

Country Safeguards Review: Indonesia

Consultation Draft

March 2017

Appendix 1: Methodology

This assessment is a work in progress, the purpose of which is to encourage an iterative process of feedback and update. When finalized, the Borrower will verify the assessment. The materials are prepared by consultants; hence, ADB does not guarantee the accuracy, reliability, or timeliness of these materials and therefore will not be liable in any capacity for any damages or losses that may result from the use of these materials. ADB, likewise, shall not be responsible for any errors, inadvertent omissions, or unauthorized alterations that may occur in the disclosure of content on this website.

METHODOLOGY

1. Appendix 6 of the 2009 Safeguard Policy Statement (SPS) of the Asian Development Bank (ADB) states that “ADB may consider using a borrower’s (country safeguard systems) CSS to identify and manage the social and environmental impacts and risks associated with ADB-supported projects at national, subnational, sector, or agency level, provided that (i) the CSS is equivalent to ADB’s; and (ii) the borrower has acceptable capacity and commitment to implement the applicable laws, regulations, rules, and procedures.”

2. The ADB Guidance Note for Review of Country Safeguard Systems is used as a key reference for this assignment¹. The Guidance Note provides that a country safeguard review (CSR) includes the following elements:

- (i) An equivalence assessment, which examines the national legal and institutional framework² through which ADB environmental/social safeguards are addressed;
- (ii) An acceptability assessment, which assesses the strengths and weaknesses of practices towards fulfilling the country safeguard systems;
- (iii) The action plan for gap filling, which may include legal reform and capacity development; and
- (iv) Disclosure and consultation, to obtain inputs for the draft outputs.

A. Method

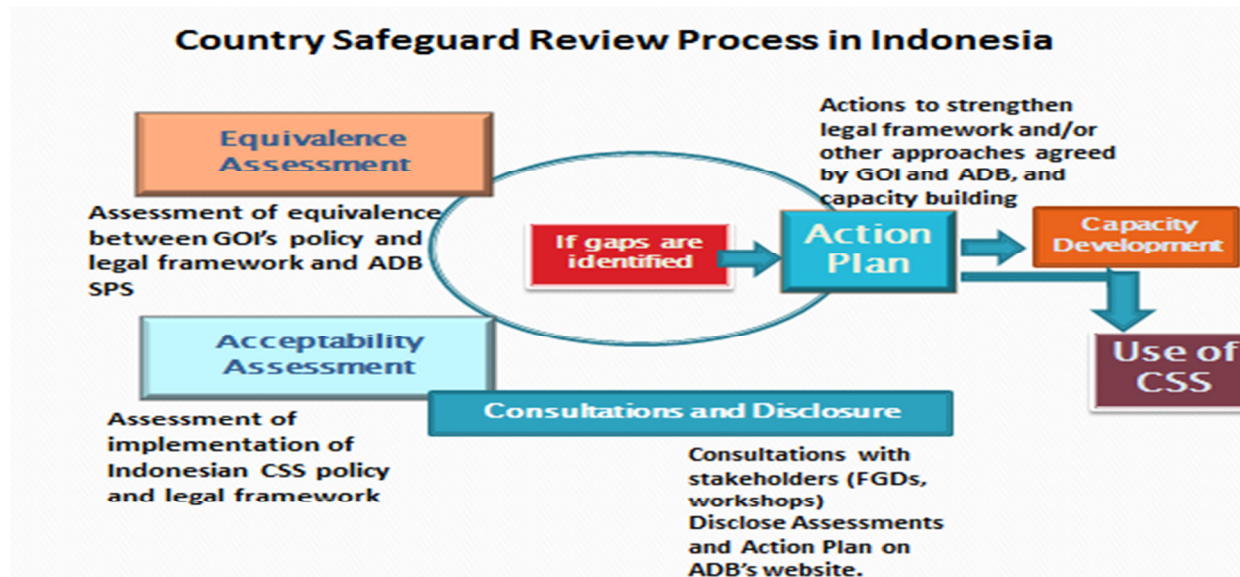
3. Some of the methodology outlined in the ADB CSR Guidance Note is modified or adapted to suit the conditions surrounding the assignment. The following considerations were made in adapting the CSR Guidance Note methodology:

- (i) Ensure manageability of the work, within the timeframe and team composition determined by ADB and the government of Indonesia;
- (ii) Accurately reflect the current situation, cross-fertilization between the equivalence assessment and the acceptability assessments are included in the design and planning; and
- (iii) Allow smooth government endorsement of the final products, the assignment is designed as a consultative process.

