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PRC: Yunnan Pu'er Regional Integrated Road Network Development Project

Prepared by Pu'er City Transportation Bureau for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 9 June 2014) Currency unit – Yuan (CNY) CNY1.00 = \$0.16229 \$1.00 = CNY6.1579

ABBREVIATIONS

ADB	-	Asian Development Bank
APs	_	affected persons
LAR	_	Land Acquisition and Resettlement
PRC	_	People's Republic of China
RP	_	resettlement plan

NOTES

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

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Yunnan Pu'er Regional Integrated Road Network Development Project (Component: Rural Road Upgrading Project)

Short Resettlement Plan (No.8 Rural Road: Gongguan Road)

Pu'er City Transportation Bureau January 2014

Endorsement Letter

The Resettlement Plan (hereinafter referred to as RP) of the Yunnan Pu'er Regional Integrated Road Network Development Project to utilize Ioan of ADB is prepared by the project executing agency (EA) Pu'er Municipal Government (PMG); the project implementing agency (IA) Pu'er Municipal Bureau of Transport (PMBT); and Mojiang County Government, implementing agency for the upgrading of the Gongguan road. The RP is prepared in accordance with relevant resettlement regulations of ADB Safeguard Policy Statement (2009), Safeguards Requirements II, Involuntary Resettlement, and relevant laws and legislation of the People's Republic of China. During implementation of the Project, the project EA (PMG) and the project implementation agencies (PMBT and Mojiang County Government) will strictly abide by this RP.

Mayor of Pu'er City Signature

18/08/2014 Date

CONTENTS

CHAPTER 1	INTRODUCTION AND PROJECT BACKGROUND	1
	1.1 Rural Road Upgrading Component	1
	1.2 Gongguan Road	4
CHAPTER 2	BASIC SOCIO-ECONOMIC PROFILE OF GONGGUAN ROAD AND	THE
ESTIMATION	OF LAND ACQUISITION AND RESETTLEMENT IMPACTS	5
	2.1 Gongguan Village	5
	2.2 Estimated Land Acquisition	5
	2.3 Affected People	5
CHAPTER 3	LEGAL FRAMEWORK AND RESETTLEMENT POLICY	6
	3.1 Legal Provisions on Permanent Land Occupation	7
	3.2 The Compensation Standards of Gongguan Road	7
CHAPTER 4	RESETTLEMENT AND REHABILITATION PROGRAMS	11
CHAPTER 5	RESETTLEMENT BUDGET	12
	5.1 Land Compensation	12
	5.2 Land Resettlement Fee	12
	5.3 Temporarily Land Occupation Fee	12
	5.4 Tax	12
CHAPTER 6	RESETTLEMENT ORGANIZATIONS AND IMPLEMENTATION	13
CHAPTER 7	CONSULTATION, PARTICIPATION AND REDRESS OF GRIEVANCES	14
	7.1 Consultation, Participation and Disclosure	14
	7.2 Grievances	14
CHAPTER 8	MONITORING AND EVALUATION	16
	8.1 Internal Monitoring	16

CHAPTER 1 INTRODUCTION AND PROJECT BACKGROUND

1. Yunnan province of the People's Republic of China (PRC) is the open forward areas in southwest of China. According to the State Council's approval, the Yunnan province should become China's Southwest-facing open "bridgehead", and will bring new opportunities for economic development and infrastructure construction for Yunnan province. According to the southwest open "bridgehead" development planning of Yunnan province, Pu'er City is one of the frontier cities or municipalities of the area. Pu'er City plays an important role within the strategy of constructing Yunnan province as the China's southwest opening-oriented "bridgehead".

2. Pu'er City is located in the southwest of Yunnan province and is the largest cities in the Province, with a total land area of 45,000 sq. km. Pu'er City administrative areas include 9 counties, and 1 district, and a total of 103 town or townships. The total population is 2.546 million people, including minority populations, which account for 61%. Pu'er City is the only city neighboring Viet Nam, Laos, and Myanmar. The international border is about 486 km from the city. Pu'er City is the important Southwest portal of China, and Yunnan province. In the multi-faceted relationship of Yunnan province with Southeast Asia, Pu'er City has traffic and location advantages.

