

Resettlement, Ethnic Minority and Development Plan

March 2014

INO: West Kalimantan Power Grid Strengthening Project

Prepared by PT (Persero) Perusahaan Listrik Negara (PLN) for the Asian Development Bank. This is an updated version of the draft originally posted in September 2013 available on <http://www.adb.org/projects/41074-013/documents>.

**Updated Resettlement and Customary Communities Plan
(RCCP)**

**West Kalimantan 150 kV Transmission Line Project
Strengthening West Kalimantan Power Grid**

March, 2014

Prepared by Perusahaan Listrik Negara (PLN)

Table of Contents

A.	EXECUTIVE SUMMARY	1
B.	PROJECT DESCRIPTION	4
B.1.	Project Component and Its Current Status.....	4
B.2.	RCCP Preparation and Efforts to Minimize Potential Resettlement Negative Impacts.....	6
C.	SCOPE OF LAND ACQUISITION AND RESETTLEMENT	7
C.1.	Potential Impact by Substations	7
a.	Ngabang New Substation (30 MVA)	7
b.	Extension of Tayan Sub-Station (2 line bay)	8
C.2.	Potential Impact by Transmission Line including Tower Foundation	8
a.	Permanent Land Acquisition of Transmission Line (Bengkayang – Ngabang)	9
b.	Restrictions Transmission Line Right of Way (Bengkayang – Ngabang).....	9
c.	Permanent Land Acquisition of Transmission Line Ngabang - Tayan	9
d.	Restrictions Transmission Line Right of Way Ngabang – Tayan.....	9
C.3.	Type of Land Use for Transmission Line including Tower Foundation.....	10
a.	Transmission Line Bengkayang-Ngabang Land Use Impact.....	10
b.	Transmission Line Ngabang – Tayan Land Use Impact.....	11
c.	Impacts on Communally Owned Resources, Commercial and High Value Crops	11
C.4.	Impact of land acquisition for Transmission Line including Tower Foundation	11
D.	SOCIO ECONOMIC INFORMATION AND PROFILE	14
D.1.	Survey and Method	14
D.2.	General Socio–Economic and Demographic of the Project Area	14
D.3.	Economic Status	16
D.4.	Gender Issues and Vulnerability	17
D.5.	Ethnicity	17
E.	INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION	19
E.1.	Meaningful consultations during the preparation of draft Resettlement Ethnic Minority Development Plan (2009 – 2011).....	19
E.2.	Meaningful consultations during the preparation of RCCP (2012 and February – April 2013).....	20
E.3.	Meaningful consultations during RCCP implementation	21
F.	GRIEVANCE REDRESS MECHANISMS.....	22
G.	LEGAL FRAMEWORK	23
G.1.	Relevant Government of Indonesia (GOI) Laws and Policies.....	23
G.2.	ADB Policies and Procedures of Guidelines	24
G.3.	Some Key Differences/Gaps between Gol and ADB Policies.....	25
H.	ENTITLEMENT, ASSISTANCE, AND BENEFITS	27
H.1.	Proposed Project Principles and Entitlements	27
H.2.	Measures to Address Gender Issues	28
H.3.	Project Entitlements, Assistance and Benefits	28
I.	RESETTLEMENT BUDGET AND FINANCING PLAN	32
J.	INSTITUTIONAL ARRANGEMENTS.....	34
K.	IMPLEMENTATION SCHEDULE.....	37
L.	MONITORING AND REPORTING	38
M.1.	Internal Monitoring	38
M.2.	External Monitoring.....	38

List of Tables

Table 1	Summary of Impact on Land.....	2
Table 2	Districts, Sub-districts and to be Traillages traversed by the Project	5
Table 3	Land Acquisition Impacts, Ngabang Sub-station and Tayan Sub-station	8
Table 4	Land Acquisition Impact of the Transmission Line Tower and Right of Way .	10
Table 5	General Land Use Type of Tower Foundation Land of Bengkayang – Ngabang	10
Table 6	General Land Use Type of Tower Foundation Land of Ngabang – Tayan	11
Table 7	Number of Severely AHs by 150 kV Transmission Lines Towers	12
Table 8	Summary of Transmission Lines Towers Impacts	13
Table 9	Educational Facilities in Affected Districts	16
Table 10	Health Facilities Available in the Project Area (2011).....	16
Table 11	Economic Income of Surveyed AHs	17
Table 12	Ethnic Groups of AHs.....	17
Table 13	Resettlement Entitlements	30
Table 14	Estimated Budget for Land Acquisition and Compensation	33
Table 15	Institutional Framework for Resettlement Issues.....	35
Table 16	Tentative Resettlement Plan Milestone	37

List of Figures

Figure 1	West Kalimantan Power Grid Project Route and Location	4
Figure 2	Layout of Proposed Ngabang New Substation.....	7
Figure 3	Location of Ngabang New Substation.....	8

List of Abbreviations

ADB	Asian Development Bank
AH	Affected Household
AP	Affected People
BLHD	Badan Lingkungan Hidup Daerah
CDP	Community Development Program
CPFPG	compensation policy framework and policy guidelines
COI	Corridor of Impact
DMS	Detailed Measurement Survey
DP	Displaced Person
EA	Executing Agency
EMA	External Monitoring Agency
GDP	Gross Domestic Product
GOI	Government of Indonesia
ha	Hectare
IOL	Inventory of Losses
IP	Indigenous People
LAC	Land Acquisition Committee
NGOs	Non-governmental Organizations
NJOP	Nilai Jual Objek Pajak (<i>Tax Object Selling Value</i>)
NTFP	Non-Timber Forest Product
PIB	Public Information Booklet
PLN	Perusahaan Listrik Negara
PLN UPK K	PLN Unit Induk Pembangunan Kalimantan
PLN UPK	PLN Unit Pelaksanaan Konstruksi
PMU	Project Management Unit
RCCP	Resettlement and Customary Communities Plan
RoW	Right of Way
Rp.	Indonesia Rupiah
RUPTL	Rencana Usaha Penyediaan Tenaga Listrik
TL	Transmission Line

Definition of Terms

Affected person (AP)	means any person or persons, household, firm, private or public institution who are affected by the project both positively and negatively
Displaced person (DP)	means those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Persons with formal legal rights and persons who have no formal legal rights but their lands are recognizable under national laws are entitled for adequate and appropriate compensation either in the form of land replacement or cash compensation at full replacement cost for lost land, structures, and relocation assistance, if applicable. Persons who have neither legal rights nor recognizable claims to the land are entitled to the compensation for the loss of assets other than land and for other improvement of the land at full replacement cost.
Compensation	means payment in cash or in kind (e.g. land-for-land) to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, registration and titling costs. In the absence of functions markets, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.
Cut-off date	This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as AP, regardless of tenure status. In this Project, the cut-off date will be the final day of the census of APs and the detailed measurement survey (DMS) of DPs' land and/or non-land assets.
Entitlement	means a range of measures comprising compensation in cash or in kind, income restoration support, transfer assistance, income substitution and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base.
Land acquisition	means the process whereby an DP is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation equivalent to the replacement costs of affected assets.
Meaningful consultation	A consultation process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected persons (APs); (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender responsive, and tailored to the needs of vulnerable groups; and (v) enables the incorporation of all relevant views of APs and other stakeholders into decision making
Rehabilitation	means assistance provided in cash or in kind to project displaced persons due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	means the physical relocation of an AH from her/his pre-project place of residence.
Severely displaced persons	Those who experience significant/major impacts due to (i) losses of 10% or more of their total productive land, assets and/or income sources due to the Project; and/or (ii) relocation due to insufficient remaining residential land to rebuild.
Vulnerable groups	are distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women, elderly, or disabled, (ii) households falling under the generally accepted indicator for poverty, (iii) landless households, and (iv) ethnic minorities.

A. EXECUTIVE SUMMARY

1. A draft Resettlement Ethnic Minority Development Plan for the West Kalimantan 150 kV Transmission Line Project: Strengthening West Kalimantan Power Grid has been prepared by Perusahaan Listrik Negara (PLN) and it was approved by Asian Development Bank (ADB) in July 2011. The draft Resettlement Ethnic Minority Development Plan 2011 was prepared in line with the preliminary detailed engineering design and it needs to be updated in accordance with the final detailed engineering design. As the term of ethnic minority is not appropriate with the context of customary communities in West Kalimantan, the title of the updated document is 'Resettlement and Customary Communities Plan (RCCP)'. The updated RCCP reflects the latest information on project scopes and potential impacts, identification of affected persons (APs) and their entitlements, budget and schedule of resettlement activities.

2. The West Kalimantan 150 kV Transmission Line (TL) project is intended to improve reliability of electricity supply through transmitting trans-border electricity from 275 kV TL Bengkayang-Malaysian border, and increase access of West Kalimantan households to electricity connection. The project will consist of extension of Tayan Substation in Sanggau District and construction of new Ngabang Substation in Landak District, and 150 kV TLs along 90 km stretching from Bengkayang substation located in Magmagan Karya village to Ngabang Substation and 55 km stretching from Ngabang Substation to Tayan Substation. The interconnection TL of Bengkayang-Ngabang with 260 towers (20 angle towers and 240 normal towers) traverses 25 villages located in six sub districts, namely sub-districts of Lumar, Bengkayang, and Teriak in Bengkayang District, also Banyuke Hulu, Menyuke and Ngabang in Landak District. Whilst the interconnection TL of Ngabang-Tayan with 133 towers (9 angle towers and 124 normal towers) traverses 11 villages located in four sub districts, namely sub-districts of Ngabang and Jelimpo in Landak District, and Balai and Tayan Hilir in Sanggau District. A total of 103,500 m² (10.4 ha) of land is permanently required for the project including 10,000 m² (1.0 ha) for Ngabang sub-station (Land acquisition is not required for Tayan substation), and about 93,500 m² (9.4 ha) for tower bases. In addition, there will be 2,900,000 m² (290 ha) of land to be affected for the right of way (RoW) of the TL.

3. The RCCP updating identifies that 93,500 m² (9.4 ha) of land for 393 towers is owned by 369 AHs and 10,000 m² (1.0 ha) of land for Ngabang Substation is owned by 1 AH. A total of 2,900,000 m² (290 ha) of land owned by 738 AHs will experience restricted use due to the TL. 3 AHs are identified as severely affected and other 17 AHs are considered as vulnerable (women headed or elderly headed households). Those AHs will be provided with special assistance from the project. The project will also impact majority ethnic groups in West Kalimantan (Dayak).

Table 1 Summary of Impact on Land

No.	Location	Purpose	Type of Land Acquisition	Size of Land (m ²)	Number of AHs		
					Total	Vulnerable	Severely Affected
1	Bengkayang – Ngabang	260 Towers	Permanent	62,000	238	2	2
		RoW (90km)	Restriction of use	1,800,000	476	0	0
2	Ngabang	Substation	Permanent	10,000	1	0	0
3	Ngabang – Tayan	133 Towers	Permanent	31,500	131	15	1
		RoW (55km)	Restriction of use	1,100,000	262	0	0
4	Tayan	Substation	Permanent	0	0	0	0
Total			Permanent	103,500	370	17	3
			Restriction of use	2,900,000	738	0	0
			Total	3,003,500	1,108	17	3

4. The RCCP has been prepared in compliance with the ADB Safeguard Policy Statement 2009 and harmonized with the Government of Indonesia (GOI) regulations on land acquisition and resettlement. As the required lands will be completely acquired prior to December 2014 (cut-off-date for the use of *the Land Acquisition Law No. 2/2012*), the project resettlement policy refers mainly to the regulations in force prior to the issuance of *the Law on Land Acquisition for Development in the Public Interest* in January 2012¹.