¹ Asian Development Bank, 2011. TA 6285-REG: Strengthening Country Safeguard System: Report on a Suggested Methodology for Assessing Country Safeguard System, Manila. See also Asian Development Bank, 2010. Draft Guidance Note for Review of Country Safeguard Systems. Manila.

² It is important to add the institutional frameworks since the content is elaborated in detail in Section II: Assessment Method and Approach.

4. The overall methodology is summarized in Figure A1.1.



B. Equivalence Assessment Method

5. The equivalence assessment (Figure A1.2) was implemented by comparing Indonesia's national level laws and regulations that address policy principles (and key elements thereof) of the ADB SPS on environment and involuntary resettlement. An equivalence matrix was developed which identifies the extent of equivalence, to be characterized as "full equivalence," "partial equivalence" or "not equivalence." Specific gaps in the Indonesian legal framework were identified, and recommendations formulated to address the gaps.

6. The equivalence assessment evaluated three levels of government legal frameworks: (i) acts or laws that provide overarching policy intent or direction; (ii) government regulations that govern or define implementation provisions that derive from the acts or laws; (iii) presidential regulations that govern implementation provisions of the acts or laws. In some cases, the assessment also looked into the existence or absence and the scope of ministerial regulations or decrees, especially in areas identified by the acceptability assessment as having weak or inconsistent implementation.

7. Drafts of the equivalence matrix have been discussed in the focus discussion groups for safeguards established by the BAPPENAS that include national relevant government agencies and ADB and with selected stakeholders, primarily individuals familiar with the Indonesian legal framework, especially related to safeguards. This includes key government counterparts at the central and regional level.

Figure A1.2: Equivalence Assessment

Objective: To produce a thorough, rigorous, objective, and relevant document that conclusively demonstrates the extent to which a CSS corresponds to the Objectives, Scope, Triggers and Policy Principles of one or more ADB safeguards (Environment, Involuntary Resettlement and Indigenous Peoples)



C. Acceptability Assessment Method

8. The acceptability assessment was conducted as a consultative process. Determining the implementation effectiveness of the legal framework was done by assessing the institutional setup, institutional capacity in key government agencies, performance to date, and, where possible, identifying programmatic or budgetary allocations to support capacity development in the two safeguard areas.

9. The assessment was conducted against the current official situation. Any changes to the current situation were noted in the reports. The consultants used only official announcements or decision letters, and did not attempt to anticipate and prejudge the direction of institutional changes as they are occurring.

10. The acceptability assessment was based on a combination of desk and field research. As a starting point, the consultant reviewed the existing literature (including ADB research) on the Indonesian legal framework for resettlement and environmental impact assessment (AMDAL) system focusing on macro-level issues and management at the national, regional, and sector levels.³

11. Key government agencies assessed are government units or directorates that have a direct role in environment safeguards and land acquisition/involuntary resettlement. This includes: Ministry of Environment and Forestry (MOEF, units in charge of AMDAL, strategic environmental assessment, and pollution prevention and control), Ministry of Agrarian and

³ Assessments focused on four sectors identified in the ADB technical assistance (TA) project for Indonesia, Aligning Asian Development Bank and Country Systems for Improved Project Performance. This TA funded the equivalence and acceptability assessments and identified four sectors: energy, transport, water resources, and water supply and sanitation.

Spatial Planning/National Land Agency (MASP/NLA), and units in charge of the four selected subsectors (in the respective technical Ministries).