3. In order to drive the economic and social development of Pu'er, Pu'er municipal government plans to upgrade the existing road network, as part of the proposed Project. Pu'er City Regional Road Network Integrated Development Project includes three major components,:

- **Component 1: Rural road upgrading project.** This component will upgrade approximately 600 kilometers of rural road. The project will pave the surface based on the original roads; no new land and demolition are required. A resettlement framework (RF) has been prepared to deal with any unanticipated land acquisition and relocation (LAR) impacts including preparation of a resettlement plan (RP). This RP is prepared for Gongguan road to deal with some small LAR impacts.
 - **Component 2: Ning'er~Jiangcheng~Longfu road construction project.** The total length of the project is 256.89704 km (which include connection line 24.2 km), and the proposed road class is three level Highway. In some sections existing road sections will be used, some sections will have new alignments. This component will result in LAR and a full RP has been needed.
 - **Component 3: Menglian to Meng'a class II level Highway.** The full length of this road is about 49 km. Parts of the road will use existing road sections, some sections will be new alignments. This component will result in LAR and a full RP has been prepared.

1.1 Rural Road Upgrading Component

4. A total of 33 rural roads, covering about 600 km length are proposed by the Pu'er Transport Bureau. Table 1 shows the proposed rural roads.

Index	Name	From	То	County
1	Simao to De'an Road	Lianhua village	Pe'er river	Simao
2	Tuanshan Road	K37+200 (Siyun Highway)	Tuanshan	Simao
4	Chahe Road	Tangliushu on Puniu highway	Lingfang point	Ning'er
5	Minsheng Road	Meizi	Minsheng	Ning'er
6	Bangwai village road	22.7 km		Jingdong
7	Wafang Road	tree farm	Wafang	Mojiang
8	Gongguan Road	Guzhuqing	Baha	Mojiang
9	Banpo Road	K61+370 of Mojian highway	K24+090 of A'luo highway	Mojiang
10	Longyan Road	Xiaolongjie	Yanjie (Nanhua County)	Jingdong
11	Bangqing Road	Xiaolongjie	Xishe (Nanhua County)	Jingdong
12	Yong'an Road	Dabaipo Mountain	Yong'an	Jinggu
13	Qianjia Road	K12+080 of Wenhui Road	Lulaqingzhai	Jinggu
14	Wenhui Road	K2361+800 of G323	border of Weiyang/ Fengshan	Jinggu
15	Guihai Road	Luanhaihe River	Guihai	Zhenyuan
16	Zhetie Road	Laojie	Zhetie	Zhenyuan
17	Banghai Road	Nazhuangtian	Banghai	Zhenyuan
18	Lianmeng Road	Rosin factory	Lianmeng	Zhenyuan
19	Habo Road	Silicon Iron Factory	Habo	Jiangcheng
20	Liangkeshu Road		Kapming Township	Jiangcheng
21	Longtang Road	Tiaxin Road	Longtang	Jiangcheng
22	Damannuo Road	K8+900 of Fumo highway	Gelangyang River	Menglian
23	Gongliang Road	No.6 Rubber Group	Wongwuo	Menglian
24	Hui'e Road	Jingxi	Mengbai	Menglian
25	Dongnai Road	K47+050 of Mengmeng highway	Dongnai	Menglian
26	Saihan Road	Mangnong	K2950+150 of G214	Lancang
27	Mangnong Road	Nanling	Mangnong	Lancang
28	Galou Road	K4+700 of Yongbulou highway	K16+690 of Woyang highway	Ximeng
29	Yongbulou Road	Farmers Market, Zhongke	Yongbulou	Ximeng
30	Yongbang Road	K10+700 of Ximo highway	A'mo village, Xingchang	Ximeng
31	Momei Road	Yongye	Xinchanghe Power Station	Ximeng
32	Nadong village road	12.6 km		Lancang
33	Nanlie village road	13.6 km		Lancang