5. The main project resettlement principle is to avoid, if not, minimize resettlement impacts, and restore livelihoods of all APs to at least to their pre-project condition. Compensation for lost land and non-land assets will follow the principle of replacement cost. The lost land including the land with traditional rights will be compensated in cash at the current market value without any deduction for tax (for transaction cost) and administrative costs, and the cost of the land ownership updating will also be covered by the project. Crops losses will be compensated in cash at market value and in consideration of the productivity. For the land use restriction in the RoW, an easement fee of 10% of land market rate for the tower bases will be provided. Special rehabilitation measures under PLN's community development program (CDP) will be delivered to the severely affected and vulnerable households. CDP will be designed and implemented in consultation with households during RCCP implementation.

6. Meaningful consultations with the AHs were carried out during the preparation of draft Resettlement Ethnic Minority Development Plan (2009 – 2011) and the preparation of RCCP (2012 and February – April 2013). These activities will continue during implementation. PLN prepared project information booklets (PIBs) in January 2012, and they were distributed to the APs/DPs prior to consultation on resettlement entitlement. A grievance redress mechanism has been established and will be handled through mediation aimed at achieving consensus. Special attention will be given to the vulnerable groups including women, poor people, elderly, and disabled people.

¹ The transitional provisions of the law and *the Presidential Decree No. 71/2012* regulate that for any land acquisition process that has been initiated prior to the promulgation of the law or any land acquisition that can be completed prior to 30 December 2014, the acquisition of land may refer to the provisions under the previous regulations.

7. The Executing Agency (EA) is PLN HQ in Jakarta while the implementing agency for this project will be PLN Unit Induk Pembangunan X (PLN UIP X), and PLN Unit Pelaksanaan Konstruksi Kalimantan 5 (PLN UPK Kalimantan 5) will handle the project in the field. Overall coordination and administration of the project including all those connected to the land acquisition and resettlement is under the responsibility of PLN HQ in Jakarta. PLN UPK Kalimantan 5 will coordinate with the local authorities during the land acquisition process.

8. PLN will serve as the Project's internal monitoring body. Semi-annual reports will be submitted to ADB starting from the approval of the updated RCCP. The resettlement budget will cover compensation cost, income restoration program, administration cost and contingency. PLN will ensure timely provision of counterpart budget for resettlement in order to satisfy resettlement requirements and objectives. RCCP budget is estimated at US\$ 3,614,214. Resettlement activities will be coordinated with the civil works schedule. Land acquisition cannot commence until the updated RCCP has been reviewed by ADB and agreed with ADB. PLN will not commence construction activities in substation and tower footprints until the compensation has been provided to APs and the land is completely acquired.

B. PROJECT DESCRIPTION

B.1. Project Component and Its Current Status

9. Under the PLN Electricity Supply Planning Effort (Rencana Usaha Penyediaan Tenaga Listrik (RUPTL) 2010-2019), development of the 150 kV TL is a key element to the West Kalimantan Strengthening Power Grid strategy along with Energy Exchange 275 kV Interconnection TL from Mambong Sarawak through the Indonesian Border near Jagoi Babang continued to Bengkayang Substation.

10. West Kalimantan Power Grid Strengthening Project is PLN's project financed by ADB. The goal of the proposed project is to

- (i) expand TL grid and improve stability of electricity through transmitting trans-border electricity supply
- (ii) increase access of West Kalimantan households to electricity connection.

11. The proposed project comprises:

- (i) development of new substation in Ngabang (30MVA) in Landak District and extension of Tayan substation (30MVA) in Sanggau District;
- (ii) construction of 260 towers of 150 kV TL that runs along 90 km from Magmagan Karya Village to Ngabang Substation located in Ambarang Village and continued with another construction of 133 towers of 150 kV TL along 55 km to Tayan Sub-Station;
- (iii) stringing of a double TL 150 kV along 145 km (the whole TL route length) within its RoW from Bengkayang – Ngabang – Tayan.

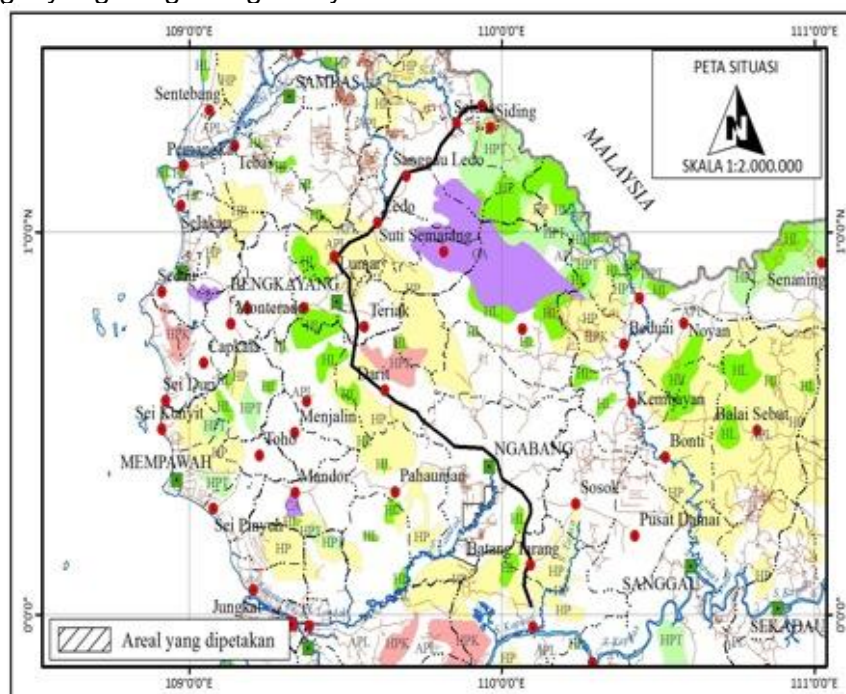


Figure 1 West Kalimantan Power Grid Project Route and Location

12. The whole 150 kV TL route of Bengkayang – Ngabang – Tayan will pass through 36 villages, 3 districts (Bengkayang, Landak, and Sanggau) and 10 sub-districts. **Table 2** describes the villages, sub-districts and districts to be traversed by the whole TL route.

Table 2 Districts, Sub-districts and to be Trailgages traversed by the Project

BENGKAYANG-NGABANG TRANSMISSION LINE			
DISTRICT	SUB-DISTRICT	VILLAGE	TOWER
Bengkayang	Lumar	Magmagan Karya	T.01 - T.04
	Bengkayang	Sebalo	T.05 - T.21
		Bani Amas	T.22-T.28
	Teriak	Sebetung Menyala	T.29 - T.32
		Dharma Bhakti	T.33 - T.39
		Sebente	T.40 - T.47
		Bangun Sari	T.48 - T.53
		Teriak	T.54 - T.55
Setia Jaya		T.56 - T. 66	
Landak	Banyuke Hulu	Untang	T.67 - T.78
		Kampet	T.79 - T.85
		Padang Pio	T.86 - T.96
		Ringgo Lojok	T.97 - T.107
	Menyuke	Angkaras	T.108 - T.119
		Ansang	T.120 - T.123
		Darit	T.124 - T.129
		Mamek	T.130 - T.149
		Bagak	T.150 - T.156
		Anik Dinggir	T.157 - T.168
	Ngabang	Antan Rayan	T.169 - T.190a
		Dangku	T.190 - T.207
		Amboyo Utara	T.208 - T.230
		Sungai Kelik	T.231 - T.235
		Mungguk (re-route)	T.236 - T.253
		Ambarang (re-route)	T.254 - T.260
Sub-Total	6 sub-districts	25 Villages	260 towers
NGABANG-TAYAN TRANSMISSION LINE			
DISTRICT	SUB-DISTRICT	VILLAGE	TOWER
Landak	Ngabang	Tebedak	T.108 – T.133
	Jelimpo	Tubang Raeng	T.100 – T.108
		Jelimpo	T.88 – T.99
		Kayu Ara	T.80 – T.87
		Angan Tembawang	T.61 – T.79
Sanggau	Balai	Padi Kaye	T.47 – T.60
		Tae	T.39 – T.46
		Temiang Mali	T.32 – T.38
		Mak Kawing	T.26 – T.31
	Tayan Hilir	T. Benua/Kawat	T.14 - T25
		Cempedak	T.01 - T.13
Sub-Total	4 sub-districts	11 Villages	133 towers
TOTAL	10 SUB-DISTRICTS	36 VILLAGES	393 TOWERS

B.2. RCCP Preparation and Efforts to Minimize Potential Resettlement Negative Impacts

13. This RCCP will cover TL along 145 km connecting the proposed transmission coming out from Bengkayang Sub-Station with the construction of a new substation in Ngabang and extension of Tayan substation. A total corridor of impact (COI) of 20 m for the TL is used as basis for estimating the scope of resettlement impacts. This RCCP was updated from the draft Resettlement Ethnic Minority Development Plan after PLN inventory of losses (IOL) and affected people identification as well as the final detailed design.

14. There are key principles that have been practiced by PLN to minimize the negative impacts of the project. The project will avoid, wherever possible, the residential areas by making an alternative design or rerouting the line identified to traverse the residential areas. According to the final design, it is confirmed that the routes is not passing residential areas.

15. For this project from Bengkayang – Ngabang – Tayan, the 150 kV TL towers will be constructed quite far away from the residential area. None of public utilities such as school, church, mosque, health center, public garden as well as communally owned forest that is not allowed to be used for any physical development (*tembawang*), long house (*rumah betang*), cemetery and private structure/house will be affected by the TL and new sub-stations.

16. Since forest fire is rampant in West Kalimantan due to improper land clearing practices, PLN UIP X has made a statement letter dated January 2010 ensuring for not using a burning method when conducting a land clearing for the project.

17. The Environment Management Efforts-Environment Monitoring Efforts (UKL/UPL)² however indicated that 87 angle polygon towers of Ngabang – Tayan TL route are located within a production forest. For utilization of forest area, PLN has to obtain (i) Principle Permit (Ijin Prinsip), (ii) Dispensation Permit, and (iii) Land Use Permit (Ijin Pinjam Pakai) from Ministry of Forestry prior to construction work. PLN was advised to obtain a lease permit for the affected forestland within the production forest for the towers and RoW. PLN has sent request letter to the Ministry of Forestry and fulfilled all required documents in year 2011 in order to get Ijin Prinsip (or Principle Permit), and has obtained Principle Permit on 20 February 2014. Dispensation Permit and Land Use Permit are expected to be obtained in May 2014 and June 2015 respectively. Some people are occupying the land for some tower plots in forest areas, and PLN will not only obtain permits but also pay compensation for the affected people for those plots.

18. The fieldwork carried out from 23 March – 4 April 2011, identified that the TL route also traverse palm oil plantation in Amboyo Utara Village and Sungai Kelik Village of Ngabang Sub-District of Landak District; one parcel of rice field land in Kayu Ara Village of Jelimpo Sub-District and some community rubber plantations. Those have been informed to PLN.

² Approval of UKL/UPL by West Kalimantan Provincial Environmental Office (Badan Lingkungan Hidup Daerah (BLHD)) for this project are (i) T/L 150 kV Bengkayang – Ngabang No. 660.1/209/BLHD-A on 11 March 2010, (ii) T/L 150 kV Ngabang – Tayan No. 660.1/206/BLHD-A on 12 March 2010, and (iii) Substation in Ngabang No. 660.1/856/BLHD-A on 28 November 2013. (iii) was additionally required due to the change of the Sub Station location.

C. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

C.1. Potential Impact by Substations

a. Ngabang New Substation (30 MVA)

19. On the previous proposed Ngabang new Substation site, PLN estimated about 3,000 m² of land will be acquired for the substation site. The proposed site is located in Ambarang Village of Ngabang. Due diligence to the proposed site conducted in March 2010 indicated the PLN has not acquired the land. In 2013, PLN decided to relocate the Sub Station to another location about 10 km from the previous location but still in Ngabang District. PLN estimates about 10,000 m² of land will be acquired for Ngabang New Substation. The type of land is predominantly bushes (non-cultivated land), which is owned by one household. **Figure 2** and **Figure 3** show the layout and location of Ngabang New Substation.

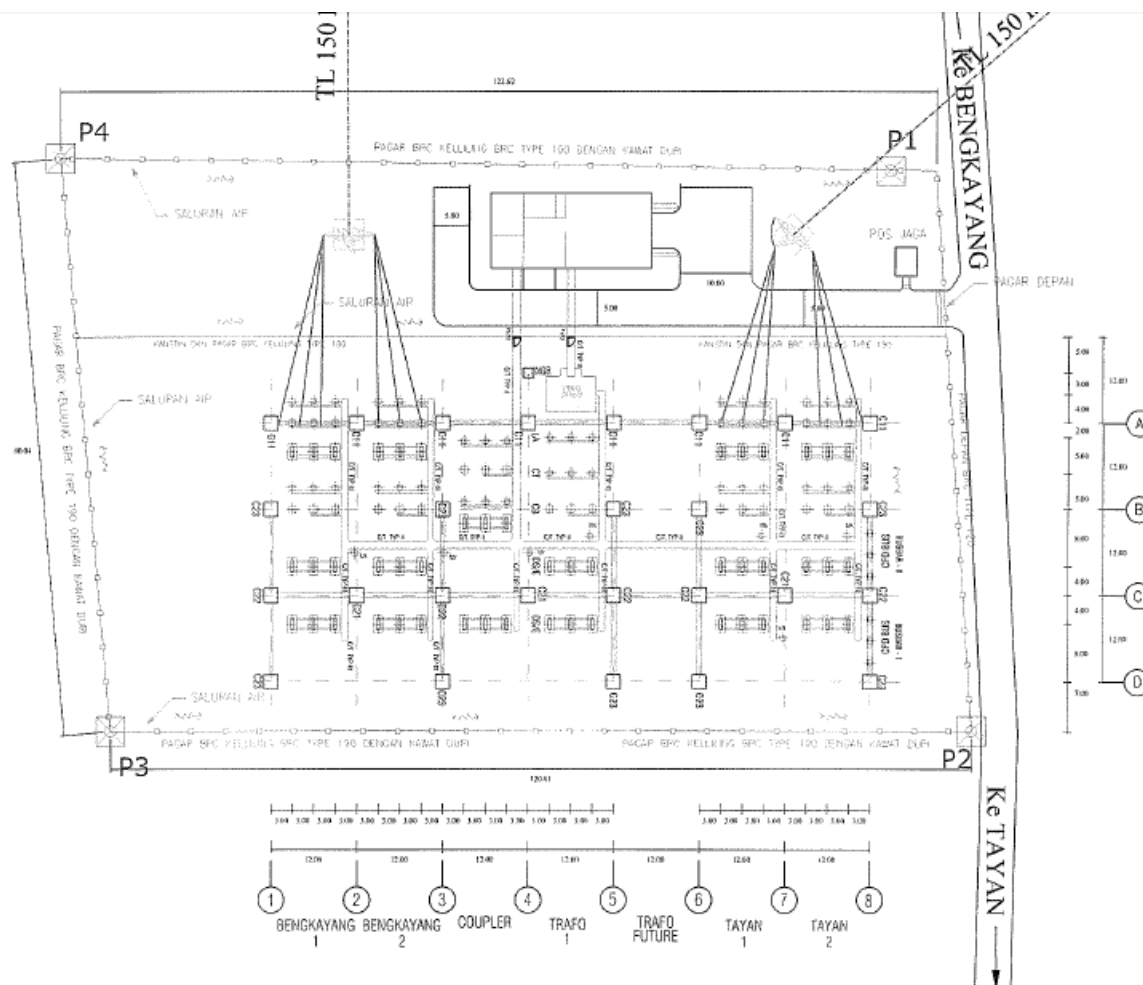


Figure 2 Layout of Proposed Ngabang New Substation

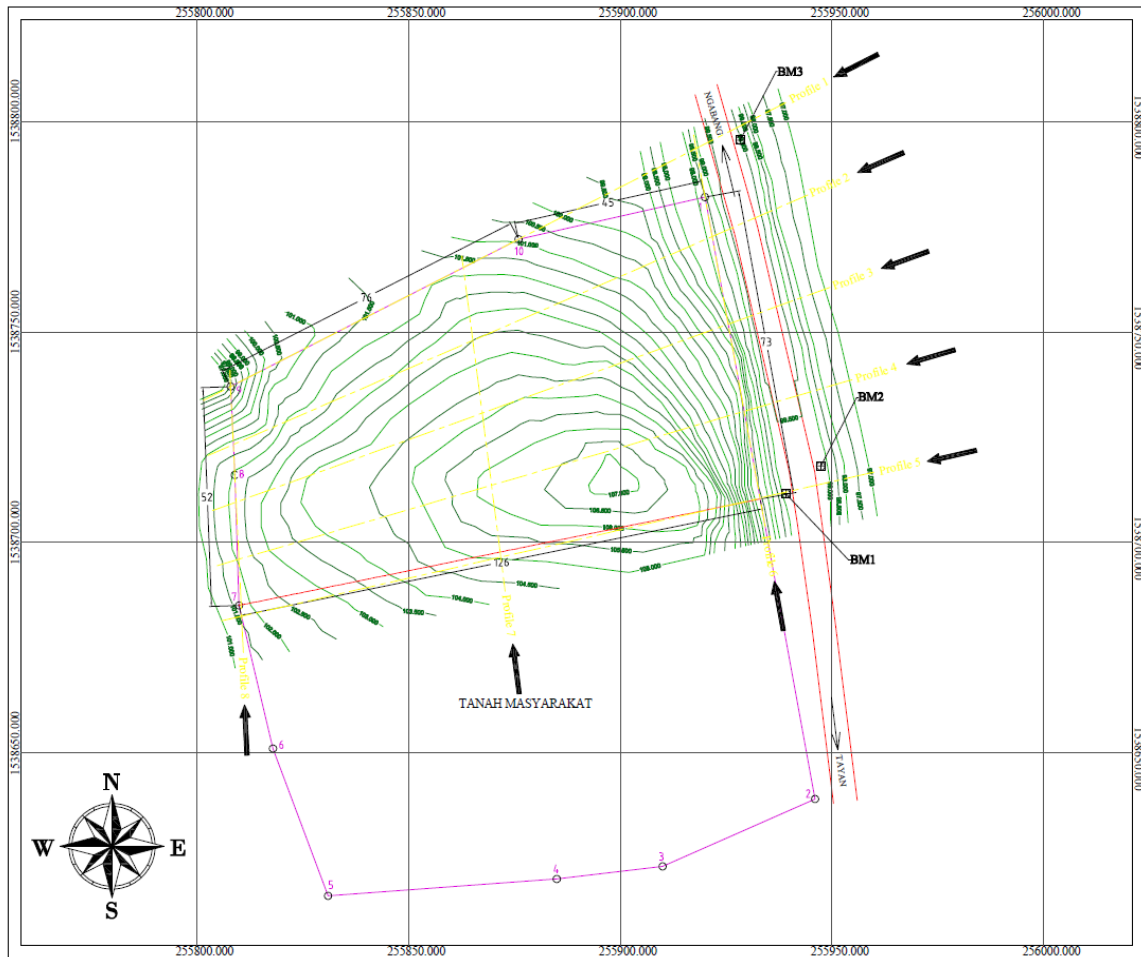


Figure 3 Location of Ngabang New Substation

b. Extension of Tayan Sub-Station (2 line bay)

20. The extension of Tayan Sub Station consists of 2 line bay as incoming side from Ngabang Sub Station. There is no additional land required for the extension of Tayan Sub Station. **Table 3** shows estimated land acquisition impact of the sub-stations.

Table 3 Land Acquisition Impacts, Ngabang Sub-station and Tayan Sub-station

Items	Unit	Quantity	Number of AHs
Ngabang Sub-station (to be acquired)	m ²	10,000	1
Tayan Sub-station (already acquired)	m ²	-	
Total Land Needed	m ²	10,000	1

C.2. Potential Impact by Transmission Line including Tower Foundation

21. From July to November in 2012, PLN conducted re-IOL on tower foundation. The potential impact of the TL was estimated mainly based on PLN 150 kV TL Route Survey and Soil Investigation report completed in Year 2009 for Bengkayang – Ngabang – Tayan. Other source of information for estimating the potential impact is from the field observation and sample-based households' census and survey conducted by social team by March up to April 2013.

a. Permanent Land Acquisition of Transmission Line (Bengkayang – Ngabang)

22. Land area needed for 150 kV TL tower base is 225 m² (15 m X 15 m) for a normal tower and 400 m² (20 m X 20 m) for an angle tower³. Up to now, from re-inventory of affected assets status by PLN, PLN will construct 240 normal towers and 20 angle towers for the proposed TL along from Bengkayang to Ngabang. Up to now it has been identified that PLN will permanently acquire a total of 62,000 m² land for the construction of the TL towers from Bengkayang to Ngabang.

b. Restrictions Transmission Line Right of Way (Bengkayang – Ngabang)

23. The 150 kV TL RoW requires 20 m wide (10 m +10 m) along 90 km of the TL from Bengkayang to Ngabang. Approximately 1,800,000 m² of land area under the TL RoW will be affected by project. Some restrictions on the use of the land and building for instance to grow high standing trees and building, will be applied. Compensation will be provided due to the use and access restrictions of the land under the RoW.

c. Permanent Land Acquisition of Transmission Line Ngabang - Tayan

24. The same to Bengkayang-Ngabang route, the area of land needed for 150 kV TL tower base is 225 m² (15 m X 15 m) for normal tower and 400 m² (20 m X 20 m) for angle tower. PLN will construct 124 normal towers and 9 angle towers for the proposed TL along 55 km from Ngabang to Tayan. PLN will permanently acquire a total of 31,500 m² for the construction of the TL towers from Ngabang to Tayan.

d. Restrictions Transmission Line Right of Way Ngabang – Tayan

25. 150 kV TL RoW requires 20m wide (10 m +10 m) along 55 km of the TL route from Bengkayang to Ngabang. The total area of 1,100,000 m² of the land under the RoW along 55 km from Ngabang to Tayan will be affected by the project. Some restrictions on the use of the land and building for instance to grow high standing trees and building, will be applied. Compensation will be provided due to the use and access restrictions of the land under the RoW.

26. Some activities during construction such as building of tower foundation, erection of TL tower and stringing double circuit transmission cable, will cause a temporary land acquisition for access road. Yet, discussion with PLN UPK Kalimantan 5 indicates the winning contractor will mitigate the impacts. PLN will not include this in the resettlement planning land budget.

27. Total land permanently acquired for the TL towers and the land area restricted by the TL RoW is described in **Table 4**.

³ Indonesian National Standard (SNI) No. 04-6918-2002

Table 4 Land Acquisition Impact of the Transmission Line Tower and Right of Way

No.	Type of Land Acquisition	Number of Towers	Land Affected (m ²)
1	Permanent Land Acquisition Bengkayang - Ngabang		
	a. Normal Tower Foundation	240	54,000
	b. Angle Tower Foundation	20	8,000
	Sub Total	260	62,000
2	Permanent Land Acquisition Ngabang-Tayan		
	a. Normal Tower Foundation	124	27,900
	b. Angle Tower Foundation	9	3,600
	Sub Total	133	31,500
Total I Permanent Land Acquisition			93,500
3	Area of TL/RoW Bengkayang - Ngabang	260	1,800,000
4	Area of TL/RoW Ngabang - Tayan	133	1,100,000
Total II Restricted RoW			2,900,000

C.3. Type of Land Use for Transmission Line including Tower Foundation**a. Transmission Line Bengkayang-Ngabang Land Use Impact**

28. During construction, necessary land clearing on the land area of the tower foundation will be executed. Analysis on the existing type of land use being practiced on the potentially affected land of the tower foundations is indicated in **Table 5**.