12. The assessment is also carried out for other institutions play a role in implementing certain elements of environmental safeguards and land acquisition/involuntary resettlement. For environmental safeguards, this may include provincial and district local environmental management agency (BLHD). For land acquisition/involuntary resettlement safeguards, this will include local government handling land acquisition preparation and the association of appraisers (Masyarakat Profesi Penilai Indonesia-MAPPI) and any institution offering training or other capacity building activities.

13. To complete this review of acceptability several key factors were identified and considered:

- (i) Whether there are good formal or informal processes in place to implement the laws, bylaws and procedures;
- (ii) Capability in the field, as judged through selected field interviews, site visits and desk reviews of projects;
- (iii) Evidence of progress towards meeting targets on legislation, staffing and budgets where these apply;
- (iv) Informal consultations with specialist and stakeholders; and
- (v) Outputs and outcomes of case studies.

14. For the assessment of institutional capacity process of key government agencies, their processes, procedures, and outputs findings were scored in relative terms ranging from “strong” to “Moderate” to “weak.” The specific standard has been prepared to explain the rating system and indicator (see part G).

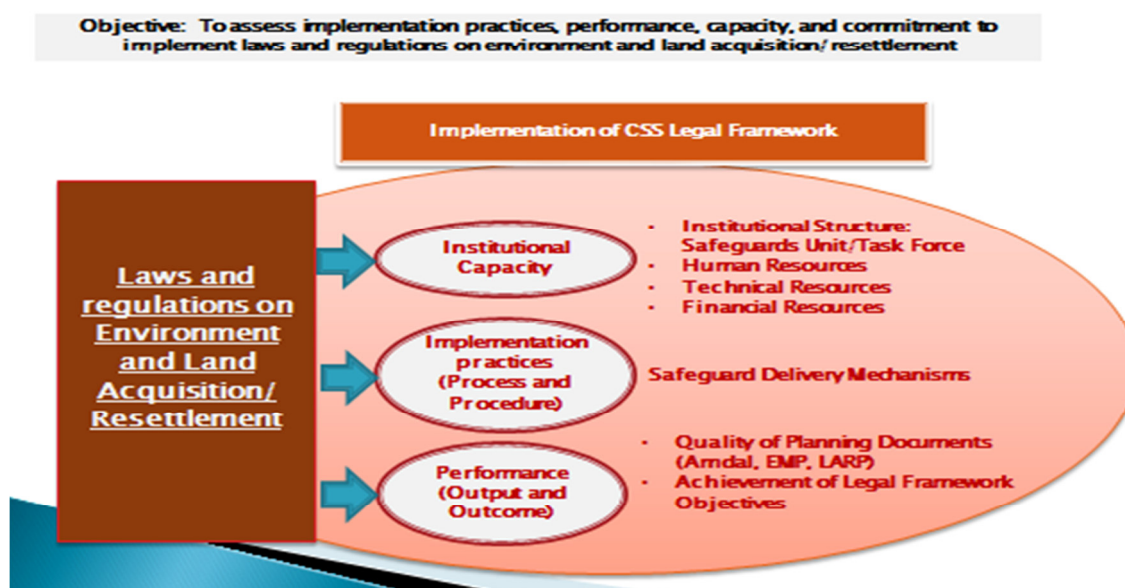
15. Assessment of institutional capacity covered institutional structure or organization, budget, staffing, institutional knowledge and knowledge management, technical expertise, legal counsel, supporting equipment and facility, individual training, institutional capacity building, and monitoring and evaluation.

16. Criteria applied to the evaluation of processes and procedures included coherence, transparency, consistency, and effectiveness.

17. The quality of outputs, including environmental impact assessment reports (ANDALs), environmental management and monitoring plans (RKL-RPP), and land acquisition plans (LAPs) were assessed based on their compliance with legal requirements, consistency with terms of reference, depth of analysis, and relevance to project conditions.