Table 1: List of Proposed Rural Roads

5. Some of the basic information of the villages the 33 rural roads pass through, is listed as Table 2.

	Road Ethnic							
	Administrative	length	House-holds (#)	Population (#)	minorities			
	villages	(km)			(names)			
1	Simao to De'an road	17						
2	Tuanshan	27.7	568	2230	Yi, Hani			
4	Chahe	14.851	395	1251	Yi, Hani			
5	Minsheng	15.745	237	950	Yi, Hani			
6	Bangwai village road	22.7						
7	Wafang	13.7	350	1400	Yi, Hani, Han			
8	Gongguan	21.5	396	1645	Yi, Hani, Han			
9	Aluo	25.2	327	1040	Yi, Hani, Han			
10	Longyan	28.963	427	5780	Yi, Dai, Yao			
11	Bangqing	24.459	461	3764	Yi, Dai, Yao			
12	Yong'an	13.973	844	3287	Yi			
13	Qianjia	20.561	930	3973	Yi			
14	Wenhui	22.848	708	2957	Yi			
15	Guihai	14.1	455	1783	Hani			
16	Zhetie	11.2	367	1247	Yi, Hani, Lahu			
17	Banghai	10.09	489	1563	Yi, Hani, Lahu			
18	Lianmeng	19.1	300	3000	Lahu			
19	Habo	14.302	458	1916	Hani, Yi, Dai			
20	Liangkeshu,	24.769	000	0074	Vee Lleri Mise			
	Yaojiashan		828	3374	Yao, Hani, Miao			
21	Longtang	20.189	157	764	Hani, Dai			
22	Damannuo	17	692	2372	Va			
23	Gongliang	14.3	936	4059	Va, Dai, Lahu			
24	Hui'e	11,8	679	4300	Va, Dai, Lahu			
25	Dongnai	11.9	752	3207	Lahu, Han			
26	Saihan village of	21.5	550	2128	Lahu, Hani			
	Fubang		550	2120				
27	Mangnong village of	39	680	2317	Lahu			
	Nanling		000	2317	Lanu			
28	Galou	13.2	248	1034	Va			
29	Yongbulou	15	298	1233	Va			
30	Yongbang	14	331	1256	Va			
31	Momei	11.6	276	1182	Va			
32	Nadong village road	12.6						
33	Nalie village road	13.6						

Table 2: Beneficiaries of the 33 Rural Roads

1.2 Gongguan Road

6. Gongguan road is one of the 33 rural roads. The start point is Guzhuqing, and the ending point is Baha. The total length of Gongguan road is 21.5 Km. One village committee will be benefit from this project, namely; Gongguan village, Tongguan town, Mojiang county of Pu'er city.

CHAPTER 2 BASIC SOCIO-ECONOMIC PROFILE OF GONGGUAN ROAD AND THE ESTIMATION OF LAND ACQUISITION AND RESETTLEMENT IMPACTS

7. Gongguan road is located in the Mojiang county of Pu'er city. Gongguan village committee of Tongguan town will benefit from the rural road upgrading project.

8. Simao district is located in the East of Pu'er city. The total land area is 5312 km², with 99.98% of mountainous areas. It is 273 km away from Simao, and 273 km from Kunming. There are 2 towns and 13 townships, 4 residential community and 164 village committees.

2.1 Gongguan Village

9. Gongguan village belongs to Mojiang Hani autonomous county, and located in the North of Tongguan town. It is 18 km away from the Town seat. The road from Gongguan village to Tongguan is an earthen road. The transportation is convenient. The distance from the village to Mojiang is 60 kilometers.

10. There are 20 village groups in Gongguan village, with 396 households, 1,645 persons, and a labor force of 757. Most of the population comprises of Hani and Han people. Among the labor force, 689 are engaged in primary industry. The total land area is 35 sq km, and the altitude is about 1,450 m above the sea level, average annual temperature is 18.9°C, annual precipitation is 1,111 mm. Gongguan village is suitable for cultivation of grain, tobacco and other crops.

11. The total farmland is 4798 mu in the village, with 2.9 mu of cultivated land per capita. Forestry land size is 13,769.50 mu. The farmers net income of 2012 is about CNY4500 per capita. Of this amount, 40% comes from economic crops, like rubber, coffee, tobacco, tea, etc., 40% from livestock sector, and 20% from outside work.

2.2 Estimated Land Acquisition

12. All of the 600 km of rural road upgrading involves only pavement of the existing earth road alignments with asphalt or cement concrete. There is not any permanent land acquisition required at the feasibility study stage. However, there may be some widening or straightening of the road in certain places.

13. The total length of Gongguan road is 21.5 km. Based on the condition of the existing road, it is estimated that there are about 4 mu of land may will be acquired by the project permanently. And since the existing road is narrow, during the construction period, it is estimated that about 20 mu land will be required for construction temporarily.