Table 5 General Land Use Type of Tower Foundation Land of Bengkayang – Ngabang

No.	Type of Land Use	Number of Tower
1	Rubber	122
2	Muddy Land	6
3	Swamp	4
4	Bush	58
5	Pepper	3
6	Fruit Garden	1
7	Mix Garden	11
8	Cassava	2
9	Wet Paddy	13
10	Fish Pond	3
11	River Bank	1
12	Community Forest	29
13	Palm Oil	2
14	Field Yard	1
15	Structure	1
16	Bamboo	3
Total		260

29. The tower foundation from Bengkayang - Ngabang will significantly affect rubber tree (47%) planted on the land. Bush land (22%) will also be affected. Community forest (11%), wet paddy land (5%), mix garden (4%), and the other such as bamboo, fish pond, cassava each are less than (2%).

b. Transmission Line Ngabang – Tayan Land Use Impact

30. Similar to Bengkayang – Ngabang, during construction, necessary land clearing on the land area of the tower foundation of Ngabang – Tayan will be executed. Analysis on the existing type of land use being practiced on the potentially affected land of the tower foundations is indicated in **Table 6**.

Table 6 General Land Use Type of Tower Foundation Land of Ngabang – Tayan

No.	Type of Land Use	Number of Tower
1	Bush	32
2	Bamboo	2
3	Dry Paddy	2
4	Mix Garden	3
5	Palm Oil Tree	8
6	Rubber	68
7	Swamp	12
8	Wet Paddy	6
Total		133

31. The tower foundation from Ngabang to Tayan will significantly affect (51%) rubber trees planted on the land. Bush land (24%) will also be affected. Swamp land (9%), palm oil (6%), and wet paddy (4%), and the other such as mix garden, dry paddy, bamboo is less than 2%.

c. Impacts on Communally Owned Resources, Commercial and High Value Crops

32. The sample-based survey indicates that rubber trees are planted as source of family daily cash income as they can sell it directly to rubber collectors and/or at rubber market in the area. Bush land is normally considered as unproductive land. However, it is actually a shifting cultivation land in a fallow stage for 5-10 year period to revive its soils and productivity.

33. In Ngabang – Bengkayang, NTFP (non-timber forest product) is also another important source of family cash income. Very few families are willing to convert their community forest into palm oil tree/garden. On the other hand, in Ngabang – Tayan, many families are willing to participate in a nucleus – estate palm oil plantation scheme operating in the area to increase their family cash incomes.

34. Some high-value trees such as Sengon tree (for plywood material) in Sebalo Village and Tengawang tree belong to local community at Amboyo Utara Village for commercial trade will be affected. Other commercial rubber plantations mostly with prime rubber trees (karet unggul) commonly found in Antan Rayan Village of Ngabang Sub-District will also be affected.

35. Communally owned forest area which is locally known as '*tembawang*' and public/private cemeteries belong to peoples in the area will not be affected by the TL. Rice fields are found in Dharma Bhakti Village of Bengkayang, Kayu Ara Village, Jelimpo Village, and Padikaye/Balai Village. The re-IOL/DMS identified that no such land will be affected by the towers and TL.

C.4. Impact of land acquisition for Transmission Line including Tower Foundation

36. **Impact on Land Ownership and Property.** Any land for 393 towers have not been acquired. Detailed information on the lands and number of AHs are presented in **Table 8**.

37. A total 369 households will permanently lose their land for the towers construction (except in Mungguk and Ambarang Villages). Among them, 17 AHs are considered as vulnerable (women headed or elderly headed). There are no other AHs who are categorized as vulnerable such as (i) households headed by disabled, (ii) households falling under the generally accepted indicator for poverty, or (iii) landless households. All AHs have either legal title or traditional title.

38. Beside permanent land acquisition, there will be potential temporary impacts during the construction phase including temporary affected land for tracks access and crops/plants damages due to cable stringing. The total area to be used for access tracks of 66 angle/stringing towers is 82,500 m². Such temporary impacts will be compensated based on the losses and has been included in the resettlement entitlements.

39. A normal distance of span from a tower to another tower is about 325 – 350 m, and conductor will be strung in between with a minimum clearance ground of 15 m. The width of the rights of way is 20 m and therefore the total land to be utilized for RoW along 145 km for both TLs is 2,900,000 m². Although this land will not be acquired, yet the owners (738 AHs) will have restriction in using the land such as restriction to build and grow plants that exceeded the height required for safety standard of TL. Trees that are potentially grow more than 3 m will be felled to meet the standard and will be compensated.

40. **Impact on Land Use Pattern.** Existing use of land to be acquired for the towers is mainly family gardens, swidden agriculture land, empty land, and bushes. The plants growing in the family gardens are dominated by rubber trees, oil palm trees, bamboo, and some perennial fruit trees such as Durian, Rambutan, and Nutmeg as well as food crops including Petai and Jengkol.

41. Those currently types of land use and trees/crops growing on the land for towers bases described above will be removed when the land is permanently acquired. However, most of AHs still have other parcels of land outside project area that can be rely on their economic income sources. **Table 7** describes land use of the land affected by towers foundation.

42. **Severity of Impacts.** In general, potential impacts to be experienced by AHs due to the permanent land acquisition for the tower bases are minor. All AHs will lose about 1% of their total land. However, 3 AHs will lose more than 10% of their productive land as demonstrated in **Table 7**.

43. It is worth to mention that the data about land holdings is obtained through interviews without any validation on the result of the interviews. PLN informed that based on the actual condition, most of the people in project areas rely on their land as source of income and occupy more than 2 ha of land per HH, hence the data in **Table 7** is considered non accurate.

Table 7 Number of Severely AHs by 150 kV Transmission Lines Towers

No.	Tower	Ethnicity	Gender	Land Holding (m ²)	Land Affected (m ²)	Land Remaining (m ²)	Land Affected (%)
Bengkayang – Ngabang Transmission Line							
1	T.34	Dayak	M	1,300	225	1,075	17
2	T.53	Dayak	M	635	225	410	35
Ngabang – Tayan Transmission Line							
3	T.30	Dayak	M	2,000	225	1,775	11
Total				3,935	675	3,260	17

44. **Positive Impacts.** Aside from the potential negative impacts, the construction of the TL and new substation and extension of existing substation will bring positive impacts to the land owners including

- (i) AHs' opportunity of receiving cash compensation that can be used both for reinvestment and needs of family life.
- (ii) creation of employment opportunities during land clearing and civil works as well as in the period of post-construction depending on individuals' capabilities. The local workers will be prioritized for the civil works.
- (iii) opportunity for local entrepreneurs to supply building materials and other services during the construction and post-construction.

45. **Table 8** summarizes impacts of the TLs towers.

Table 8 Summary of Transmission Lines Towers Impacts

Item	Unit	Bengkayang - Ngabang	Ngabang - Tayan	Total
Total land area to be acquired for tower bases	m ²	62,000	31,500	93,500
Percentage of acquired land compared to total land owned by Ahs	%	1	1	1
Total number of AH	AH	714	393	1,107
Number of AH to be affected by tower bases only (except Mungguk and Ambarang)	AH	238	131	369
Number of AH to be affected by RoW only	AH	476	262	738
Total number of AH who will lose their trees and crops in the RoW	AH	476	262	738
Total number of vulnerable AH		2	15	17
Women headed AH	AH	0	4	4
Elderly headed AH		2	11	13
Number of AH losing > 10% of total landownership	AH	2	1	3

D. SOCIO ECONOMIC INFORMATION AND PROFILE

D.1. Survey and Method

46. Descriptions on the socio-economic profile of potentially impacted households are based on a sample-based households socio-economic survey. A Set of questions was developed to gather socio-economic and demographic data of the households living along the TL route from Bengkayang – Ngabang – Tayan.

47. Initial socio-economic survey and IOL of the land and non land assets were conducted by PLN from the period of December 2009 to March 2010. The second socio economic survey during the RCCP preparation was carried out in the period March – December 2013. It includes survey on ethnicity, occupation, economic income, grievance filling, and impact of land acquisition to the livelihood.

D.2. General Socio–Economic and Demographic of the Project Area

48. West Kalimantan is one of the key resource-rich provinces that contribute significantly to the national economy. The Province has an abundance of natural resources including agriculture, forestry, fisheries, water, mining as well as tourism. Nevertheless, the agriculture sector remains the regional economic backbone employing 88 % of the population. Palm fruit, rubber, sugar cane, cacao, and fishery are the main products, but corn, coconut, pepper and cattle are also regional commodities.

49. The West Kalimantan Province has an area of 146,807 Km², and the population is about 4.3 million people, with a poverty rate⁴ of 9.02 % (while the rate in Kalimantan Island is 6.9 %) in 2010.

50. The main source of livelihood of the people in the project area is predominantly agriculture. The mode of production in agriculture sector remains one dominated by shifting cultivation⁵ as practiced by Dayak/local people ethnic of West Kalimantan and Sarawak. Land is cleared and later, as the rainy season begins, planted to rain-fed (dry) rice. Small amounts of seed of various types of vegetable are often sown at the same time. The addition of fruit trees establishes long term cultivation rights to the household clearing the land. Rubber is commonly planted in addition or as an alternative to fruit trees. Compared with irrigated rice (padi sawah) the production of rice to this dry land cultivation technique (padi ladang) is low.

⁴ Poverty rate is a number or percentage of population who lived below the poverty line (monthly income per-capita to meet the minimum basic need). Based on the latest BPS (statistic) publication in 2012, poverty rate in West Kalimantan Province in 2011 is 8.48%, with poverty line figures vary by districts, i.e.: Rp. 210,755/capita/month in Bengkayang District (poverty rate of 7.25%); Rp. 217,071/capita/month in Landak District (poverty rate of 13.13%); and Rp. 191,732/capita/month in Sanggau District (poverty rate of 4.67%).

⁵ Currently this shifting cultivation/swidden agriculture (ladang berpindah) mode of production has faced some barrier compare to the years before 1980. Government has seen this mode of production put pressure to state forest and created land degradation. In many cases the natives who practice shifting cultivation in West Kalimantan have been blamed for the forest degradations. Yet, there are pro and cons regarding this issue since 1990 (please see Michael Dove's publications on this issue) until now.

51. Local based trading of vegetables and fruits at weekend markets is a main source of income for farmers living near the border as well as from the older transmigration area of Sanggau Ledo. Some farmers have organized themselves into trading cooperatives and sell their vegetables at Serikin open weekend market. The same weekend market sees Iban and Bekatik people from Seluas Sub-district sell traditional handicrafts and wood work to Sarawak traders. This latter trade is facilitated through individual patron-client trade scheme involving traders and merchandise stores in Kuching.

52. Local government has encouraged plantation development, particularly of rubber, cocoa, and palm oil. Smallholder development schemes have also been introduced and supported in West Kalimantan, primarily of rubber. Rubber and palm oil are the main plantation crops in Bengkayang Regency. In the last ten years, palm oil plantation has reached and expanded the area introduced by Malaysian as well as Indonesian agribusiness companies. Currently many families are involved in the palm oil plantation schemes by providing land for the plantation.

53. There are some local NGOs in West Kalimantan working for economic community empowerment including customary communities (indigenous people groups) through developing credit units. Another local NGO provides an incentives and support for girl education.