18. The methodology of acceptability assessment is summarized in Figure A1.3.

Figure A1.3: Methodology of Acceptability Assessment



19. The acceptability assessment combined the following approaches:

- (i) *Literature review*: including review of past assessments with similar objectives and supervisory mission reports from ADB projects that indicate problems with environment or land acquisition/involuntary resettlement;
- (ii) *Institutional capacity review*: including review of organizational charts of key institutions leading environment and land acquisition/involuntary resettlement processes, assessment of their formal roles and responsibilities, current staffing and capacity development plans;
- (iii) *Case-study assessment*: review documentation of one project in each of the four selected subsectors and conduct interviews with relevant individuals.

D. Selection of Sector Projects for Case Study

20. As discussed above, besides the legal and institutional framework for national safeguards, the assessments are divided into four sectors. For the sector assessment, the acceptability assessment takes the lead, to determine the level of implementation effectiveness of safeguards in projects in the sector. The equivalence assessment provides support, especially in identifying sector-specific regulations that support and/or affect the implementation of safeguards in that sector.

21. The projects were chosen based on a set of criteria: project category (preferably Category A according to ADB SPS), use of the latest prevailing regulation, geographic variation of location (comparing Java/Off Java), government funding source (government of Indonesia or state-owned company [Badan Umum Milik Negara-BUMN] only), and varied complexity (ranging from complex to very complex). In addition, the selection was based on internal discussions with the technical assistance (TA) support team at ADB's Indonesia Resident Mission. The four case studies (Table A1) chosen are:

- (i) Karian Multipurpose Dam (/water resource sector),
- (ii) Palembang - Indralaya Toll Road (road/transport sector),
- (iii) Transmission Line SUTET 500 kV PLTU 2 – Kesugihan, Cilacap (energy sector), and
- (iv) Ciliwung and Pesanggrahan River Normalization and development of Rempoa Low Cost Apartment (urban planning sector).⁴

Table A.1: Project Criteria for Case Study Selection

No.	Description	Project Criteria	Chosen Projects
1	Project Category	Significant impact (equivalent to category A for ADB SPS)	YES
2	Main Reference (Law)	UU 32/2009 (Environment) UU 2/2012 (Land acquisition/involuntary resettlement)	YES
3	Achievement/ Status	Completed /On-going	YES
4	Funding	APBN/PPP	<ul style="list-style-type: none"> • Karian Multipurpose Dam (GOI/KOICA) • Palembang – Indralaya Toll Road (APBN/BUMN) • 500 KV Central Java TL and Power Station (Sutet and Gitet) – Cilacap (BUMN) • Ciliwung and Pesanggrahan River Normalization and Development of Rempoa Low Cost Apartment (APBN)
5	Sectors	<ul style="list-style-type: none"> • Water Resource (Directorate General of Water Resources-Ministry of Public Work and Houseing/DGWR- MPWH) • Road/Transport (Directorate General of Highways – DGH-MPWH) • Energy (PT PLN), and • Urban Planning (Directorate General of Human settlement – DGHS-MPWH)⁵ 	<ul style="list-style-type: none"> • Water Resources (Karian Multipurpose Dam) • Road/Transport (Palembang Toll Road) • Energy (Transmission Line) • Urban Planning (Ciliwung and Pesanggrahan River Normalization and development of Rempoa Low Cost Apartment)
6	Location	Java/Off Java	<ul style="list-style-type: none"> • Java (Banten, Jakarta, and Central Java) • Off Java (South Sumatra)

⁴ Kali Pesanggrahan segment and development of Rempoa Low Cost Apartment for AMDAL/environmental case study, and Kampung Pulo segment for resettlement/involuntary resettlement.

⁵ Ciliwung and Pesanggrahan Normalization Project is chosen for urban planning sector, which combines between flood management and urban planning. This also involves relocation of squatters living at the river bank.

