LIVESTOCK WASTE MANAGEMENT IN EAST ASIA

Project preparation under the PDF-B grant

STRATEGY AND GUIDELINES FOR ETHNIC MINORITY DEVELOPMENT PLAN IN GUANGDONG PROVINCE

August 31, 2004
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Abbreviations

AA    Autonomous Authority
BC    Boluo County
ER    Equal Rights
FAO   Food and Agricultural Organization
EM    Ethnic Minority
EMAR  Ethnic Minority Autonomous Region
EMC   Ethnic Minority Communities
EMDP  Ethnic Minority Development Plan
EMG   Ethnic Minority Groups
EMP   Ethnic Minority People
GEF   Global Environmental Facility
GP    Guangdong Province
IP    Indigenous Peoples
NGO   Non-Governmental Organization
NPC   National People’s Congress
NSC   National Steering Committee
OD    Operational Directive
PLG   Project Leading Group
PMO   Project Management Office
PRC   People’s Republic of China
SCS   South China Sea
SIA   Social Impact Assessment
TP    Transfer Payments
WU    Women’s Union
YT    Yuanzhou Town, the project site, in Boluo County
I. Introduction

1. The Livestock Waste Management in East Asia project is funded by GEF, and FAO is responsible for preparing the project. The key objective of the project is to reduce the negative local and global environmental impacts of rapidly increasing livestock production in selected watersheds in the coastal area, related to Guangdong Province (GP), Thailand and Vietnam. Focus point will be the reduction of land-based pollution from livestock production of the international water of the South China Sea (SCS). There will be some other extra objectives after the implementation of the demonstrated project, especially through the expansion and duplication of the surrounding areas of SCS in selected watersheds in the coastal areas not only the adverse impacts of land-based pollution from livestock production will be reduced, but also the global benefits would occur in the areas of biodiversity, land degradation, and climate change.

2. The Project consists of four components, they are Conducive Policy Framework (Component 1), Demonstration of Manure Management (Component 2), Regional Component (Component 3), and project management and Monitoring (Component 4). All of the project objectives supposed to be performed by the components.

3. In GP, Component 1 includes Policy Development, Policy Enforcement, Capacity Building and Awareness Raising. All of them focus on the development of policies and decision-support tools, so that to enforce and demonstrate the policies and regulations more effectively and more efficiently. For component 2, Guangdong selected Yuanzhou Town (YT) of Boluo County (BC) as the actual physical demonstration site, for the demonstration of improved livestock waste management practices. The Component 3 focuses on the regional affairs, including the evaluation activities on effects and impacts for the demonstration project, the development of common decision support tools, and the dissemination of demonstration project results. The Component 4 focuses on the efficient project management and effective monitoring of the activities and the project.

4. In line with the World Bank’s Operational Directive on Indigenous Peoples (OD 4.20), if there are Ethnic Minority People (EMP) in the project selected sites, then an Ethnic Minority Development Plan (EMDP) will be developed for areas that
have Ethnic Minority (EM) households according to this strategy for Ethnic Minorities (EMs). The directive provides policy guidance to

(a) Ensure that Indigenous People (IP) benefit from development projects, and

(b) Avoid or mitigate potentially adverse effects on indigenous people caused by Bank-assisted activities.

5. According to OD 4.20, EM is defined as social groups with a social and cultural identity distinct from the dominant society (Han Nationality in GP, PRC) that may make them vulnerable to being disadvantaged in the development process. EMs can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

(a) A close attachment to ancestral territories and to the natural resources in these areas;

(b) Self-identification and identification by others as members of a distinct cultural group;

(c) An indigenous language, often different from the national language;

(d) Presence of customary social and political institutions; and

(e) Primarily subsistence-oriented production.

6. According to information collected from local authorities, the Project Management Office (PMO) officials, National Steering Committee (NSC) members, 3 field trips and questionnaire survey, there are no Ethnic Minority Groups (EMG) located in the demonstration site selected (YT) at all during the project preparation phase. In case of future project demonstration activities may be located in the areas of EMs, every special effort will be made through design, construction measures and schedules to reduce adverse impacts on these groups. For this waste management demonstration practices, the adverse impacts would be at the individual level and at a low-intensity level, as land of some EM families may be exchanged or permanently acquired for building common waste treatment systems. The project would not cause any culturally specific impact on the affected EM households and the nature of impacts does not result in community-wide socio-economic effects. Therefore, here prepares this STRATEGY AND GUIDELINES FOR ETHNIC MINORITY DEVELOPMENT PLAN.