54. Seasonal migration of labor from West Kalimantan to Sarawak is also very common. Migrants work as a seasonal contract labour in plantations, factories, and mills industry as well as household-based industries in Sarawak. Within a short seasonal period of four to five months, a worker is able to save up to Rp. 17 million or US\$1,700 by working as seasonal migration labor.

55. In 2011 the population of Bengkayang District was 220,067, comprising 114,647 males (52%) and 105,420 females (48%) that was distributed in 17 sub-districts. Whereas the population of Landak District in 2011 was 336,080, comprising males 174,762 (52%) and females 161,318 (48%). While in Sanggau District in 2011 the population was 415,955, comprising 215,742 males (52%) and 200,213 females (48%).

56. Bengkayang District economic growth in 2011 was 6 %. Agriculture was the main sector that was involved by 76 % resident's population. This sector contributed 25 % to the district Gross Domestic Product (GDP). The annual GDP per-capita is about Rp. 15,080,000 in 2011, increase from previous Rp. 13,760.000 in 2010, while Landak District economic growth in 2011 was 7 %. Agriculture was the main sector of economic development that was contributed up to more than 50 % of the district GDP. The annual GDP per-capita is about Rp. 9,892,636 in 2011. In Sanggau District, economic growth was less than both Bengkayang and Landak Districts that was only 4 % in 2011. Agriculture was also as the main economic sector of Landak District with contributed 36 % to the district GDP. The annual GDP per-capita is about Rp. 13,802,428 in 2011.

57. Education levels in rural areas to be traversed by the TL are lower than urban areas. In populated areas, there are only two thirds of the adult population who completed primary school. Children who live in more urban areas have easier access to education and they mostly have higher education. Detailed data on education facilities in affected Districts of Bengkayang, Landak, and Sanggau is outlined in **Table 9**.

Table 9 Educational Facilities in Affected Districts

Education Facilities	Affected Districts		
	Bengkayang	Landak	Sanggau
Kindergarten/RA	27	18	53
Elementary School/MI	245	421	496
Junior High School/MTsn	65	94	115
Senior High School/MA	21	41	28
Vocational School	5	8	15
College/University	-	-	-
Total	363	582	707

Note: MI=Madrasah Ibtidaiyah; MTsn=Madrasah Tsanawiyah; MA=Madrasah Aliyah (religious based schools)
Source: *Bengkayang, Landak, and Sanggau Districts Statistic Year Book of 2012 (BPS: Bengkayang, Landak, and Sanggau Districts)*

58. Community health services including village health services (Puskesmas), neighborhood health services (Posyandu) are available and accessible to residents in the project area. **Table 10** indicates availability of health facilities in the project area.

Table 10 Health Facilities Available in the Project Area (2011)

No.	District	Hospital	Community Health Center (Puskesmas)	Neighborhood Integrated Service Post (Posyandu)	Mobile Community Health Services	Village Health Clinic/Post
1	Bengkayang	1	17	296	31	131
2	Landak	1	16	373	23	72
3	Sanggau	2	18	87	0	157
Total All Districts		4	51	756	54	334

Source: *Bengkayang, Landak, and Sanggau Districts Statistic Year Book of 2012 (BPS: Bengkayang, Landak, and Sanggau Districts)*

59. According to the BPS data of 2012, in Bengkayang District, there were 15,800 households or 7.3 % of people who were categorized as a poor household in 2011. Poverty line of Bengkayang District in 2011 is Rp. 210,775/capita/month. While in Landak District, there were 43,700 households or 13.1 % of people who were categorized as a poor household in 2011, with the poverty line Rp. 217,071/capita/month. Whereas in Sanggau District, there were 19,300 households or 4.7 of % people who were categorized as a poor household in 2011, with the poverty line Rp. 191,732/capita/month.

D.3. Economic Status

60. **Occupation.** The most important income source of the surveyed AHs is from selling of farming result (as farmers). Some of the surveyed AHs also have secondary source of income such as income from trading and working (temporary labor). The survey identified that most of AHs (62%) are farmers (agriculture, plantation and animal husbandry), followed by labors (12%), private employee/workers (12%), while others (14%) are trading/small business owners, civil servant, police/army and pensioner.

61. **Economic Income.** The socio-economic survey identified that most of AHs (36 % and 48 % respectively of Bengkayang – Ngabang and Ngabang – Tayan TLs) have economic income between Rp. 1,000,000 – Rp. 2,000,000/month. Then followed by AHs who have

income Rp. 500,000 – 1,000,000/month (22%) in Bengkayang – Ngabang TL, and Rp. 2,000,000 – Rp. 3,000,000/month (22%) in Ngabang – Tayan TL. There is no AH whose monthly income falls under the poverty line defined in each District in 2011.

Table 11 Economic Income of Surveyed AHs

No.	Income (Rp)	Bengkayang - Ngabang		Ngabang - Tayan	
		Number of AHs	Percentage (%)	Number of AHs	Percentage (%)
1	< Rp. 500,000	4	1.7	0	0
2	500,000 – 1,000,000	51	21.8	26	14.4
3	1,000,000 – 2,000,000	84	35.9	86	47.8
4	2,000,000 – 3,000,000	42	18.0	39	21.7
5	3,000,000 – 4,000,000	25	10.7	19	10.6
6	> Rp. 4,000,000	28	11.9	10	5.6
	Total	234	100.00	180	100.00

D.4. Gender Issues and Vulnerability

62. Land acquisition will directly affect men and women. However, women will be more affected compared to men as women will lose their opportunities to utilize lands for livelihood and economic income. Women in the Indigenous People (IP) or customary communities may experience adverse project impacts. Traditionally women play important roles in agriculture sector including preparing land, planting, nurturing, and harvesting the crops. In Dayak culture, women have rights to inherit land and the estate will be given to the daughters. Therefore, the loss of land may have impact on women's ownership to the land. Women are heavily involved in farming activities such as preparing land for crops, planting, and harvesting the crops. Many women also work for agricultural laborers and they may lose the economic income due to land acquisition. During the second period of consultation meetings conducted in 2010, women were provided opportunities to participate in focus group discussions to capture their views on the proposed project and suggestions on how to mitigate the impacts. The women said that they expect to participate in the income restoration programs to be delivered by PLN that may cooperate with a local Credit Union NGO.

D.5. Ethnicity

63. Dayak ethnic group is mainly found (87.5%) living along the proposed TL from Bengkayang – Ngabang – Tayan. Other ethnic groups such as Melayu (7.5%), Bugis (3.75%), and the rest (2.5%) are Chinese and Javanese are also found. Among Dayak ethnic groups, Bekati, Kanayant, Mali/Keneles are the majority. Kantu, Sekayan, Pribun, Peruan, Tobak, Mubagin, BeAhe are the minority.

Table 12 Ethnic Groups of AHs

TL Route	Ethnic Group
Bengkayang – Ngabang	Dayak Bekati, Dayak Kanayant, Dayak BeAhe, Dayak Mubagin, Dayak Kantu, Dayak Sekayan, Dayak Peribun, Melayu, Javanese
Ngabang – Tayan	Dayak Peruan, Dayak Tobak, Dayak Mali/Keneles, Melayu, Bugis, Chinese

64. Dayak ethnic with its sub clans are identified as a customary communities or indigenous people group in the biggest ethnic group living in the project area. Therefore, Dayak is the most

affected ethnic group due to land acquisition for the project. The customary (adat) value and norms of Dayak ethnic are strongly respected and used as references in social life. Adat institutions are also gradually established from village level to district level and the adat mechanism is often times more chosen by the communities to resolve their problems including land dispute. This Dayak ethnic has culturally protected areas for storing the good quality and productive seedlings called '*tembawang*'. No one is allowed to sell the preserved seeds and conduct physical development in the areas of '*tembawang*'.

65. The Dayak communities have well integrated into broader provincial and national society. However, they also have maintained certain aspects of their separate culture identify especially with relation to land, land ownerships and tenure rights.

66. Officially, in the villages surveyed, they have a local government which has the *Kepala Desa* as a Leader. However, other operating governance systems from village to provincial level are also found. For instance, 'Adat Leader' called '*Tumenggung*' at the village level and '*Pasirah*' at the sub-village level. At the sub-district (*Kecamatan*) level, they have an 'Adat Council', which consists of all the '*Tumenggung*'. These 'Adat Leaders' and Local Government officials have a coordination relationship. If there are social conflicts among community members, they will be solved where possible using 'Traditional Law' rather than 'Constitutional Law' (i.e. the State legal system). However criminal cases are always dealt with by the police using the State legal system.

67. Dayak communities found along the TL route majority are still involved in land related agriculture practices and forest dependent livelihoods for subsistence. They also actively participate in the range of economic activities for commercial and trading purposes available and predominantly are rubber plantation, palm oil tree and high value growing trees as described above. On average, each household has 1 - 2 ha of rubber plantation land as main source of their cash income. Most of the rubber produced from this area is sold in roadside markets to traders who transport it to Pontianak.

68. They believe that lands are sacred and therefore demand a customary ceremony to be arranged before land clearing. Called under different names from village to village, "*Bapadah*", "*Tampung Tawar*", "*Premah Tanah*", "*Ngudas*" or "*Baremah*", all intended for protection and safety to the villagers. In the context for construction of TL tower foundation and sub-station, it was advised that one ceremony for one village would be enough.

69. The Dayak ethnic and its sub-ethnics in the project area live inclusively and well interact with other ethnics such as Malay, Javanese, Bugis, and Chinese.

E. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION

E.1. Meaningful consultations during the preparation of draft Resettlement Ethnic Minority Development Plan (2009 – 2011)

70. PLN held a general public consultation prior to UKL/UPL study in 2009. Consultations and meetings have been made in each district in order to obtain a project location determination for the project. Consultations and meetings were also carried out during the census/survey.

71. Informal meetings with some community groups, village officials and customary leaders were held during the fieldwork preparation in March 2010. In addition, an official public consultation with key stakeholders of the project in Pontianak was organized on 20 April 2011 as part of RP preparation.

72. PLN continued consultations and meetings with local governments and other key stakeholders on the project plan, to explore local government's ongoing/planned development programs as well as to obtain necessary project location determination for the TL route from Bengkayang to Ngabang and for a new Ngabang Sub-station. More specific consultations has been made during re-IOL. PLN conducted a series of meetings with affected peoples. The results of the consultation and disclosure activities are integrated in this RCCP.

73. Interviews with the potentially AHs show their support towards the project. AHs also stated that they should get compensation for their affected assets and requested PLN to officially carry out socialization regarding the project, its impacts, as well as the project entitlements. They also expect to be given an opportunity to relocate their affected asset, structure/building (if any) prior to the project land clearing.

74. Potentially impacted villagers expect some major positive impacts of the project such as increase households electricity connection, improvement of the power grid by having more reliable and stable connection, less electricity cut/power blackout, and in general provide electricity for access to public services (education, health and market). By having more access to electricity connection, households can cut down expenses for buying kerosene for lanterns and cooking stoves and allocate their money for expanding other economic opportunities on their commercial rubber garden.

75. Currently, local villagers sell their rubber to intermediary buyers at sub-district level who collect a small number of quantity. These intermediary buyers sell to some bigger rubber collectors in Bengkayang and Ngabang that forward rubber to big trader in Pontianak. Improvements on rubber storage system at households level will give rubber farmers a chance to collectively bring their rubber products directly to Bengkayang and/or Pontianak and get a better price. Therefore the farmers will get better bargaining on their produce. Improvement of better public access and services will also give a chance for poor people to get better education. In other word, electricity connection which is followed by other improvements are expected to increase their standard of living.