14. Based on the principle of minimal amount of cultivated land to be occupied by the project, the 4 mu permanent occupied land will be forestry land where possible.

2.3 Affected People

15. As a result of 4 mu land acquired permanently and 20 mu land will be occupied temporarily, it is estimated that about 15 households with about 60 persons will be affected. No house will be demolished by Gongguan road upgrading component.

CHAPTER 3 LEGAL FRAMEWORK AND RESETTLEMENT POLICY

16. The laws and regulations adopted in this resettlement policy framework include national laws and regulations, provincial laws and regulations, and the local regulations of Pu'er city, as well as the policy of Asian Development Bank (ADB) Safeguard Policy Statement (2009).

1. ADB INVOLUNTARY RESETTLEMENT (IR) POLICIES

17. 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 people, where possible, to minimize, mitigate or compensate for adverse project impacts on affected people when avoidance is impossible and to help borrowers or clients to strengthen their safeguard system and develop the capacity to manage social risks.

18. 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.

19. 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 wellbeing. 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.

2. NATIONAL LAWS AND REGULATIONS

- (i) Document 28: State Council Decision to Deepen Reform and Strictly Enforce Land Administration in October, 2004;
- (ii) Land Administration Law of the PRC, 1998;
- (iii) Implementation Regulation for Land Administration Law of PRC;
- (iv) Protection Regulation of Basic Farmland;
- (v) Forestry Law of PRC, revised in 1998; and
- (vi) Regulations for Urban House Demolish (State Council Document 305, Implementation form 2001, November).

3. LAWS AND REGULATIONS OF LOCAL GOVERNMENT

- (i) The Regulation of Yunnan Province on Land Administration (1999);
 - (ii) 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);

- (iii) The Implementation Methods for Farmland Occupation Tax of Yunnan Province (Yunnan Provincial Government Document 149, Implementation time: 2008);
- (iv) The Notice of Further explicit Land Acquisition related Issues of Pu'er City Government (Pu'er City Government [2006] No.50);
- (v) The House Demolish Compensation and Relocation Management Methods for Pu'er urban area collective land houses (Pu'er City Government [2009] No.53); and
- (vi) The Implementation Methods of Basic endowment insurance for Farmers Whose Farmland be Acquired. (Pu'er City Government [2010] No. 11).

3.1 Legal Provisions on Permanent Land Occupation

20. **Permanent Land Acquisition.** The policy of "Comprehensive Standards on Yearly Production Value and Comprehensive Compensation of Price for Land Acquisition in Yunnan Province" will be the basis of compensation for permanent land acquisition. Based on this policy, the land requisition unified annual production criteria of Mojiang county is shown below.

Land category	Annual production	Time	Average compensation	Area scope
	criteria (Yuan /mu)	s	standards (Yuan/mu)	
Category 1	1434	26	37276	Lianzhu town (county
				seat)
Category 2	1191	21	25005	Other town and
				townships except
				Lianzhu town
Average of	1313	24	31512	
whole county				

Table 3: Land Requisition Unified Annual Production Criteria of Mojian County

21. **House Demolition.** The road upgrading does not envisage any house demolition. However, the compensation for house demolition will refer to the local replacement cost.

3.2 The Compensation Standards of Gongguan Road

22. Gongguan village is located within Tongguan town, the land of Gongguan therefore, is grouped as category 2, and the compensation standards of permanent land acquisition is CNY25,005 per mu, for all kind of land. The land compensation rates are based on the average annual output values of farm land and as the permanent land acquisition will mainly involve forestry land, the compensation rates are higher.

23. In the event that any house demolition will happen, the compensation standards will follow the schedule of **Error! Reference source not found.**

Table 4: House Demolition Compensation Standards of Menglian-Meng'a Road

24. The entitlements to be provided to affected persons (Aps) are summarized in Table 5.

Type of loss	Application	Entitled person/ group	No. of entitled persons /groups	Compensation policy	Compensation Entitlement	Implementation issues
Permanent loss of land	Land be acquired permanently (in cases where widening or realignment is required)	HHs with use rights and collective with ownership	Village groups and affected households	 a) Land compensation and resettlement subsidies in cash; b) Cash compensation for standing crops c) TThe project will make efforts to avoid acquiring land while standing crops are ready for harvesting and if unavoidable prior notice will be given and consultations will be done with the owners. d) Farmland reclamation fund according to provincial policy e) Farmland occupation tax according to provincial policy 	 a) Cash compensation of 25005 Yuan per mu. b) 1191 Yuan per mu for standing crops c) 9132 Yuan/mu to paid to provincial land administrative department by EA d) 5336 Yuan/mu farmland occupation tax to taxation departments by EA 	 a) Town and village committee will confirm losses and payments b) County transport bureau approve and monitor