7. The purpose of this strategy is to ensure that the development process foster full respect for dignity, human rights, and cultural uniqueness of EMP. More
specifically, the objective of this strategy is to ensure that EMPs do not suffer adverse effects during the development process and that they will receive culturally compatible social and economic benefits.

II. Ethnic Minorities in Guangdong Province

8. According to the sample survey, the resident population is about 78.5858 million in Guangdong, account for 6.12% of Chinese People. The annual natural growth rate is 9.7‰ or so, and the population density is about 442 persons per square kilometer. Among all the provincial population, there are all the 56 nationalities in the province, the dominant society Han Nationality in GP accounts for 98.5%; the total ethnic people is 1.34 million, account for 1.5% of the total province population.

9. The top five EMs in population are Zhuang Nationality, Yao Nationality, Tujia Nationality, Miao Nationality and Dong nationality, account for 86% of the ethnic population of GP. But Baoan, Deang, Luoba, Yugu adn Tataer 5 Nationalities are only 49 persons.

10. There are five ethnic autonomous counties in GP, they are Liannan Yao Nationality, Lianshan Zhuang Nationality and Ruyuan Yao Nationality autonomous county. Meanwhile, there are also 7 autonomous townships in GP, Shanshui Township of Lianzhou City, Yao Nationality Township of Yaoan County, Chengjia Yao Nationality Township of Yangshan County, Shendushui Yao Nationality Township of Shixing County, Xiashui Zhuang and Yao Nationality Township of Huaiji County, Lantian Yao Nationality Township of Longmeng County, and Zhangxi She Nationality Township of Dongyuan County.

11. In the past 55 years, especially after the rural reform (contract responsibility system), the social, economic, education and political aspects of the EMs in GP have developed very fast.

12. The ownership right of the EMs in GP has been greatly and successfully guaranteed by the laws and regulations (will be mentioned below in details), both the country level and provincial level, and the county autonomous regulations as well.
13. The EM leaders have been trained to the great extent, 11,300 ethnic minority leaders distributed among the GP; and 4,030 leaders in the Autonomous Townships and Counties. About 300 EMPs are in different level of People’s Representative Congress/Commission.

14. Different level of government authorities have taken great effort to support the development of the EMs in GP. In 2002, the government authority of GP granted 60 million Yuan to three Autonomous Counties for deducting the debt of 9 years free education for children; granted 2 million Yuan to each autonomous county, and 1 million Yuan to each EM township respectively, for the development of key agricultural enterprises. Recent years, 578 kilometers’ road has been new built, 175 hydraulic power plants have been new established.

15. The livelihood standard of the EMs in GP has been greatly enhanced in the past year. By the end of 2002, the net income of the three autonomous rural EMPs has increased to 2955 Yuan per capita.

16. Equal Rights (ER) of ethnic people is guaranteed by the Constitution of the PRC, issued on December 4, 1982, approved and took effect by National People’s Congress (NPC); revised and approved on 12 April 1988, 29 March 1993, 15 March 1999, and 14 March 2004. Article 4 in the Constitution states clearly as follows: All the nationalities in the People’s Republic of China have equality right. The Country guarantees all the legal rights and benefits of every EM nationalities; maintains and develops the equality, united and mutually assistance relationships among every nationality. Prohibits discrimination and oppress to any nationality, prohibits the behavior of destroying unity of nationalities and the behavior of separation of nationalities. The country carries out the regional autonomous for EMs where the EMPs inhabit a region, establishes the autonomous authorities. Every region of ethnic minority autonomous is an indiscerptible part of the PRC.

