted compensation	Proportion of compensation
Village 1						
Village 2						

Relocation HHs						
Entities						
Reported by: seal:	Signature (YHAB person responsible): Signature (land management officer)			Official		

43. YHAB will employ a full time qualified social development specialist (here described as ‘the monitor’) under its Environmental, Social and Safety Unit (ESSU) to assist in resettlement planning, which is necessary when screening subprojects and identifying resettlement impacts, and assist and monitor implementation of RPs for sections where there are impacts. The method of resettlement monitoring and evaluation will be based on a combination of sample household surveys and rapid appraisal in the field. The monitor will also review and verify the progress and internal monitoring reports submitted by the field offices of YHAB, before inclusion of the resettlement information in the project quarterly progress reports. The monitor will assess whether: (i) project implementation was in compliance with the policies and entitlements set out in the RF; (ii) the affected persons were satisfied with compensation and rehabilitation measures; and (iii) the affected persons directly benefited from the Project. The monitor should also summarize lessons learned and make recommendations to improve implementation on subsequent roads. The resettlement monitoring will be carried out and reported quarterly during the resettlement plan implementation, as part of project progress reports. On project completion an evaluation report to ascertain project impacts shall be prepared for submission to YHAB and ADB both in Chinese and English.
44. ADB reserves the right to request at any time of project implementation YPDOT to engage a qualified, independent resettlement consultant to further assist in resettlement planning and in monitoring implementation. Should ADB request it, the resettlement expert will be recruited by YPDOT, under terms of reference satisfactory to ADB.

XIII. Procedural Guidelines for RP Preparation and Due Diligence

45. The annual maintenance roads for subsequent sub-projects will be determined and specific maintenance works will be planned by YHAB and its prefecture general sections. As part of the due diligence process, prior to investing in any maintenance or rehabilitation, focal persons in YHAB and its prefecture general sections responsible for social and resettlement performance will carry out an initial screening, categorization and poverty and social impact assessment to determine whether any sub-project involves land acquisition or involuntary resettlement including an assessment of the degree and significance of the LAR impact.

46. Where land acquisition or involuntary resettlement impacts are identified a RP will be prepared by YHAB. The RP will comprise the following key elements:

- (i) estimated amount of land affected (cultivated and non-cultivated);
- (ii) estimated amount of houses or other structures to be demolished;
- (iii) estimated amount of land acquired temporarily;
- (iv) estimated number of affected households;
- (v) impact assessment of land acquisition and relocation including identifying severely affected households and people;
- (vi) Consultation, participation and grievance redress mechanism for the APs;
- (vii) land acquisition and resettlement cost estimate;
- (viii) strategy for compensation - cash, replacement land or payment in-kind, relocation and rehabilitation measures including training;
- (ix) Implementation mechanism and capacity building measures;
- (x) RP implementation monitoring and reporting mechanism.

47. Screening resettlement impacts of project for preparation of a RP is presented in sample Table 4. This table may be replaced by the subproject datasheet, prepared according to the format in the Operational Manual.

Table 4 Estimated Resettlement Impacts

County_____ Township_____		
Road Name___ Road Code___ Road Class___ Total Length___ Rehabilitation Length___		
Contractor Package Number___ Cost Estimation___		
Affected Village Name_____		
Number of Affected Villages_____		
Item		Remarks
1. Land Acquisition	Areas of acquired land	Mu
	Of which farm land	
	Households affected	Number
2. Houses Demolished	Areas of demolished houses	Square meters
	Households affected	Number
3. Affected People	Households affected	Number
	Person affected	Number

4. Resettlement Cost	Land compensation	CNY
	House compensation	CNY
	Other costs	CNY
5. Disclosure to Affected Persons	Full consultation with APs	Yes or No
	Disclosure of entitlements & rates	Yes or No
	Grievance mechanism in place	Yes or No

48. The RP will be submitted to ADB for approval. In case any road segments involve any seriously affected households (i.e., loss of house or loss of more than 10% of income generating assets), ADB would require details for households affected by those road segments. Land acquisition process can only commence after ADB approval of the RP.