76. Other expectations are related to job opportunities from the project. During the survey, potentially impacted villagers along the project route have questioned their chance to participate in the project job opportunities from preparation to help identify and conduct IOL as well as to become a labour during construction and/or supplier for the materials used for building tower foundations. PLN project staff involved in the survey confirmed that the project will prioritize

local workers, based on their competence, during construction and will retain a smaller number as paid employees to serve as monitors or guards for the TL after construction is completed.

77. Potentially affected villagers have also raised their concerns on potential negative impacts caused by the project including potential negative impacts of the electromagnetic field of the high voltage conductor along the TL to women fertility, their home appliances and the health of residents, children safety, etc. Some village residents requested PLN to build fences to the towers to be built in the vicinity of residential areas to protect the children safety. Other village residents requested PLN to develop the TL far away from their houses or even far away from residential area, so that they don't have to be worried on their living safety including children's safety.

78. On the key stakeholders consultation meeting, West Kalimantan Customary Community Alliance (AMAN Kalbar) highlight the importance of avoiding communally owned resources such as *Tembawang* and public cemeteries. PLN is advised to reroute the TL which pass or directly affect those communally owned forest and public cemeteries. For Dayak peoples, a cemetery is a sacred family place and also symbol of their dignity.

79. Village Secretary was advised that to avoid conflict with local community, it is necessary to have through meeting with local community, especially affected people and community leaders when starting re-IOL, land clearing and construction. Other reported that the contractor also didn't have permission for land marking in Mamek Village and Antan Rayan Village, but no damage has been reported on those two villages.

80. Interviews with potentially impacted women villagers indicated that in the situation in which men and women presented during the interview, women would only confirm men's response and rarely give their own thoughts. However, in the absence of men during the interview, women provided their own response which demonstrated that in Dayak community, women and men share equal land inheritance in family, equal land use right and benefits. However, women are rarely involved in decision making process in community. Women only attend village meetings when the head of household (men) fail to attend or there's no adult men in the household.

81. Women shared double burden as they do not only act as housecare givers but along with the men, they are also the breadwinners of the family. After working in the rubber plantations in the early morning, women would have to come back home and do house chores before going again for farming at the rice field. In the afternoon, men were seen socializing while women stay home finishing the chores. Therefore, unlike men who view the benefits of the projects as a whole, most women interviewed view the benefit of the projects for their very basic family needs and concern. They expect the project will supply electricity that in the end would enable them to use electronic equipments and utensils (rice cookers, washing machines, refrigerators,etc.) to ease the chores, also to help their kids study better in the evening.

E.2. Meaningful consultations during the preparation of RCCP (2012 and February – April 2013)

82. PLN has carried out meaningful consultations with the AHs during the preparation of RCCP (2012 and February – April 2013). The method of consultations includes: public meetings, individual interviews, group interviews, and field level observations. Minutes of meetings, photos, attendance sheets were prepared and recorded.

83. PLN prepared project information leaflets/booklets (PIB) in January 2012. The PIBs were distributed to the APs/DPs prior to consultation on resettlement entitlement. The basic information provided in the leaflet are: (i) brief sub-project description; (ii) detailed project location; (iii) policy on land acquisition and resettlement; (iv) project resettlement entitlements; (v) compensation and income restoration; (vi) grievance redress; and, (vii) implementation schedule. Aside from the leaflet, the draft Resettlement Ethnic Minority Development Plan is already disclosed on ADB website, and final RCCP will also be uploaded onto the ADB website.

E.3. Meaningful consultations during RCCP implementation

84. Consultation will continue throughout the duration of the Project. Vulnerable groups will be encouraged to participate. Representative of women will be considered in the consultations process and information related to the resettlement activities will be made readily accessible to all the APs including women.

85. **Complaint Submission.** It was identified that majority of AHs (73 %) prefer to submit their complaint regarding compensation and other resettlement issues (if they have) to the village head and PLN (7 %). While 15 % of respondents did not answer the question and the rest (5 %) stated that they prefer to submit their complaint to various parties including sub district head, neighborhood head, advocate, etc.

86. **Project Impact to Livelihood.** Most of surveyed AHs (63 %) stated that their livelihood will not be impacted by the project and only 37 % stated that their livelihood will be impacted.

F. GRIEVANCE REDRESS MECHANISMS

87. Grievances related to any aspect of the subproject will be handled through negotiation aimed at achieving consensus. In order to ensure that the APs have avenues to raise their grievances related to any aspect of the land acquisition and resettlement and come up with acceptable resolution, hence complaints and grievance handling mechanism has been established under the Unit of Law, Communication and Land of the PLN UIP X. The mechanism is in accordance with *the Presidential Decree No. 65/2006, Art. 17 and 18, Regulation No. 1/1994, Art. 18 and 22, and Decree of National Land Agency No. 3/2007*, as follows:

- I. The AP/APs may bring his/her grievance(s) during socialization, public consultation, negotiation, or any time before the land is acquired, directly to the PLN Project Office. Contact persons of PLN Project Office staff handling the complaints/grievances will be informed to AP/AH/DPs. The PLN Project Office will have 30 days following the lodging of the complaint by the aggrieved AP to act on the case. Before bringing to PLN Office, an aggrieved AP may bring his/her complaint to Village Head or Adat Leader at village level where the project is located either in writing or verbally. The Village Head or *Adat* Leader at village level, then bring the complaint to PLN Project Office within 14 days.
- II. If the issues cannot be resolved by PLN, the aggrieved APs may request the Village Head as a witness to bring the grievances either in writing or verbally to the Head of District (Bupati). The Bupati will have 30 days following the lodging of the complaint by the aggrieved AP to act on the case. He/she may call, as needed, any member of the PLN or the Land Acquisition Committee (LAC) and AP who bring the complaint, to help him/her come up with an acceptable resolution of the complaint.
- III. If the Bupati can not resolve and/or the AP is still not satisfied with the decision taken by the Bupati, he/she may bring the complaint, either in writing or verbally to the Office of the Provincial Governor and the Governor has 30 days as well following the complaint lodging to resolve the complaint to the satisfaction of all concerned parties.
- IV. If the aggrieved AP is not satisfied with the Bupati and/or Governor decision, she/he may lodge the complaint to a court of law for adjudication.

88. PLN shall be responsible for recording and keeping file of all complaints received including date and place and actions taken. Complaints received verbally will be written down. PLN project staff will make efforts and work with village and religious heads, where applicable, to address all complaints at the local level to preclude their elevation to higher level.

G. LEGAL FRAMEWORK

G.1. Relevant Government of Indonesia (GOI) Laws and Policies

89. In January 2012, the Government of Indonesia issued a new *Law No. 2/2012 on Land Acquisition for the Development in the Public Interest (Land Acquisition Law)*. The implementation regulations have also been issued, namely i) *the Presidential Decree No. 71/2012 on Implementation of Land Acquisition for Development in the Public Interest* that was issued in August 2012; ii) *the Head of National Land Agency (Badan Pertanahan Nasional or BPN) Regulation No. 5/2012 on Guideline of Land Acquisition* issued on 30 October 2012; iii) *Ministry of Finance Decree No. 13/PMK.02/2013*; and iv) *Ministry of Home Affairs Decree No.72/2012*. *The Land Acquisition Law* provides a clear procedure and time frame which will accelerate the process of land acquisition through the eminent domain (expropriation) approach with due regard of the protection of the entitled parties. In addition, the law recognizes that residents controlling and utilizing land with no legal rights will be entitled to compensation and the valuation of the land acquisition objects (plot by plot of land) will be done by an independent appraiser.

90. Transitional provisions of the law regulate that any land acquisition process that has been initiated prior to the promulgation of *the Land Acquisition Law* should be completed by referring to the previous regulations. *The Presidential Regulation No. 71/2012* further regulates that the previous regulations will still apply if (i) the planning document on land acquisition has been prepared prior to the law promulgation; or (ii) land acquisition will be completed prior to 31 December 2014. As the land acquisition process for the project has commenced before the new law promulgation and the remaining lands will be completed prior to December 2014, the project resettlement policy is designed with reference to the previous regulations.

91. The key legal instruments currently in force in Indonesia that are most relevant to involuntary resettlement are *Presidential Regulation No. 65/2006 (Perpres 65/2006)*, which regulates 'Land Acquisition for Development Activities in the Public Interest' superseding the previous *Presidential Regulation No. 36/2005 (Perpres 36/2005)*, and *National Land Agency (BPN) Regulation No. 3/2007 on Land Acquisition Guidance for Presidential Regulation No. 65/2006 and No. 36/2005*. Other laws and regulations are *the Law of Republic Indonesia No. 15/1985* to guide the development of high and very high voltage TLs in Indonesia, *the Ministry of Mining and Energy Regulation No. 01.P/47/MPE/92* and *Ministry Decree No.975/K/47/MPE/1999*.

92. Under *the Presidential Regulation No. 65/2006*, the proposed project is categorized as 'Development Activities for Public Interest'. *The Presidential Regulation* provides various forms of compensation including cash, replacement land, and resettlement to pursue public development projects. The compensation payment covers the lost land, plants, and buildings. The regulation also emphasizes the importance of community consultation for reaching agreement with the affected people on compensation and specifies grievance procedures. *The Decree of the Head of the National Land Agency No. 3/2007* provides further detail on how land acquisition and compensation would be carried out. The Bupati (Regent) or Walikota (Mayor) or the Governor would set up a LAC for the purpose especially for land acquisition of more than 1 ha, while land acquisition of less than 1 ha can be conducted by the party in land need itself through a direct transaction with the owners. Land appraisal carried out by an independent appraiser is required for land acquisition facilitated by the LAC. According to *the BPN Decree No. 3127/15.1-300/VII/2009*, the compensation rate can be determined although the agreement with land owners have yet reached 75%. While *the BPN Decree No. 1/2010* regulates the time

frame for certification of the remaining land after compensation payment. Aside these regulations, some acts related to land acquisition will be references including *Act No.41/2009 on Agricultural Land for Food Security*, and *Act no. 31/2009 on Electricity*.

93. *Presidential Regulation No. 65* recognizes customary (Adat) /communal land rights and compensation for such land shall be given in the form of public facilities or other form that are beneficial to the Adat community. For proper implementation for example, the Ministry of Energy and Mineral Resource has provided a guideline for conducting community development in the energy and mineral resource projects to ensure local community and affected people can get benefits from the project⁶.

94. *Ministry of Mining and Energy Decree No. 975 K/47/MPE/1999* that has been replaced by *Ministry of Mining and Energy Decree No. 38/2013* provides guidance for the compensation of land and non-land assets in the RoW of construction of a high and/or very high voltage TLs. Compensation for lost or damaged crops will be calculated according to the concerned local government rules and procedures.

95. Some local government's policy and regulations will also be references for land acquisition including; i) *Recommendation of West Kalimantan Governor No. 671.1/1167/DPE-C3* dated April 29, 2009 regarding the Development of Electricity Infrastructures in West Kalimantan; (ii) *Bengkayang Regent Decree No. 266/2010 on Location Determination for Sub-stations of 150 kV Singkawang-Bengkayang and 275 kV in Bengkayang–Jagoi Babang*; and (iii) *Bengkayang Regent Decree No. 447/2010 on Changing over the Bengkayang Regent Decree No. 266/2010*.

G.2. ADB Policies and Procedures of Guidelines

96. The **ADB Safeguard Policy Statement (2009)** consolidates three safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to (i) avoid involuntary resettlement, (ii) explore alternatives to avoid, (iii) restore livelihoods and (iv) improve living standards of poor and vulnerable households. The IR safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or on access to legally designated park and protected forest area. It covers them whether such losses and involuntary restriction are full or partial, permanent or temporary.