17. Freedom of EM languages and customs. Article 4 of the Constitution states: Each nationality has the freedom of using and developing its own language and characters, and the freedom of preserving or reforming its own customs and habits. The Code of Civil Law PRC, issued by NPC; took effect on April 9, 1991, states clearly in Article 11: each EM has the right to use its own language and characters to perform the civil action. For EM inhabit region or multi-ethnic minority cohabitation region, the People’s Court should use the local language and characters in general use to judge and issue legal documents.
18. Equal political rights also guaranteed by the Constitute. Article 59 states: the NPC is composed of the representatives from the provinces, autonomous regions, municipalities directly under the Central Government, and army. Each EM should have suitable representatives. Article 113 further states: the representatives of the autonomous regions/prefectures/counties people’s congress council should have suitable quota of other EMPs except for the autonomous representatives.

19. The important policies for supporting EM development is the Law of Regional National Autonomy of PRC, which was issued on May 31 of 1984, approved by NPC and took into effect on October 1 of 1984; latest revised on 28 February 2001. Main support policies as follows:

- Assist each Ethnic Minority Autonomous Region (EMAR) to accelerate the development in economy, education, science and technology, culture, health, and sports, etc. Establish incentive policies in order to induce and encourage the investment in EMARs from domestic and foreign funds (Article 55).
- Prior to arrange resources development projects and infrastructural construction projects in the EMARs, based on the unified programming and market demand. Increase the share of investments and policy loans for the major infrastructure construction projects (Article 56).
- Integrate monetary and capital market, to enhance the finance assistance for the economic development of the EMARs (Article 57).
- Establish special funds to assist the development of economic and cultural construction activities in the EMARs (Article 59).
- Develop favorable policies to support the development of international trade for the EMARs, enlarge the managerial autonomy of the production enterprises of the EMAR in foreign trade, encourage the development of local advanced products and their exports (Article 61).
- Gradually increase the Transfer Payments (TP) to the EMARs along with the national economic development and the fiscal revenue growth. Increase the capital input, accelerate the economic development and social progress, and finally reduce the gaps between the developed areas and the EMARs, by performing general fiscal TP, special fiscal TP, EM preferential fiscal policy TP (Article 62).
- Assist the poverty EMARs to eliminate the poverty EMPs by fiscal, financial, material, technological and expertise supports (Article 69).
III. The Strategy

20. The main objective of the World Bank’s ethnic minority framework is to ensure that the development process foster full respect for their dignity, human rights, cultural uniqueness and that EMs do not suffer adverse impacts during the development process and they will receive culturally-compatible social and economic benefits. The Bank’s OD 4.20 on Indigenous Peoples indicates that the strategy for addressing the issues pertaining to indigenous peoples must be based on the informed participation of the indigenous people themselves. Thus, identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approaches, and appropriate early use of experienced specialists are core activities for any project that affects EMPs and their rights to natural and economic resources.

21. ER of ethnic people is guaranteed by the Article 4 of the Constitution, means every EMG has the right to submit proposals and take part in the activities of the waste management demonstration duplications and disseminations. Freedom of EM languages and customs by Article 4 of the Constitution indicates that EMPs could use their own languages and characters and reserve their customs and habits. The important policies for supporting EM development by the Law of Regional National Autonomy of PRC guide the development trends of the EMARs.

22. Detailed strategies for the development of EMARs and EMPs also guaranteed by the Law of Regional National Autonomy of PRC:

- The Autonomous Authority (AA) develops their own guidelines, policies and plans according to the local characteristics and needs under the guidance of national plans. And self-determination on local economic construction activities (Article 25).
- The AA adopts varieties of measures to train the EMPs, including every level of leaders, scientific and technological qualified personnel, managing and administrative persons, and technical staffs; so that the roles of the EMPs can be exerted. Meanwhile, pay more attention to train women EM leaders, technical personnel (Article 22).
The AA may adopt special measures to give special treatment and encourage the EMPs to take part in all kinds of construction activities of the EMAR (Article 22).

The AA determines the rights of ownership and the rights of use for local grasslands and forestry according to the legal regulations (Article 27).

The AA self-determinates the development of EM education, and train the specialized EM personnel (Article 37).

The AA self-determinates the development programming of the local medical and health affairs. Enhance the epidemic prevention from the contagious disease and endemic disease; enhance the hygiene and health care abilities for women and children; improve the medical and health care conditions (Article 40).