APPENDIX A – Sample Resettlement Plan

**TA 7962-PRC:
Yunnan Sustainable Road Maintenance
(Sector) Project**

Sample Resettlement Plan Outline for Guidance

September 2012

ASIAN DEVELOPMENT BANK

ENDORSEMENT LETTER OF RESETTLEMENT PLAN

The Resettlement Plan (hereinafter referred to as RP) for Yunnan Sustainable Roads Maintenance Project is prepared and compiled in accordance with relevant resettlement regulations of ADB Safeguard Policy Statement (2009) and relevant laws and legislations of the People's Republic of China Government. During implementation of the Project, we will strictly abide by this RP. {This endorsement letter is required for each RP}

Date:

Signature:

Deputy Executive Director

Yunnan Provincial Department of Transport

Forward/Preamble

This is a sample Resettlement Plan outline is to be used as a guide in case any road sections involve involuntary resettlement¹. The text in “black” is wording that could be used but requires checking for each RP. The text in “red with parenthesis” is guidance for the RP preparation, and should be deleted after inserting the appropriate information.

1. Project Description

Yunnan Sustainable Road Maintenance (Sector) Project aims to improve the road network under YHAB’s administration through carrying out three major components in sustainable ways: (i) road maintenance and rehabilitation program; (ii) performance-based maintenance pilots; and (iii) YHAB’s capacity strengthening for effective management of road asset. Maintenance and rehabilitation program will include asphalt concrete overlay, pavement reconstruction, drainage systems repairs or reconstruction, installation of signs and markings, safety measures for bends, long steep grades and junctions, roadside safety treatment and traffic calming. The works will be divided in four annual phases between 2013 and 2016.

The maintenance program component includes total 800km of road maintenance work of which ___km roads have been selected in the ___ phase during Year ___. The sub-project components include ___ km pilot roads. The map of project roads is in the annex A. These project sub-components were screened by YHAB for the assessment of land acquisition and relocation (LAR) impacts. This RP is prepared on the basis of this LAR assessment.

Total length of roads to be maintained in 20___ is ___km and these roads are dispersed in ___counties over ___prefectures of Yunnan province. Of these ___ prefectures ___are ethnic minorities’ autonomous prefectures. The list of project roads is presented in table 1. ___counties earmarked for project roads are key counties in the national priority list for poverty reduction and ___project counties are key counties in the provincial priority list for poverty reduction works. The population covered by the year 20__ - is ___million (___% of total provincial population) of which rural population counts for ___%.

Table 1: List of Project Roads

Road No.	Road Class	Rehab Length(km)	Type of Maintenance	Prefecture	County
1	-	-	-	-	-
2	-	-	-	-	-
3	-	-	-	-	-

Note: Number of roads will depend and vary on yearly basis.

¹ For a sector project, normally a sample section/component is selected and a Resettlement Plan prepared. However, this project may not invoke any involuntary resettlement, as was the case for the first eight road section identified for maintenance in 2013. Thus no sample section could be identified at this stage so a sample outline was prepared instead to guide ESSU.

2. Permanent Land Acquisition and Relocation Impact

2.1 Land Acquisition

The year ____ sub-project components will require acquisition of land and house demolition. The permanent LAR impacts are shown in the table 2.

Table 2: Permanent Land Acquisition Impacts for Year _____

Land Type	Road No 1		Road No 2		Road No 3		Total	
	Area (mu)	%	Area (mu)	%	Area (mu)	%	Area (mu)	%
House plot								
Farmland	Paddy land							
	Dry land							
	Orchard/garden land							
Forestland								
Water Ponds								
Others								
Total								

2.2 House/Structure Demolition

The sub-component of the project will result in demolition and relocation of _____ households. Impact of household demolition are shown in the Table 3.