 Table 5: Entitlement Matrix of Compensation and Resettlement Policy

Type of loss	Application	Entitled person/ group	No. of entitled persons /groups	Compensation policy	Compensation Entitlement	Implementation issues
Temporary land occupation	Land used for construction activities	HHs with use rights and collective with ownership	Affected households and village groups	Cash compensation paid to owner prior to the occupation of the land.	CNY4000 per mu per year based on the period of construction, and crops be affected. Land will be satisfactorily restored to its original condition by the contract prior to final payment.	Use is monitored by township officials; maximum period is less than 2 year
Loss of houses	Residential houses or other structures	Affected households	All owners	Cash compensation based on replacement cost plus moving allowances. The replacement cost will not take in account depreciation value and the affected households will have the right to use the salvaged material free of cost. House plot provided free of cost by the village collective.	Full payment directly to owners before demolition	Notice 6 months in advance. Village/ town government will provide new and a suitable plot free of cost.

CHAPTER 4 RESETTLEMENT AND REHABILITATION PROGRAMS

25. The linear nature of road alignment and the proposed upgrading work being confined within the existing right of way (RoW), the impact of LAR are minimal and are not expected to have any negative impact on the original production and livelihood systems. Following the principle of "resettlement as part of development," the land-based and agriculture-based rehabilitation measures shall be adopted as the main economic rehabilitation options in this RP. The overall scheme is as follows:

a.) Economic Rehabilitation Planning

26. For the households affected by permanent land acquisition, the economic rehabilitation for resettlement will be mainly based on development of agricultural production, which include changing planting structure, upgrading low yield cultivated land, and changing dry-land into paddy land. The permanently acquired land will be compensated in cash and the APs will be provided guidance to invest compensation money in enhancing cash cropping or the improving existing farm based activities. This will not only help the APs to regain their losses but is likely to improve their incomes from the pre-project standards. Additionally, in order to increase the income for the affected people, appropriate animal husbandry activities, and the second and tertiary activities will also be developed based on different economic conditions among project areas.

b.) Rehabilitation for Vulnerable Group

27. In the process of implementing the resettlement, great importance will be attached to rehabilitation of vulnerable group. During implementation if any affected household is identified as vulnerable, the project will provide financial and material assistance in addition to the compensation and rehabilitation packages specified in the RP.

CHAPTER 5 RESETTLEMENT BUDGET

28. The resettlement budget of Gongguan road includes land compensation, house and auxiliaries compensation, resettlement compensation, special facilities reconstruction compensation, other cost, contingency and relevant taxes and fees.

5.1 Land Compensation

29. The land compensation fee will be 4 mu x 25005 per mu = CNY100,020.

5.2 Standing Crop Compensation

30. 4 mu x CNY1,191 per mu = CNY4,764.

5.3 Temporarily Land Occupation Fee

31. 4000 Yuan per mu x 20 mu x 2 years = CNY160,000

5.4 Tax

32. 4 mu x 9,132 Yuan per mu + 4 mu x CNY5,336 per mu = CNY57,872

33. The total budget of Gongguan road resettlement is about CNY354,921 including 10% contingency that will cover if any vulnerable households are identified.

CHAPTER 6 RESETTLEMENT ORGANIZATIONS AND IMPLEMENTATION

34. For Pu'er Road Development Project, Pu'er city PMO will be responsible for overall project implementation. For Gongguan road, the Mojiang County Transport Bureau will be the agencies in charge of executing the project and implementing the resettlement program. Authorized by the City level PMO, the Mojiang transport bureau shall conduct the regular supervision work in light of the requirements of ADB so as to ensure that the RP is fully implemented. In implementation, the institutions responsible for the planning, management, implementation and monitoring of resettlement activities include:

- (i) Pu'er city Resettlement Leading Group for Pu'er Road Development Project,
- (ii) Pu'er city PMO for Pu'er Road Development Project,
- (iii) Resettlement Office of Pu'er city,
- (iv) Mojiang county Transport Bureau,
- (v) Tongguan town government,
- (vi) Gongguan Village Committee, and Villagers' Group, and
- (vii) Selected Independent Resettlement Monitoring Evaluation Institution.