97. ADB Safeguard Policy Statement (2009) defines "indigenous peoples" as "those with a social or cultural identity distinct from the dominant or mainstream society". "Indigenous peoples" is a generic concept that includes cultural minorities, ethnic minorities, indigenous cultural communities, tribal people, natives, and aboriginals. The Policy recognizes the potential vulnerability of ethnic minorities in the development process; that ethnic minorities must be afforded opportunities to participate in and benefit from development equally with other segments of society; and, have a role and be able to participate in the design of development interventions that affect them. The IP policy objectives are to (i) design and implement projects

⁶ Guidelines for Community Development in Energy and Mineral Resources Sector, Ministry of Energy and Mineral Resources of Republic Indonesia, Forum of Communication for Community Development in Energy and Mineral Resources Industries , Indonesia Center for Sustainable Development (Ed). September 2004.

that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them. In any ADB interventions, the approaches to be used are as follows: (i) to achieve the greatest possible reduction of poverty among the affected indigenous peoples; (ii) when negative impacts are unavoidable, they should be minimized as much as possible, and appropriate measures will be taken to mitigate the adverse impacts; (iii) in enhancing the benefits of a development intervention for indigenous peoples or reducing negative impacts of a development intervention, clear mechanisms for accurate and objective analysis of their circumstances will be prepared; and (iv) the mechanisms for any intervention must be transparent and should ensure accountability.

98. **ADB's Policy on Gender and Development (1998)** adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. ADB Safeguard Policy Statement (2009) and its requirements also reiterate the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (March 2005), and (ii) Accountability Mechanism (2003).

G.3. Some Key Differences/Gaps between GoI and ADB Policies

99. Although at the policy level and legal framework of Indonesian Government and ADB are likely more harmonize, yet in the implementation there are some challenging gaps indicated as follows. Under ADB Policy, AP with title holder entitled compensation at replacement cost including non-physical losses. For instance for severely affected and/or vulnerable groups, and minority status APs entitled to have an income restoration/ rehabilitation support or a special allowance in addition to compensation at replacement cost. As commonly practiced under Indonesian regulation a compensation payment agreed by AP for land loss is considered already covered all those non-physical losses due to their severity, vulnerability, and minority status.

100. In other ADB financed project to PLN to cover these gaps, a compensation policy framework and policy guidelines (CPFPG) tailored for a specific project was formulated. It could provide PLN with greater flexibility to allocate budget for fill in the gaps towards ADB Policy full compliances.

101. The following legal and operational restrictions quite aptly provide a picture of how wide the gap is between existing Indonesian laws and regulations and ADB's Safeguard Policy:

- a. Provision on calculation basis for compensation of land does not clearly refer to the principle of replacement cost. Presidential Regulation states that the land price refers to the NJOP (Nilai Jual Objek Pajak: Tax Object Selling Value) determined by Government / Local Government authority or real ("market") price by considering the current NJOP. With the said provision, many local governments pay the compensation for land in accordance to

the NJOP or in between NJOP and market price. No provision that the transaction cost should be paid by the party in land need.

- b. Government auditing policies compel Executing Agencies not to compensate at replacement rate for affected fixed assets, such as buildings. The value of the affected asset, even if lost involuntarily, is depreciated and the value of salvageable materials is deducted from the amount of compensation.
- c. Current legal framework does not include a definition of non-physical losses or how to apply a value to them, no requirement to identify or address vulnerable groups, and severely affected persons, no opportunity for affected persons to participate in monitoring and no requirement to develop Resettlement Plans.

102. As the gaps between ADB Safeguard Policy Statement (2009) and the Government of Indonesia are identified, then the project resettlement principles and policies need to be developed to address the issues and become a guidance in implementing the resettlement activities.

H. ENTITLEMENT, ASSISTANCE, AND BENEFITS

H.1. Proposed Project Principles and Entitlements

103. The core principle of the Project Policy is anchored on the philosophy that development projects must serve the public good and therefore in the project design and implementation, all efforts will be taken to help ensure that APs lives are not worse off because of the project. Local population should participate and have an opportunity to derive benefits from the project. The Implementing Agency will implement the project based on the following principles:

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.
- b. APs residing, working, doing business and cultivating land within the required project area as of the completion date of the census and IOL (based on preliminary design) but verified during DMS (based on detailed design) will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining their pre-project living standards and productive capacities.
- c. Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the Project. APs will not be displaced from affected land until the village allocates suitable alternative land or compensation is paid that is sufficient to purchase suitable land within the same or neighboring village.
- d. All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labor at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land as a priority, or where this is not possible, in cash adequate to purchase land locally of equivalent size and quality, and where required to improve land to achieve suitable quality.
- e. The process and timing of land and other asset acquisition will be determined in consultation with DPs to minimize disturbance.
- f. Where buildings and structures are partially affected and the remaining portion of buildings is no longer viable, the project will acquire the entire buildings in consultation with the APs at replacement cost.
- g. APs will be systematically informed and consulted about the project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account.
- h. The key information in the RCCP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs/DPs in an understandable format by the distribution of IPB translated in local language.
- i. No land acquisition or site clearing will be done for the TL/RoW until and after the RCCP has been updated by PLN and agreed with ADB, and until and after all entitlements due to the DPs as provided for under the approved RCCP have been given.
- j. Resettlement identification, planning and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards.

- k. Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved.
- l. Special measures will be incorporated in the RCCP to protect socially and economically vulnerable groups such as women-headed households, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building strategies such as provision of land, replacement housing of minimum standards and increased security of tenure.
- m. There will be effective mechanisms for hearing and resolving grievances during the implementation of RCCP.
- n. Institutional arrangements will be in place to timely and effectively design, plan, consult and implement the land acquisition, compensation, resettlement, and rehabilitation programs.
- o. Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period.
- p. Culturally appropriate and gender sensitive, monitoring and evaluation will be carried out in various stages of the project and set in place as part of the resettlement management system. Monitoring and evaluation of land acquisition and resettlement including income rehabilitation program and impact of the project to the APs social and economic life will be conducted.
- q. Voluntary donation will not be applied for any land and non-land assets.
- r. PLN will not issue notice to proceed for any civil works contract (or will not allow any construction activities) until there is confirmation that (i) payment has been fully disbursed to DPs and rehabilitation measures are in place as per project entitlements in the agreed RCCP; (ii) already-compensated DPs have cleared the COI in a timely manner; and (iii) that the specific section is free from any encumbrances.

H.2. Measures to Address Gender Issues

104. The measures to address gender issues are the following:

- (i) If APs receive compensation in the form of replacement land, the names of the husband and wife will be used in land ownership document;
- (ii) Women will be invited to the resettlement activities including consultations during the resettlement planning, updating, and implementation;
- (iii) Separate consultations will be held with women including women heading households to identify their needs and mitigation measures for resettlement;
- (iv) Vulnerable women (women heading households, poor women, severely AH headed by women, if any) will be given a priority for project related jobs.

H.3. Project Entitlements, Assistance and Benefits

105. **Eligibility.** The cut-off-date of eligibility refers to the date prior to which the occupation or use of the project area (i.e., area within the COI) makes residents/users of the same eligible to be categorized as AP and be eligible for compensation and assistance, regardless of tenure status of the land. In this Project, the cut-off date is the final day of the verification census of APs to be carried out by PLN. The cut-off dates will be varies between each affected villages, but within May to November 2013. The date has to be disclosed to each affected village by the relevant local governments and/or PLN in close coordination with relevant local governments

and the villages have to disclose it to the communities. The establishment of the eligibility cut-off date is intended to prevent the influx of ineligible non-residents who might take advantage of project entitlements. All APs who are identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures.

106. **Entitlements.** Entitlement matrix outlined in **Table 13** shows type of losses, eligible persons, entitlements, and implementation issues. The resettlement entitlements are based on potential resettlement impacts assessed during the initial survey conducted in March 2010 and the DMS during the RCCP updating as well as consultations with APs and other concerned stakeholders to ensure that losses are compensated and restored, if not improved. No construction is to be commenced prior to implementation of the compensation payment to the lost assets as per the updated RCCP agreed by ADB.

Table 13 Resettlement Entitlements

Type of Losses	Eligible Persons	Entitlements	Implementation Issues
I. Permanent Acquisition of Land for the Tower Foundation and Substation			
Agricultural Land	<i>Legal owners or traditional/adat title holders.</i>	<ul style="list-style-type: none"> ✓ Cash compensation at replacement cost based on current land market value and without deduction for tax (for transaction cost) and administrative cost. ✓ Technical and financial assistance will be provided for land ownership document updating for those who have a portion of land to be acquired by the project. ✓ For forestry land, land replacement as required by <i>the Act. No. 41/2009</i>. 	<ul style="list-style-type: none"> ✓ For traditional title land /customary (adat) land, the project will require a statement letter from local authorities as an evidence of the ownership. ✓ Valuation of affected land will be carried out by independent appraiser. ✓ For negotiated land acquisition where there is a willing seller and a willing buyer, no administrative cost will be deducted and tax obligations will be covered by the negotiated transaction.
Residential Land	<i>Legal owner or traditional/adat title holders.</i>	<ul style="list-style-type: none"> ✓ Cash compensation at replacement cost which is equivalent to the current land market value with similar type and category, and free from administrative costs. ✓ Technical and financial assistance will be provided for land ownership document updating for those who have a portion of land to be acquired by the project. 	<ul style="list-style-type: none"> ✓ For traditional title land, the project will require a statement letter from local authorities as an evidence of ownership. ✓ Valuation of affected land will be carried out by independent appraiser. ✓ For negotiated land acquisition where there is a willing seller and a willing buyer, no administrative cost will be deducted and tax obligations will be covered by the negotiated transaction.
II. Restricted Use on Land Traversed by Transmission Lines			
Private residential and non-residential land.	<i>Land owners with legal title or traditional title (customary land).</i>	Easement fee in the amount of 10% current land value for tower bases without any deduction of tax (for transaction cost) and administrative cost.	<ul style="list-style-type: none"> ✓ Easement fee will be delivered to the APs transparently. ✓ Valuation of affected land will be carried out by independent appraiser.
III. Crops and Trees			
Crops and trees	<i>Owners of Crops and Trees,</i>	✓ Cash compensation at replacement cost	✓ APs will retain possession of

Type of Losses	Eligible Persons	Entitlements	Implementation Issues
	<i>regardless of tenure status, including sharecroppers/adat land users.</i>	<p>which is equivalent to age, type, and productive value, in accordance with the compensation rate determined by local regulation.</p> <ul style="list-style-type: none"> ✓ The APs will be provided opportunity to harvest their crops/trees prior to the construction commencement, even though they had got cash compensation for their crops/trees. 	<p>salvageable crops and trees</p> <ul style="list-style-type: none"> ✓ Final inventory of crops/trees in the RoW will be conducted prior to cable stringing. ✓ Valuation of affected trees/crops will be carried out by independent appraiser.
IV. Public Facilities			
Community Facilities, Public infrastructures	<i>Community, local government, organizations</i>	<u>There is no public facility affected by the project.</u>	Restoration and relocation etc. is to be confirmed by the External Monitor (if any such kind impacts).
V. Temporary Loss of Land & Impacts on Non-Land Assets during Construction			
Temporary loss of land	<i>To be determined during final DMS and during construction.</i>	<ul style="list-style-type: none"> ✓ APs whose land is taken temporarily due to civil work under the project will be compensated at replacement cost based on the losses including income losses from land and non-land assets. ✓ Restoration of land will be done immediately after use. 	Will be the responsibility of Contractor.
Impacts on Non-Land Assets (crops, trees, houses, structures)	<i>Owner to be identified during construction regardless of tenure status, including sharecroppers/adat land users.</i>	Compensation at replacement cost based on the losses/damages.	Contractor responsibility.
VI. Special Attention to Severely Affected and Vulnerable Groups, including Women, IPs, and Poor People			
Higher risk of hardship due to project impacts.	<ul style="list-style-type: none"> ✓ APs that lose more than 10% of their total productive land/assets. ✓ APs who are considered poor people (population who lived below the poverty line). ✓ APs who are categorized as vulnerable including elderly, disabled, landless, IP, women headed households but not considered poor and severely affected. 	<ul style="list-style-type: none"> ✓ Income restoration and rehabilitation program will be provided for severely AHs and poor AHs by the project in close consultation with APs. ✓ Special attention will be provided during consultations, compensation payment, etc. 	The income restoration and rehabilitation will be delivered by PLN regional office through CDP (Community Development Plan). Need assessment will be conducted prior to CDP commencement.