Table 3: Affected Houses/Structures by Relocation for Year _____

No. Structure	Unit	Road No 1		Road No 2		Road No 3		Total	
		Qty.	%	Qty.	%	Qty.	%	Qty.	%
1	Brick-concrete	m ²							
2	Brick-tiles	m ²							
3	Earth-tiles	m ²							
4	Wood-tiles	m ²							
5	Stone-tiles	m ²							
6	Simple structure	m ²							
7	Brick-iron tiles	m ²							

8	Brick-asbestos tiles	m ²
9	Earth wall-asbestos tiles	m ²
	<i>Total</i>	m ²

3. Temporary Land Acquisition

The year ___ sub-project components will require temporary occupation of land and house demolition. The temporary land occupation impacts are shown in the table 4.

Table 4: Temporary Land Occupation for Year _____

No.	Land type	Unit	Road 1		Road 2		Road 3		Total	%
			Qty.	%	Qty.	%	Qty.	%		
1	Arable land	mu								
2	Forest land	mu								
3	Waste land	mu								
4	Total	mu								

4. LAR Impact Analysis

For the sub-projects in Year _____, an impact analysis was undertaken based on the percentage (%) of land loss, remaining land assets with the affected household, and impact of such loss for the household income and livelihood. The EESU established at the YHAB conducted social impact assessment (SIA) and a census to identify all persons who were affected by the project sub-components. The SIA included (i) identified impacts, (ii) census of all displaced persons based on a detailed measurement survey and (iii) an inventory of lost assets at the household, enterprise, and community level, (iii) an assessment of each affected household's income and livelihoods. Vulnerable groups such as people with disability, female headed households, ethnic minorities and poor households are identified as these groups can be disproportionately affected by LAR impacts. Based on the impact analysis, no households is experiencing income loss of more than 10% due to arable land loss and no household has been classified as 'severely affected household'. The ethnicity of APs will also be collected and reported. {The final wording will be based on SIA}

The LAR impact analysis is presented in the table 5.

Table 5: Affected Households and Persons

Impact	Unit	Road 1	Road 2	Road 3	Total
Loss of arable land	Loss				

Impact		Unit	Road 1	Road 2	Road 3	Total
	AHs	HH				
	APs	person				
	Losing over 10%	HH %				
	Remaining Land	Mu				
Loss of forestland	Loss	Mu				
	AHs	HH				
	APs	person				
Loss of house/structures	Loss	m ²				
	AHs	HH				
	APs	person				
	Relocation	HH				
Severely Affected						
House demolition	AHs	HH				
Loss of more than 10% of livelihood assets						
Total without overlapping		AH				
		AP				
Ethnic minorities		HH				
		% of total affected HH				
Poverty households		HH				
		% of total affected HH				

Source:

5. Legal Framework and Policies

The plan is based on the legal framework and policies outlined in the Resettlement Framework. This text including a policy gap analysis between ADB policy and PRC domestic policy will be included in each RP.

6. Resettlement Principles and Eligibility for Compensation

Resettlement principles and eligibility for compensation for this plan are outlined in the RF. This text will be included in each RP.

7. Entitlements

Compensation measures and entitlements have been determined for all categories of impacts identified and are based on Central and Provincial government policies as well as ADB policy requirements. Entitlements for these sub-components are guided by the Entitlement Matrix prepared in the RF. The sub-project specific entitlement matrix will be included in each RP.

8. Compensation Standards

{This section will vary depending upon the type of impacts; if there are no impacts of certain types, those sub-sections can be deleted}

8.1 Compensation Standards for Permanent Land Acquisition

For land acquisition, compensation standard are calculated and set with reference to the standards defined in the Unified Average Annual Output Value (AAOV) and Regional Integrated Land Price Compensation for land acquisition in Yunnan Province and other related regulations. YHAB will ensure that these standards are followed by the local agencies.