No.	Description	Project Criteria	Chosen Projects
7	Complexity (Scale)	Highly complicated/ Complicated	<ul style="list-style-type: none"> • Karian Multipurpose Dam (highly complicated) • Palembang Toll Road (moderately complicated) • 500 KV Central Java TL and Power Station (Sutet and Gitet) – Cilacap (BUMN) • Ciliwung & Pesanggrahan River Normalization (highly complicated, involving squatters' relocation)



22. The assessment also builds on the environmental and social safeguards equivalence or policy gap analysis and acceptability assessments from ADB's TA projects and ADB-financed projects including: (i) Strengthening AMDAL and Social Safeguards subproject financed under the TA for Strengthening and Use of Country Safeguard Systems;⁶ ii) Program Safeguard System Assessment (PSSA) for Electricity Grid Strengthening—Sumatra Program (RRP-INO 49080); and (iii) PSSA of Integrated Participatory Development and Management of Irrigation Program (RRP I43220). The PSSA examines the safeguards system of Indonesia, including its implementation practices and capacities .

E. Action Plan for Gap Filling

23. Subsequently, an action plan for CSS strengthening was prepared by the consultant team based on the results of the equivalence and acceptability assessments along with identification of technical and financial support mechanisms for action plan implementation and sustainability. Under this assignment, the consultants identified gap filling measures to be

⁶ ADB. 2010. *Technical Assistance for Strengthening and Use of Country Safeguard Systems*. Manila (TA 7566-REG).

conducted in the short term and medium term, to address gaps in capacity for environmental and land acquisition/involuntary resettlement implementation. These measures are currently further deliberated with the various stakeholders so that it can be incorporated in their programs.

F. Disclosure and Consultations

24. Disclosure and public consultations with various stakeholders including nongovernment organizations were not carried out during the preparation of this draft final report. However, consultations conducted through workshops or focus group discussions (FGDs) were designed as an integral part of the equivalence and acceptability assessments. Because the TA intends to produce an action plan accepted by both the government of Indonesia and ADB, the process of building consensus on action items will be an important part of the assignment. Similarly, both parties will have to agree on the findings of the equivalence and acceptability assessments.

25. To support the safeguards assessment, in July 2014, Bappenas established an FGD with focal points from NLA (for land acquisition), MOEF (for environment), and ADB as coordinators with members from NLA, MOEF, MPWH, Bappenas, Ministry of Home Affairs, and ADB.⁷ This FGD was held to discuss the assessment results and proposed action plan for the use of CSS. ADB established a CSR team comprising SDES, OGC, operation departments of SERD (SEER, SEEN, SETC, SEUW), and IRM. The ADB CSR team was established to support the CSR and review and provide inputs to the assessment results and action plan.

26. Consultations will be conducted with other parties linked to the government as well as outside the government system such as professional organizations (MAPPI, Forum AMDAL, and the Social Safeguard Forum). These institutions will be supporting CSS implementation.

27. Another category of institutions to be consulted are those which have an interest in how safeguard systems in Indonesia are being developed and implemented, including nongovernment organizations, civil society organizations, university, and independent organizations. The aim of conducting public consultations with these parties is to obtain inputs, feedback, and other forms of comments to improve on the ideas, findings, or recommendations that the TA team has prepared.

28. The TA team will engage each category of stakeholders with different intensities and at different times. Adapting from ADB's guidelines of participation, four different levels of engagement will be designed:

- (i) In-depth discussions will be held with key government agencies. Information, inputs, and suggestions from these agencies are crucial to the findings of the assessments, and in ensuring that recommendations are appropriate, reasonable, and achievable. One-on-one interviews and small meetings will be held to discuss specific items in the scope of the Equivalence and Acceptability Assessments.
- (ii) Focused group discussions (FGDs) involving a larger group of government units, and other institutions. Preliminary findings and preliminary recommendations will be presented during the FGDs for specific inputs from participants. The TA team use the FGDs so as to address specific topics where confirmation or further information is needed.
- (iii) Workshops will involve an even larger group and include stakeholders outside of

⁷ The FGD for safeguards was conducted as part of FGDs organized by Bappenas for the implementation of the TA 8548. The three FGDs organized are: i) FGD for country safeguard review; ii) FGD for procurement; and iii) FGD for readiness criteria.

the government system. Civil society organizations and independent organizations with interest or potential role in strengthening CSS will be invited to provide input or comment on draft reports; and

- (iv) Online disclosure via ADB website will be the final opportunity for a broader set of stakeholders to submit comments and concerns. Draft reports will be posted by ADB, with a predetermined number of days for commenting. Comments received will be collated by ADB and provided to the TA team for consideration and deliberations. Should a major issue arise from the comments, the TA team will discuss the response with ADB and the government of Indonesia.

