

LIVELIHOOD IMPACT ASSESSMENT AND MITIGATION PLANNING, CASE OF A WIND FARM PROJECT DEVELOPMENT



How international frame work and regulatory framework can work together?

30/11/2022

A WORLD ELECTRIFIED BY
RENEWABLE ENERGY





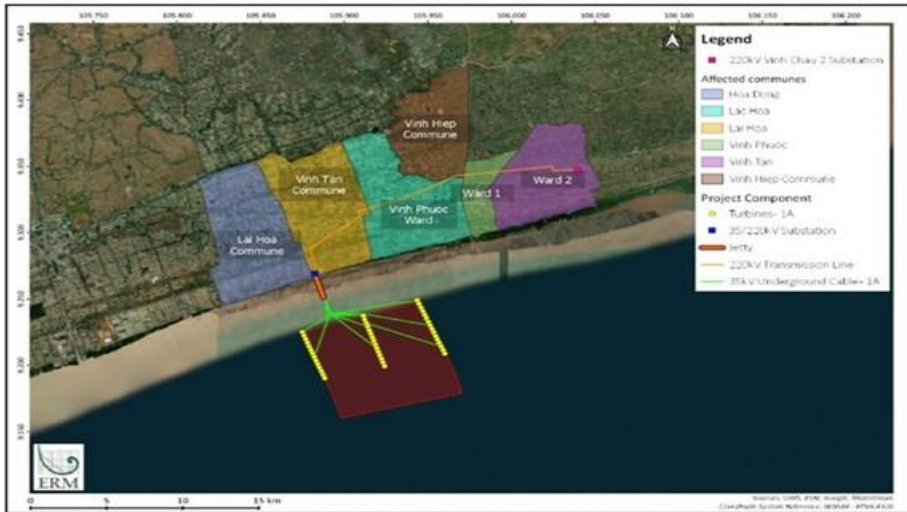
WINDS

THE PROJECT, ETHNIC MINORITIES & INDIGENOUS PEOPLES

Key topic related to International Frameworks



The Project



> Location:

- Vinh Chau District
- Soc Trang Province

> Directly affected communities:

- Lai Hoa commune
- Vinh Tan commune
- Vinh Hiep commune
- Vinh Phuoc commune
- Ward 1
- Ward 2

> Ethic groups

- Kinh
- Hoa (Chinese)
- Khmer



Vietnam related Regulations



- ✓ Law of Resource, Sea Environment and Islands, June 25 2015.
- ✓ Decree No. 11/2021/NĐ-CP on assignment of certain sea areas to organizations and individuals for exploitation and use marine resources
- ✓ Land Law dated November 29, 2013.
- ✓ Decree No. 43/2014/ND-CP dated May 15, 2014 detailing the implementation of several articles of the Land Law.
- ✓ Decree No. 47/2014/ND-CP dated May 15, 2014 providing for compensation, support and resettlement when the State recovers land.
- ✓ Decree No. 14/2014/ND-CP dated February 26, 2014 detailing the implementation of the Electricity Law on electrical safety.
- ✓ Circular No. 36/2014/TT-BTNMT dated June 30, 2014 detailing land valuation methods; building and adjusting land price list; specific land valuation and land price determination consultancy.
- ✓ Circular No. 37/2014/TT-BTNMT dated June 30, 2014 detailing compensation, support and resettlement when the State recovers land.
- ✓ Decision No. 63/2015/QĐ-TTg dated December 10, 2015 supporting vocational training and job creation for workers whose land has been acquired.
- ✓ Decree No. 148/2020/ND-CP dated December 18, 2020 amending several articles of the Land Law.
- ✓ Circular No. 09/2021/TT-BTNMT dated June 30, 2021 amending several articles of elaborating and providing guidelines for Land Law.

International Standard

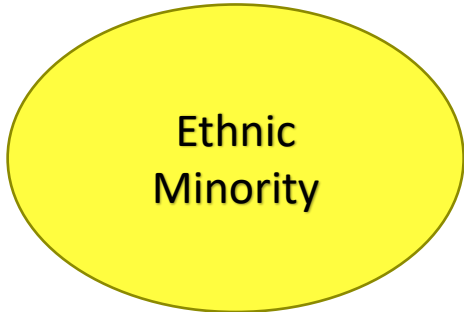


- ✓ World Bank Group (WBG) EHS Guidelines for Electric Power Transmission and Distribution 2007
- ✓ ADB Safeguard policy Statement 2009
- ✓ Performance Standard of IFC 2012
- ✓ IFC's Utility – Scale Solar PV Power Plant Guideline 2015
- ✓ Equator Principles 4 (EP4), 2020
- ✓ AIIB's Environmental and Social Framework last amended in May 2021.