Yunnan provincial annual output value standard is based on the average outputs and prices of major agricultural products in recent 3 years that are produced in Class-I lands, including irrigated paddy land, swidden, irrigable land, arid land, vegetable land, garden plot, and aquaculture water, etc. The AAOV varies from one region to another and from one county to another. LAR compensation rates for the Year _____subprojects are based on provincial rates. As an example, for the subprojects in Dehong Prefecture, compensation standards for permanent land acquisition are provided in Table 6. {As an example, for the subprojects in Dehong Prefecture, compensation standards for permanent land acquisition are provided in Table 6}

Table 6: Minimum Compensation Standards for Permanent Land Acquisition (for Sample County)

No.	Land type	Ruili (CNY/mu)	Note
1	Paddy land	42,870	
2	Vegetable land	45,000	
3	Dry land	38,000	
4	Slope dry land	32,000	
5	Orchard	28,000	
6	Wasteland	4,287	
7	Fish pond	49,000	
8	Woodland	22,000	
9	Economic forest land	12,000	
10	Open forestland	6,400	
11	Shrubbery land	5,180	
12	Road	29,146	

13	Housing plot	49,588
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Source: Dehong Prefecture Land Administration Bureaus.

8.2 Compensation Standards for Temporary Land Occupation

Compensation for temporary land occupation will be paid directly to affected land users (households or collectives) for the time of occupation, based on average annual output value for each year of use. Also, the contractor is responsible for the cost of restoring the land and any facilities to their original condition. A sample of compensation standards for temporary land acquisition in Dehong Prefecture is outlined in Table 7.

Table 7: Compensation Standards for Temporary Land Occupation

Item		Unit	Compensation standard
Temporary land occupation fee	Arable land	CNY/mu/year	2,000-2,500
	Non-arable land	CNY/mu/year	1,500
Land reclamation fee.	Arable	CNY/mu	2,000

Source: Dehong Prefecture Land Administration Bureaus.

8.3 Compensation Standards for Land Attachments

Affected attachments may include immovable young crops and trees. Compensation fees for ground attachments and young crops will be paid to their proprietors.

A sample of compensation standards for trees in Dehong Prefecture has been detailed in Table 8.

Table 8: Compensation Standards for Scattered Trees

No.	Item	Unit	Average Standards (CNY)	Note
1	Fruit tree	tree	20-80	
2	Bamboo	tree	8	
4	Coffee tree	mu	4,000	

Source: Dehong Prefecture Land Administration Bureaus.

8.4 Compensation Standards for Houses and Other Facilities Demolition

Houses or other facilities including private and collective ones demolished during land acquisition will be compensated directly and will be based on 'replacement cost'. The township government or village committee will provide affected households a comparable or better housing plot.

A sample of compensation standards for demolished houses and structures in Dehong Prefecture has been presented in Table 9.

Table 9: Compensation Standards for House Demolition

No.	House type	Unit	Replacement costs	Note
1	Brick-concrete	CNY/m ²	1,000	
2	Brick-tiles	CNY/m ²	650	

3	Earth-tiles	CNY/m ²	500	
4	Wood-tiles	CNY/m ²	400	
5	Simple	CNY/m ²	250	
6	Brick-asbestos tiles	CNY/m ²	400	
7	Hollow brick-asbestos tiles	CNY/m ²	380	
8	Earth wall-asbestos tiles	CNY/m ²	300	
9	Moving subsidy	CNY/HH	3,000	
10	Transitional living allowance	CNY/m ² /month	10	Max. of 6 months

Source: Dehong Prefecture Land Administration Bureaus.

9. Rehabilitation Measures

The overall objective of resettlement plan is to ensure that the incomes and livelihoods of affected people will improve or at least will be restored to the previous levels before resettlement. None of the sub-components will result in significant LAR impacts therefore income and livelihood impacts will generally be small and affected people will be compensated for the losses. If cases are found where affected households are significantly impacted (eg. House relocation or loss of business), the RP will include appropriate relocation and rehabilitation measures.