29. Workshops will serve as a venue to discuss draft reports and the draft action plan. The following sequence will apply to each draft report:

- (i) Draft reports will be presented in a workshop, attended by 30–40 invitees. Based on inputs from the participants, the consultants will revise the report, producing a draft final report.
- (ii) ADB will upload the draft final reports to its website. Inputs and comments received by ADB will be given to the consultant team; and the team will confer and decide which inputs and comments merit further revision to the draft final report.
- (iii) Based on the above, the consultant team will produce a final report for submission to ADB and the government of Indonesia.

G. Indicator of Acceptability Assessment

30. The indicators used to rate the institutional capacity, process and procedure, output, and outcome for each sector both for environment and involuntary resettlement are outlined in the following tables.

Indicators and rating for Acceptability Assessment (Environment)

No.	Agency	COMPONENT/ SUBCOMPONENT	S/M/W	QUALITATIVE PARAMETERS (Guiding Checklist)	
A. INSTITUTIONAL CAPACITY					
A.1.1		Institutional Structure	Strong	Both institutional structure (unit) of the implementing institution exist to support its legal mandates	
			Moderate	Either institutional structure (unit) or persons exist to support its legal mandates	
			Weak	Neither institutional structure (unit) nor persons assigned to support its legal mandates	
		Budget	Strong	Adequate budget specially allocated to support mandates of the institution	
			Moderate	Budget has been allocated but inadequate or shared with other competing subsector	
			Weak	No budget allocated to support its mandates, directly or indirectly	
		Staffing	Strong	Both qualitatively and quantitatively the technically competent management staffs hired to support the institution (unit) meet the requirements or workload	
			Moderate	The number of technically competent management staffs hired to support the institution (unit) does not meet the requirements or workload	
			Weak	No technically competent management staffs hired to support the institution (unit)	
		Institutional /Knowledge Management	Strong	Significant efforts for knowledge management and maintaining continuity of qualified/trained staff	
			Moderate	Limited efforts for knowledge management and maintaining continuity of qualified/trained staff	
			Weak	There is high turnover of staff and no effort to retain institutional knowledge (Knowledge Management)	
		Technical Expertise	Strong	Full access to independent technical expertise as necessary to supplement its own technical expertise	
			Moderate	Limited access to independent technical expertise as necessary to supplement its own technical expertise	
			Weak	No access to independent technical expertise as necessary to supplement its own technical expertise	
		Legal Counsel	Strong	Full access to legal counsel regarding its critical mandates and/or set up own legal division within the institution	
			Moderate	Limited access to legal counsel regarding its critical mandates	
			Weak	No access to legal counsel regarding its critical mandates	
		Supporting			