The Regulation of Rights and Interests Guarantee for Live Scattered Ethnic Minority, issued on December 1 of 1997, approved by the People's Congress of Guangdong Province, took effect on January 2 of 1998, guaranteed the detailed strategies for the development of live scattered EMPs (Article 10):

- The local authority with more live scattered EMPs, should consider the characteristics and need of the EMPs, when they develop the economic development plans and social development programmings, which is favorable to the development of live scattered EMPs.
- Special cares and supports for EMPs in funds, loan, assistance, economic and technical collaboration.
- Helps the EM township to enhance the infrastructural constructions in agriculture, forestry, livestock husbandry, fishery, irrigation works, power, transportation, post and communications, etc.

The Chairman Decree 58, namely the Law of Women Rights and Interests Guarantee PRC, issued on 3 April 1992, approved by the NPC, took effect on 1 October 1992, guaranteed the equal access/participation of women and men:

- ER of political, economic, cultural, social, and family activities (Article 2);
- ER of vote and to be elected (Article 10);
- ER of culture and education (Article 14);
- ER of engaging science, technology, literature, arts, and other cultural activities (Article 20);
• ER of employment/working (Article 21);
• ER of property/possessions (Article 28);
• ER of contract responsible cultivate land, grain ration land, and house sites in rural areas (Article 30).


• Provincial stage organs and Qinyuan City, Shaoguan City who govern the EMAR, should first consult the opinions of the AA before they develop any provisions related to EMAR. Respect and vindicate the legal rights and benefits of the EMAR.
• Any decisions, determinations, orders and directions made by the upper level organs, if not suitable for the EMAR, the AA may adapt EMAR to the circumstance after reporting to and applying for approval by the upper level organs.

26. All above strategies could be applied to the Livestock Waste Management in East Asia Project where applicable.

IV. Guidelines for Ethnic Minority Development Plan

27. These guidelines seek to ensure that EM are well informed, consulted and mobilized to participate in activities supported by the project. The participation of EMPs can either provide more certainty about the benefits they may receive, or protect them from any potential adverse impacts of the demonstration project. The major elements of the EMDP are a preliminary screening process, followed by a Social Impact Assessment (SIA) to determine the degree and nature of impact of each activity under the project, and an action plan which will be developed if warranted. Consultations with and participation of the EMPs, their leaders, EMARs and/or local government officials will be an integral part of the overall EMDP.

Details of the screening and SIA processes are described below.
V. Screening

28. All EM Counties, EM Townships and those counties and townships where have EMPs are candidates for the project duplication or demonstration, will be visited (at the time of first consultation with counties and townships) by PMO, PLG and relevant local authorities and consultants. Prior to the visit, the respective PMO or PLG will send a letters to the candidate counties or townships, to inform the leaders respectively that the PMO, PLG and consultants will visit them, and the proposed project will be discussed. The letter will request that the county/township invites to the meeting representatives of farmers and women associations, leaders of the local Ethnic Minority Communities (EMCs), village leaders, and key staff of county/township for discussion on the project. During the visit, the county/township leaders and other participants will be requested to present their views with regard to the project.

29. At this visit, the social scientists/consultants and/or local Women’s Union (WU) will undertake a screening for EMPs and EMCs with the help of EM leaders and local authorities. The screening will check for the following:

   (a) Names of EMPs, EMGs and EMCs in the county/township;
   (b) Economic class status of the EMPs in the county/township;
   (c) Total number of EMPs, EMGs and EMCs in the county/township;
   (d) Distribution of EMPs, EMGs and EMCs in the county/township;
   (e) Percentage of EMPs to total county/township population;
   (f) Number and percentage of EM households along the proposed project sites for demonstration.

30. If the results show that there are EMGs or EMCs in the zone of influence of the proposed project sites for demonstration, a SIA will be planned for those areas.