10. Institutional Arrangement and Implementation

Institutional arrangements are outlined in the RF and will guide implementation of RP for the sub-components for Year _____. This arrangement will be specified in each RP, including relevant contact persons.

11. Resettlement Budget

A detailed budget is prepared for a project sub-component for Year ____ requiring LAR. All expenses related to RP implementation will be part of the general budget of the project. YPDOT will ensure necessary finances to meet the budget requirements for LAR. YHAB and its project prefecture general sections will be responsible for the payment of compensations. Compensations will be paid within three months of APs' signing their compensation agreements. A sample budget outline is provided in Table 10.

Table 10: Budget for LAR Implementation for Sub-projects in Year _____

No.	Item	Road 1	Road 2	Road 3	Total	
					Qty	%
1	Permanent land acquisition					

2	Temporary land occupation
3	Houses demolition
4	Ground facilities compensation
5	Arable land reclamation fee
6	Land acquisition administration fee
7	Contingency fee for land acquisition
8	Internal/External monitoring expenses
9	Training expenses
10	Vulnerable groups resettlement measures
Total	

12. Disclosure, Consultation and Grievance Redress

For the sub-projects of Year _____ a public consultation and participation (C&P) schedule has been prepared that will be part of each resettlement plan prepared for the sub-project resulting in LAR. A sample of C&P Schedule is presented in Table 11; These consultations will address – (i) project design and realignment if required to avoid or minimize the LAR impacts, (ii) project benefits for the communities in project area, (iii) degree of LAR impacts including income, livelihood and social impacts, (iv) compensation standards, (v) rehabilitation and income and livelihood restoration programs, (vi) concerns and preferences on resettlement options, (vii) vulnerable groups and their rehabilitation requirements.

During the detailed measurement survey (DMS), the affected peoples’ participation will be ensured in preparing census of affected people and inventory of losses.

In order to inform the affected people about the content of the RP, the resettlement organizations at all levels will disclose the resettlement plan. This RP will be made available in township offices upon approval of the sub- projects by ADB.

Table 11: C&P Schedule for Public Participation and Consultation

Location	Date	Participants	Number		Main Themes	Outcome
			(Male)	(Female)		

Resettlement information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be done with the participation of APs and results will be publicly disclosed. Complaints and grievance procedures acceptable to ADB will be established in the resettlement

plan, as set out below.

Grievances can first be addressed to the village committee. If no settlement is reached within two weeks, the complainant has one month to resubmit the grievances to the township government office. If it still unresolved within two weeks, the case can be sent to the relevant prefecture general sections. Affected people can seek redress of their grievances, at any time, in the civil courts at county level, as established by the Regulations for Administrative Redress. The affected household, if their grievances result from violation of ADB's safeguards policy may directly appeal to ADB in accordance with ADB's Accountability Mechanism (2012).²

13. Monitoring and Evaluation

Internal monitoring will follow the procedures outlined in the RF. These will be repeated or specified in each RP.

² <http://www.adb.org/site/accountability-mechanism/main>

APPENDIX B – Due Diligence

PPTA Consultant ‘Due Diligence’ on IR/IP Categorization and impact assessment of first year subprojects

First year subprojects are divided into seven subprojects under Output 1, and two subprojects under Output 2 (covering three road sections). The PPTA consultant carried out site visits on the project road sections as follows.

Road No	Land Acquisition & Relocation	Category	Comment
S 211 Songyu line (31 kilometers)	0	C	0.3 to 0.6 hectare of wasteland was initially estimated to be occupied temporarily. Subsequently, to avoid the temporary occupation, alternative arrangements have been made so no LAR
G108 Kunming-Luquan (46 kilometers)	0	C	Information from field survey.
G 323 Luocunkou-Yanshan (57 kilometers)	0	C	Information from interview over the phone with responsible prefecture and county road sections coupled with secondary data from PPTA other specialists' survey.
G 320 (a) Dali Section (17 kilometers) G 320 (b) Ruili Section (50 kilometers)	0	C	Information from interview over the phone with responsible prefecture and county road sections coupled with secondary data from PPTA other specialists' survey.