PS 7 – Indigenous People



Decree 05/2011/NĐ-CP 14 Jan 2011
on ethnic minority work; Decision 33/2020/QĐ-TTg on
criteria for ethnic minority area, 12 Nov 2020



Distinct language

Collective attachments

Self-identification

Customary institutions

considered by
national or local laws

different communal decision-
making institution

specific
characteristics

socio-cultural
groups

represent in formal decision-
making bodies at the national or
local levels

maintain cultural, economic, social, and
political institutions distinct from the
dominant society and culture

historically, socially and economically
marginalized, disempowered, excluded,
and/or discriminated against

IP screening & applicability



IP REQUIREMENTS - GENERAL



FPIC (Free, Prior and Informed Consent)



KEY STEPS

- ✓ Conduct a preliminary study
- ✓ Engagement with the community
 - Household survey individual interview
 - Community consultations with informal leaders or representative
- ✓ Provide for the community to receive assistance from the third parties
- ✓ Providing sufficient time to think and communicate amongst themselves
- ✓ Promote the mutual respect and no intimidation – separate consultation meeting with Authorities
- ✓ Develop community mitigation / action plans

The project: Ethnic Groups, Minorities & Indigenous People

There are 3 ethnic groups in the direct Project area of influence:

Khmer

Hoa

Kinh

Khmer and Hoa are ethnic minority groups.

Khmer also recognized as **Indigenous People** in the Project fishing area as satisfying the criterias of IFC PS7

Communes / wards directly affected are a mix of the 3 ethnic groups; all except Ward 1 are **predominantly Khmer (64%-75%)**.

Strong influence of Khmer ethnic culture in Project area.

Fishing / agriculture / aquaculture mostly done by Khmer families (but there are Hoa and Kinh fishing & farming families who will also be affected).

Preliminary Estimate of Number of Households Impacted by Ethnic Group

Figures for land particularly are subject to change but not expected to be orders of magnitude different

| Ethnic Group | Estimated No. HHs Affected by Land | Estimated No. HHs Affected by Fishing | Total* |
|--------------|------------------------------------|---------------------------------------|--------|
| Khmer | 131 | 126 | 257 |
| Hoa | 238 | 8 | 246 |
| Kinh | 66 | 27 | 93 |
| Total* | 435 | 161 | 596 |

* Total counts some families twice (e.g., impacted by both) so overall numbers could reduce