VI. Social Impact Assessment

31. The SIA will be undertaken by the social scientists/consultants and/or trained staff from the local WU and EM leaders. The SIA will gather relevant information on the following: demographic data; social, cultural and economic situation; and social, cultural and economic impacts, both positive impacts and negative impacts.
32. Information will be gathered from separate group meetings: EM leaders; EM men; and EM women, especially those who live in the zone of influence of the proposed project sites for demonstration. Discussions will focus on project impacts, both positive and negative; and recommendations for the design of the project. The local WU will participate in analyzing the SIA, and should be involved into the development of an action plan with the EM leaders and project staff. If the SIA indicates that the potential impact of the proposed project will be significantly adverse or that the EMGs/EMCs rejects the project, the project will not be implemented in that locality; no further action is needed in this case.

33. If the EMPs or EMGs/EMCs supports the project implementation, an EMDP will be developed.

VII. Ethnic Minority Development Plan

34. The action plan will consist of a number of activities and will include mitigation measures of potentially negative impacts, modification of project design, and development assistance. Where there is land acquisition in EMCs, the project will ensure that their rights will not be violated and that they will be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation and rehabilitation will follow the Resettlement Policy Framework of the project.

35. The Ethnic Minorities Development Plan, especially the proper protection of the rights of the IP, requires the implementation of special project components in tandem with the preparation of main investment, the EMDP should include:

1) Legal Framework. Including (i) the assessment of the legal status of the EMGs and EMCs covered by this OD; and (ii) the ability of such groups and communities to obtain access to and effectively use the legal system to defend their rights.

2) Baseline data. Include (i) accurate, up-to-date maps and aerial photographs of the area of project influence and the areas inhabited by IP; (ii) social structure and income sources of the IP; (iii) inventories of the resources and technical data on IP’s production system; and (iv) the relationship of IP to other local groups.
(3) Land tenure information. Focus on the establishment of legal recognition of the customary or traditional land tenure systems of the IP.
(4) Local participation. IP’s participation in decision making throughout project planning, implementation, and evaluation.
(5) Technical identification of development or mitigation activities. Detailed description of education, training, health, credit, and legal assistance.
(6) Institutional capacity. To assess the track record, capabilities, and needs of those institutions, including: (i) availability of funds for investments and field operations; (ii) adequacy of experienced professional staff; (iii) ability of IP’s own organizations, EMAR, EM Counties, EM Townships, NGOs; (iv) ability of executing agency; and (v) adequacy of field presence.
(7) Implementation schedule. Components should include this schedule with benchmarks by which progress can be measured at appropriate intervals.
(8) Monitoring and evaluation.
(9) Cost and financing plan.

VIII. Implementation Arrangement

36. Consultants will also be responsible for training respective PMO and PLG participants, leaders of EMGs and EMCs, local WU or a similar social organization to undertake the work of consultation, screening, social impact assessment, analyses and preparing EMDPs.

37. PMO, PLG, and local authority (some areas in GP are AA) of the project are responsible for implementing EMDP (arrange for adequate staff and budget).

IX. Monitoring

38. Implementation of the EMDPs will be regularly supervised and monitored by PMO, PLG, respective agencies/organ of the government, the Peoples' Congress and the Ethnic Minorities and Religions of GP as well. The findings and recommendations will be recorded in quarterly reports and to be furnished to PMO, PLG, NSC, and the World Bank office in Guangdong Province.

39. The independent agency or agencies which will be used by PMO and PLG
to undertake external monitoring and evaluation of the implementation of resettlement action plans for the project will also be tasked with monitoring the activities for EMDP. The external monitoring agency will visit a sample of affected households in each relevant province on an annual basis.

X. Schedule

40. The EMDP should have an implementation schedule that is coordinated with the project implementation. Logically, SIA and group meetings should be undertaken before the project designs are prepared. Compensation for land acquisition should be satisfactorily completed at least one month prior to start of civil work. Monitoring should take place at the recommended times during project implementation.

XI. Budget

41. The EMDP, while provides development activities, will include information on detailed cost of mitigation measures and other rehabilitation entitlements for EM in the influence areas. Sources of funding for the various activities and financing plans will be clearly specified in the cost tables.

XII. Reporting/Documentation

42. The EMDPs will be prepared and submitted by the PMO and PLG to the NSC and then the World Bank at the same time that the PMO submit its annual work program to the NSC and the World Bank for review. When the NSC submits the final annual work program to the World Bank for approval, an integrated EMDP report will also be furnished.