G213 Kunming – Yuxi G 213a (46 kilometers) G 213b (15 kilometers)	0	C	Information from field survey.
S234 Dehong (57 kilometers)	0	C	Information from interview over the phone with responsible prefecture and county road sections coupled with secondary data from PPTA other specialists' survey.
X214 Zhangcheng line (16 kilometers)	0	C	Information from field survey.
S321 Yangmeng line (22 kilometers)	0	C	Information from interview over the phone with responsible prefecture and county road sections coupled with secondary data from PPTA other specialists' survey.
X212	0	C	Information from field survey.

A. Involuntary Resettlement

During social field survey and public consultation with different project stakeholders, 201 households have been sampled for household survey which represents 26% of total households in 18 surveyed villages. Among surveyed households (HHs), 22.4% were poverty HHs, 13.4% were female-headed HHs and the remainders were minority HHs with 46.8 percentage. 28 village leaders have been interviewed and 35 FGDs have been held with 17 female FGDs and 18 male FGDs respectively. Stakeholder consultation workshops were conducted at provincial, prefecture and county levels. The major stakeholders involving in consultation workshops had: (i) Project IAs at prefecture and county levels; (ii) Poverty Alleviation Offices at provincial, prefecture and county levels; (iii) Women's Federations at prefecture and county levels; (iv) Ethnic Minority Affairs Bureaus at prefecture and county levels; and (v) local and international NGOs working on protection of HIV/AIDS and human trafficking.

The social survey and public consultation illustrated that maintenance programs for the first phase Social survey included all roads in the first phase roads, specific components of maintenance works for other tranches have not been decided at the PPTA stage. But other phases will be screened and reviewed by RF and road ID forms. The project will be focused on repair of road surface including asphalt concrete overlay and pavement reconstruction, drainage systems repairs or reconstruction without road reconstruction and widening. There would be no land acquisition or displacement of people from land, housing, roadside shops and businesses, and sources of income and livelihood. Roadside vendors will be allowed to continue their businesses a bit far away from construction sites during maintenance implementation although their businesses are illegal under Chinese Road Law. The project will not have land acquisition and resettlement impacts. The project of phase one is category C for involuntary resettlement so it will not require a resettlement plan. The Resettlement Framework has been prepared to screen and managing possible resettlement issues in subsequent phases. It sets out the procedural requirements to prepare resettlement plans, if required.

B. Indigenous Peoples Safeguards

The social survey and public consultation also presented that project roads are situated in three ethnic minority autonomous prefectures and one ethnic minority autonomous county. They are: Dehong Dai and Jingpo Autonomous Prefecture (G320b), Dali Bai Autonomous Prefecture (G320a), Wenshan Zhuangs and Miao Autonomous Prefecture (G323) and Luquan Yi and Miao Autonomous County (G108). Among surveyed HHs, there is 46.8% of minority-headed HHs. Ethnic minority groups will enjoy benefits from better road conditions and improved transport safety equally with other groups without negative effects of development on them. The project of phase one is category C for indigenous people safeguards that will not require an ethnic minority development plan as (i) the project involves existing roads that have been used by local people for many years; (ii) the maintenance works will be very focused on road pavement repair and confined within the right-of way, there would no physical displacement of them as well as no negative effects of development of them; (iii) social field survey illustrated that ethnic minorities have common transport needs with other groups, the project will address their common needs through improving road condition and road safety management; and (iv) during focus group discussion with ethnic minorities, they reported that they welcome the project since its components will not have effects on their traditions and livelihoods, but will have positive impacts on them such as better road and safer travel that the project will bring.

Sub Project Maps for Year 2013