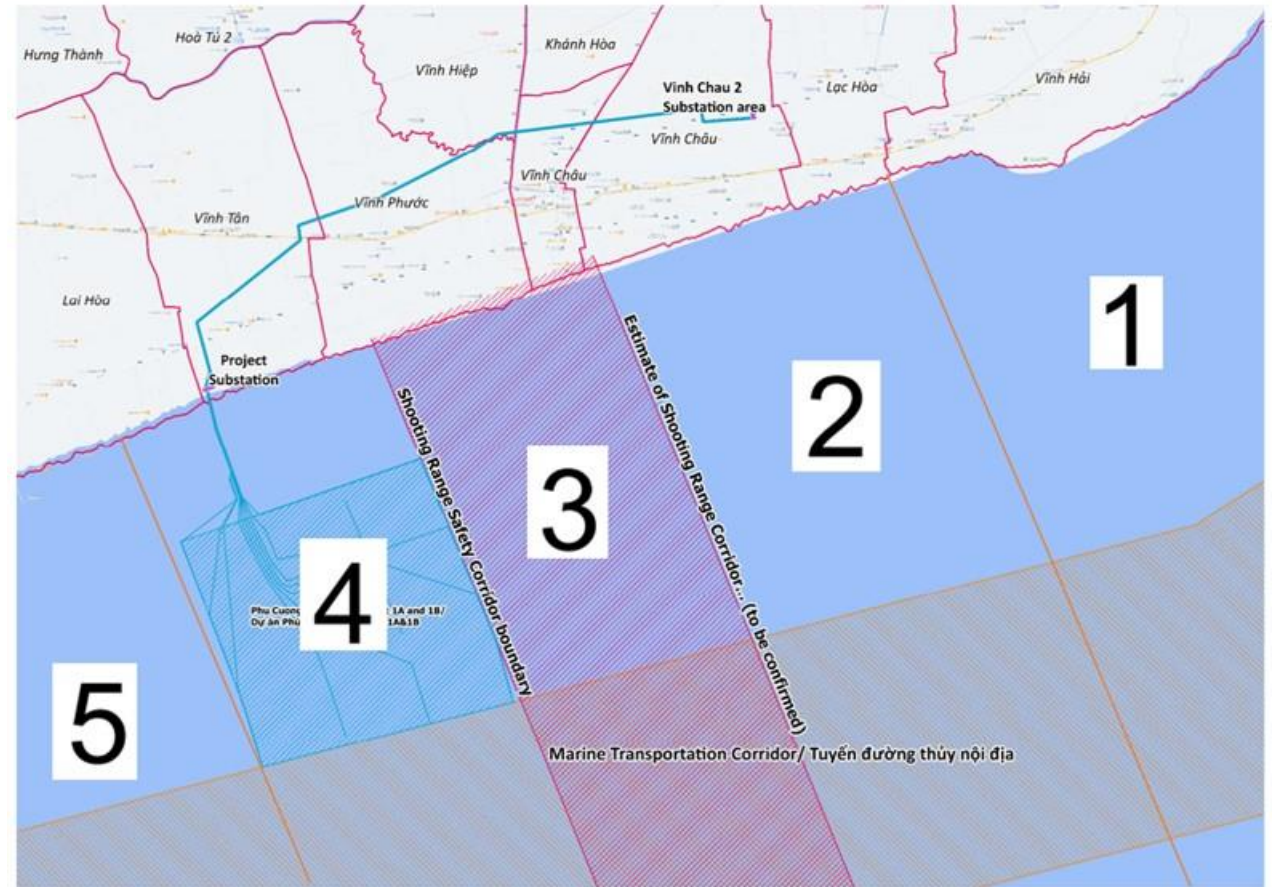
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FISHING IMPACTS & MITIGATIONS



Map of Fishing Areas around the Project

- Around 1,100 ha required for offshore turbines and cable
- Fishing will be restricted in 'Zone 4' due to safety and security
- Currently offshore fishing involves nets to fish in direction of wind [between Zones 1-5]
- Only larger boats can go further offshore to avoid impacted area
- There may be some temporary impacts to use of canals during construction



Consultation process to date

- 1 Individual and group-level consultations with 127 (out of approx. 134) fishing households (Khmer and Hoa)
- 2 Potential compensation and livelihood restoration measures preliminarily identified with the Khmer/Hoa fishing families
- 3 Not yet consultation with Kinh HHs
- 4 Due to Covid-19, need to update with the Khmer/Hoa fishing families.
- 5 Not yet integrated with Vinh Chau agencies's plan



Fishing Development Plan

Developed with district/local authorities and the affected communes

Will follow National/Provincial/District procedure for offshore projects

Based on negotiations with PAPs on all key topics

Summarizes the results of all fishing impact and mitigation planning steps

Will be disclosed locally and by lenders

All interested stakeholders will have the opportunity to comment

Contents:

- a) Description of project and offshore requirements
- b) Administrative framework
- c) Summary of fishing/fisheries impacts
- d) Socio-economic baseline of affected communities and families
- e) Proposed mitigation and compensation measures
- f) Entitlements matrix
- g) Livelihood restoration program
- h) Monitoring, evaluation and reporting plan

The FDP will cover all affected communities/families (and IPP will have additional supports for Khmer communities)

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Next Steps



SETTING UP WORKING GROUP



Province

Phu Cuong Wind Farm Project

*District- and
Commune
level*

Land
Acquisition

Fishing Access

Other areas

*Village-
level*

Community Consultation Group



Continue consultation with IFC PS1, PS5 and PS7



The Project will be consulting with the affected community and other stakeholders throughout the next phase. Key main tasks will be:

1. Set up Working Group(s) at District/Commune levels.

2. Implement the Detailed Measurement Survey (DMS), Socio-Economic Survey (SES) & set the Cut-Off Date.

3. Establish grievance mechanism and pilot with communities.

4. Analysis of potential impacts on land. Develop proposed compensation + other entitlements for land and other assets.

5. Further analysis of potential impacts on fishing. Develop proposed compensation + other entitlements for fishing impacts.

6. Develop proposed livelihood restoration measures and community benefits (for all affected groups including IP).

7. FPIC approach approved by community and implemented. Agreements signed.

8. Draft LALRP, FDP and IPP.

**Thank you for your
attention!**