CHAPTER 7 CONSULTATION, PARTICIPATION AND REDRESS OF GRIEVANCES

7.1 Consultation, Participation and Disclosure

35. Public participation refers to participation in the whole process of resettlement by different stakeholders. The importance is to establish a mechanism which encourages the APs to actively participate in the resettlement activities. In implementation of the Project, public participation and information disclosure within the project area be carried out. The knowledge and acceptance of proposed compensation policies and rehabilitation measures by affected people is the precondition for the approval of the RP.

36. The project affected people have participated in the whole process of the compilation and implementation of RP. To achieve this, during the preparation of RP, consultation meetings were held to inform APs about the policy framework. In the process of RP and implementation, city and county levels of PMOs and other relevant agencies will solicit the opinions of resettlement and compensation policies from the APs and will encourage their active involvement.

37. The road improvement LAR impacts, entitlements for the APs, grievance redress mechanism, income restoration measures will be disclosed to the APs through meetings by the local agencies and a copy of the RP will be provided to the each village groups.

7.2 Grievances

38. In the implementation process, complaints by AP's may occur because of the change of actual situation and implementation. In order to ensure that affected people are able to voice their complaint when there is problem in the land occupation and resettlement, appeal procedures have been prepared and appear in the RF and this RP. The purpose is to provide rapid feedback to APs' complaint. The detailed procedure is as follows:

39. If any AP has disagreement with the assessment of LAR impacts, compensation or resettlement and rehabilitation plan, he/she can voice his complaints to the village committee (residential committee). The village or residential committee should keep records of grievances (both written and oral), consult with local resettlement office and provide a reply to the affected people within two weeks. If the affected people are not satisfied with such reply, he or she can appeal to the township or town resettlement working group, which will take records, consult with local resettlement office and provide a solution to the affected people within two weeks. If the AP still does not accept such a resolution, her or she can appeal directly to local county level project resettlement office (PMO), which is main organization in charge of the project implementation. The county project resettlement office will take records of such appeal (written or oral) and will provide a resolution within 15 days. If the dispute still cannot be resolved, in accordance with appeal channel, the affected people could appeal to Pu'er city level PMO. The aggrieved affected person, at any time, can go through administrative appeal according to administrative procedure law of PRC, or directly go to the People's Court. The Resettlement Office is responsible for keeping records of all appeal (written or oral), and resolutions.

40. The APs may also submit a complaint to the ADB's Project Team to try to resolve the problem. If good faith efforts are unsuccessful, and if there are grievances that stemmed from a violation of ADB's safeguard policy, the APs may appeal directly to ADB in accordance with ADB's Accountability Mechanism (2012).¹

¹ For further information, see http://www.adb.org/Accountability-Mechanism/default.asp.

CHAPTER 8 MONITORING AND EVALUATION

8.1 Internal Monitoring

41. As the LAR impacts are for the Gongguan Road upgrading are very limited, the implementation of this RP will be internally monitored. The overall monitoring will be undertaken by the PMBT PMO (the focal point for the social safeguards implementation). The monitoring will involve reviewing of the monitoring documents submitted by the county PMO as well as site visits to verify that the RP is being implemented in accordance with the specified provisions. The PMO will prepare a consolidated report as part of the quarterly progress report for review by the ADB.

42. County PMO of Mojiang will monitor the implementation of the RP and will prepare reports for review by the PMBT PMO. The monitoring work will include reviewing the main implementation milestones, evaluating the resettlement effect and revising the RP if it is necessary.

43. The specific content of internal monitoring will include:

- (i) The implementing progress and quality of projects for APs economic rehabilitation;
- (ii) The investigation, coordination and suggestions for the main problems existing in resettlement institutions during the implementing process;
- (iii) The restoration of family income after relocation and resettlement;
- (iv) The rehabilitation of vulnerable group;
- (v) The allocation, disbursement, and use of resettlement compensation; and
- (vi) Resettlement participations and consultation in the implementing period.