I. RESETTLEMENT BUDGET AND FINANCING PLAN

107. The budget for RCCP implementation rests with PLN. PLN will be responsible for channeling funds for the compensation for land acquisition to Land Agency that will be responsible for delivering payment directly to APs with respect to affected land and other assets.

108. **Replacement Cost for Compensation.** Compensation for lost land at replacement cost will be determined based on the information provided by independent appraiser as well as the APs information as references in doing negotiation on compensation rate with the APs.

109. For the proposed substation, the land is predominantly categorized as a mix garden while for tower base foundation, the land is categorized as garden. There will be no difference on the land price between land with certificate and land with traditional title.

110. The compensation rate for trees/crops will be determined by independent appraiser.

111. The resettlement budget will cover compensation cost, income restoration program, administration cost and contingency. PLN will ensure timely provision of budget for resettlement in order to satisfy resettlement requirements and objectives. RCCP budget is estimated at US\$ 3,614,214.

Table 14 Estimated Budget for Land Acquisition and Compensation

No.	Item	Area/Unit	Rate (Rp)	%	Total Rate (Rp)
Bengkayang – Ngabang					
1	Land Acquisition for proposed Ngabang Sub-station (10,000 m² x Rp. 48,000)	10,000	48,000		480,000,000.00
2	Land Acquisition for 260 towers (62,000 m ² x Rp. 48,000,-)	62,000	48,000		2,976,000,000.00
3	Estimated Compensation for Trees in the Towers	62,000	40,000 (price on average)	20 ^{*)}	496,000,000.00
4	Easement Fee (1,800,000 m ² x Rp. 48,000,- x 10%)	1,800,000	48,000	10	8,640,000,000.00
5	Compensation for Trees under the RoW (90km x Rp. 82,500,000,-)	90	82,500,000 ^{**)}		7,425,000,000.00
6	Sub-total for Land Acquisition and Compensation (1 – 5)				20,017,000,000.00
Ngabang – Tayan					
7	Land Acquisition for 133 towers (31,950 m ² x Rp. 48,000,-)	31,500	48,000		1,512,000,000.00
8	Estimated Compensation for Trees in the Towers	31,500	40,000 (price in average)	20 ^{*)}	252,000,000.00
9	Easement Fee (10% x Rp. 48,000,- x 1,100,000 m ²)	1,100,000	48,000	10	5,280,000,000.00
10	Compensation for Trees under the RoW (55 km x Rp. 82,500,000,-)	55	82,500,000 ^{**)}		4,537,500,000.00
11	Sub-total for Land Acquisition and Compensation (7 – 10)				11,581,500,000.00
12	Total (6 and 11)				31,598,500,000.00
13	Administration Cost for Land Acquisition Team (0.5% of 12)				157,992,500.00
14	Income restoration for severely and vulnerable AHs				100,000,000.00
15	Monitoring and Evaluation	1.00	1,000,000,000		1,000,000,000.00
16	Sub Total				32,856,492,500.00
17	Contingency (10% of 16)				3,285,649,250.00
18	Estimated Grand Total (rounded)				36,142,141,750.00
19	Estimated Grand Total in US \$ equivalent				3,614,214

Note: 1 US\$ = Rp. 10,000

^{*)} Estimation of trees density

^{**)} This budget estimate for compensation of trees in 2011 was Rp. 75,000,000 per 1 km, with the consideration of the 5% of inflation rate per year and the payment will be completed in 2014, then the budget estimates for trees rate in the RoW is Rp. 82,500,000,-

J. INSTITUTIONAL ARRANGEMENTS

112. **PT. PLN (Persero) Head Quarter (PLN Pusat)** based in Jakarta under the Ministry of Energy and Mineral Resources will be the EA of the project, PLN (Persero) Pusat will be responsible for overall coordination and administration of the project, including those related to resettlement. PLN UIP X will be responsible for coordination project preparation and implementation. PLN UPK Kalimantan 5 will be responsible in implementing the project. PLN UIP X 5 will coordinate with the local authorities during land acquisition process both for Substation and TL.

113. Land acquisition for the transmission line will be conducted separately for each tower and thus the amount of land acquired in any case would be less than 1 ha. Similarly, land for Ngabang substation is not more than 1 ha. Therefore, the land acquisition would be carried out by **PLN Land Acquisition Committee (LAC)**.

114. **Non-governmental organizations (NGOs or universities)**. A selected Local NGO/ University with a good capacity and reputation in monitoring will be mobilized for conducting external monitoring and evaluation of RCCP implementation and submit the report to PLN for review and follow up.

115. Roles of the institutions for Resettlement are outlined in **Table 15**.

Table 15

Institutional Framework for Resettlement Issues

INSTITUTION/ ORGANIZATION	RESPONSIBILITIES
Social Safeguards Unit within System Planning of PLN HQ Office as the <u>Project Management Unit (PMU)</u>	<ul style="list-style-type: none"> • Coordinating activities related to RCCP preparation and implementation • Review the RCCP including project resettlement policies and entitlement matrix prior to submission to ADB for review. • Monitoring RCCP preparation and implementation. • Review internal and external monitoring reports prior to submission to ADB • Report progress report of RCCP implementation to ADB including remedial actions if required.
Local Project Office of West Kalimantan (PLN UPK Kalimantan 5) (local PMU)	<ul style="list-style-type: none"> • Support the LAC to conduct the DMS following final detailed design. • Obtaining of authorization for land use and house/structure demolition (if any) • Responsible for implementation of all RCCP activities • In close coordination with PLN Regional Office, responsible for designing and implementing income rehabilitation assistances to APs/DPs. • Support the LAC to conduct public consultations and public disclosure. • Support the LAC in conducting negotiation for compensation with DPs • Disburse compensation payments to the DPs in acknowledgment of the LAC • Conduct internal monitoring and integrate the report to quarterly project report to be submitted to ADB for review • Mobilize External Monitoring Agency (EMA) and follow up the recommendation.
PLN Land Acquisition Committee (LAC)	<ul style="list-style-type: none"> • Conduct IOL referring to the initial survey result done by PLN's consultant • Mobilizing an independent appraiser to appraising the lost land, if no any the independent land appraiser in Bengkayang, Landak and Sanggau Districts, the LAC need to establish a team to appraise the land to be acquired. • Conduct socialization on the project and its potential impact as well as conduct consultation meetings for compensation and income rehabilitation assistances. • Determine compensation rate and payment based on close consultations to APs • Manage and disburse the funds with regard to compensation, assistance, and administrative cost • Assist in the expeditious resolution of complaints of APs. • Properly receive and document concerns or complaints, verbal or written, from the APs and ensure that these are brought to the attention of the <i>Bupati</i> or <i>Walikota</i> for appropriate action; • Maintain a record of all public meetings, complaints and actions taken to address concerns and grievances

INSTITUTION/ ORGANIZATION	RESPONSIBILITIES
NGOs/universities/ Independent Assessors	<ul style="list-style-type: none"> • Conduct independent and external monitoring & evaluation on land acquisition including compensation payment and evaluation of impacts of acquisition of land to the DPs. • Assist APs in filing their concerns related to involuntary resettlement, if requested.

K. IMPLEMENTATION SCHEDULE

116. Resettlement Plan milestone is tentatively described in **Table 16**.

Table 16 Tentative Resettlement Plan Milestone

No.	Task	Responsibility	Timing
1	Loan Processing		
	a. Fact finding	ADB	January 2011
	b. Appraisal	ADB	March 2011
	c. Loan Approval	ADB	April 2011
	d. Loan effectiveness	ADB/GOI	July 2011
	Preparation		
2	LAC establishment	PLN	August 2011
3	Route and Design Finalization	PLN	August 2011
4	Gathering DMS / New socio economic data	PLN + LAC	Aug-Sept 2011
5	Preparation of project information booklet for each area	PLN + LAC	October 2011
6	Finalization of draft Resettlement Ethnic Minority Development Plan	PLN + LAC	October 2011
7	ADB Approval and uploading to ADB website	ADB	November 2011
8	Resettlement disclosure in component area	PLN + LAC	December 2011
	RCCP Updating		
11	Consultation meetings	PLN	March – November 2013
12	DMS and socio economic survey		March – April 2013
13	Writing updated RCCP		April 2013 – February 2014
14	Public disclosure of updated RCCP		March 2014
15	Submission of updated RCCP to ADB and its approval		March 2014
	Updated RCCP Implementation		
16	Compensation payment for towers and substation	PLN + LAC	May 2014 – January 2015
17	Compensation payment for RoW	PLN	June 2014 – March 2015
18	Delivery of income restoration program for vulnerable & severely AHs	PLN	August 2014 – March 2015
	Monitoring		
17	Internal Monitoring (included in the quarterly project progress report)	PLN	Included in project progress reports
18	External Monitoring: 1. Monitoring Report Number 1 2. Monitoring Report Number 2	PLN + EMA	Upon compensation payment for substation and 50% of towers Upon completion of payment for 30% of RoW

L. MONITORING AND REPORTING

M.1. Internal Monitoring

117. The PMU will serve as the Project's internal monitoring body. 6 monthly reports will be submitted to PLN Pusat as the EA starting from the commencement of RCCP implementation. The EA in turn will include updates on resettlement in its regular progress reports to ADB. Social monitoring reports will be made available to the AHs/DPs and will be submitted to ADB for web posting.

118. Internal monitoring and supervision will have the following objectives:

- a. Updating of RCCP is in accordance with the approved draft Resettlement Ethnic Minority Development Plan;
- b. Compensation and/or other entitlements are provided as per approved RCCP, with no discrimination according to gender, vulnerability, or any other factor;
- c. Livelihood restoration measures/programs are designed and implemented including modifications in the programs and provision of additional cash and in-kind assistance to the participating AHs/DPs as and when necessary;
- d. Public information, public consultation and grievance redress procedures are followed as described in the approved RCCP;
- e. Capacity of APs to restore/re-establish livelihoods and living standards. Special attention will be given to severely affected and vulnerable households. Focus will also be given if the objective of improving socio-economic condition of vulnerable households is achieved.
- f. The transition between resettlement and commencement of civil works is smooth and that sites are not handed over for civil works until AHs have been satisfactorily compensated, and assisted.

M.2. External Monitoring

119. An external monitoring and evaluation group will be formed and mobilized three months after compensation payment of 50% for towers during project implementation. The group can be from a good reputable research or consulting agency, university, or development NGO. The main objective of external monitoring is to provide an independent periodic review and assessment of (i) achievement of resettlement objectives; (ii) changes in income, living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures.

120. The main activities of the external monitor will revolve around the following: (i) review existing baseline data and gather additional socio-economic information, as necessary, on sample AHs; (ii) monitor implementation of the RCCP; (iii) identify any discrepancy between policy requirements and actual implementation of resettlement; (iv) monitor the resolution of complaints and grievances of AHs; (v) provide recommendations for improving resettlement preparation and implementation; and (vi) review compliance with regard to use funds for land acquisition and resettlement.