		Equipment and Facility	Strong	Adequate equipments and/or facilities to support its mandates (as requirements)
			Moderate	Limited or partial equipments and/or facilities to support its mandates
			Weak	No adequate equipments and/or facilities to support its mandates
		Capacity Building Program	Strong	Effective capacity building program to improve/ upgrade their human resource (both implementation and results)
			Moderate	Ineffective capacity building program (to improve/ upgrade their human resource but not effectively implemented)
			Weak	No capacity building program to improve/ upgrade their human resource
		Pusdiklat/ Training Center	Strong	Pusdiklat or training center established, complementary with in-house/outsourcing training, to improve capacity of their staff (including certification and licensing)
			Moderate	No Pusdiklat or training center but in-house/outsourcing training and education provided (see also Capacity Building Program)
			Weak	Neither Pusdiklat/training center nor in-house/outsourcing training to improve capacity of their staff (including certification and licensing)
		Supervision and Monitoring (for Capacity)	Strong	Regular and effective supervision and monitoring for the capacity of AMDAL related staff (i.e., reviewer, supervisor, etc)
			Moderate	Either irregular or ineffective supervision and monitoring for the capacity of AMDAL related staff
			Weak	No supervision and monitoring carried out for the capacity of AMDAL related staff
		Achievement	Strong	Generally, the achievement of the institution (indicating by number of environmental documents processed and approved annually, complaints received and addressed, timely environmental document processing and approval) meet requirements.
			Moderate	Some achievements (indicating by number of environmental documents processed and approved annually, complaints received and addressed, timely environmental document processing and approval) have been reached, but the performance still requires improvements
			Weak	The achievement lags behind the plan or does not meet requirement.

No.	Agency	COMPONENT/ SUB-COMPONENT	S/M/W	REMARKS AND EXPLANATION
B	Process and Procedure			
B.1.1	Local legislation and procedures	Strong	Local legislation fully adapted as well national (including sector) regulations
			Moderate	Some local level (SK, Perda) implementing legislation which adapts national AMDAL regulation is in place.
			Weak	Adherence to national legislation and procedures only
		General and specific guidelines	Strong	Guidelines fully adapted to local requirements, in line with national guidelines.
			Moderate	Some national guidelines 'interpreted' and/or further 'developed' to suit local conditions

		Weak	Strict adherence to national guidelines. Limited guidance available at sub-national level taking account local conditions.
	Provisions for cumulative and/or strategic environmental assessment	Strong	Comprehensive guidance on sector and regional EA (environmental assessment) in place
		Moderate	Some experimentation with cumulative or strategic level environmental assessment
		Weak	AMDAL does not consider indirect, cumulative or strategic environmental impacts
	Authority for approval of AMDAL	Strong	Relevant environmental agency (BPLHD/BLHD/Dinas Lingkungan) has ultimate authority to approve or reject AMDAL.
		Moderate	Relevant environmental agency (BPLHD/BLHD/DinasLingkungan) has limited authority to approve or reject AMDAL
		Weak	Relevant environmental agency (BPLHD/BLHD/Dinas Lingkungan) does not have ultimate authority to approve or reject AMDAL
	Coordination with other bodies responsible for planning approval	Strong	Clear procedures in place for ensuring that AMDAL is a precondition for project approval (i.e., readiness criteria)
		Moderate	AMDAL documents are a precondition for the issuance of principle permit, location permit, and/or building permit.
		Weak	Links between AMDAL and development approvals/ permitting are unclear
	Coordination with other pollution control and other environmental management measures	Strong	Pollution control requirements are clearly reflected in RKL/RPL
		Moderate	Pollution control requirements are reflected in RKL/RPL but somewhat confusing, ineffective and/or overlapping
		Weak	Links between pollution control and other environmental management procedures are unclear.
	Sector expertise for conducting AMDAL	Strong	Review panel specifically selected according to project sector/AMDAL scope.
		Moderate	Members of AMDAL Commission vary according to project type/sector (inconsistent)
		Weak	Sector specific expertise for conducting or reviewing AMDAL studies often unavailable or not deployed
	Screening categories	Strong	Screening categories and guidance fully adaptable/sensitive to local environmental factors.
		Moderate	Combined use of national and local screening categories
		Weak	Use of national screening categories and mandatory thresholds only
	Screening method	Strong	Comprehensive environmental screening process involving multiple factors, field visits, consultation and peer review
		Moderate	BPLHD/BLHD/Dinas Lingkungan consults with stakeholders on screening decision, including non-governmental bodies.
		Weak	Screening decision is a formality based on limited local information or consultation
	Scoping procedures and method	Strong	Scoping and development of study KA-ANDAL based on preliminary analysis, public consultation

				and peer review. Form and content of AMDAL study clearly determined from scoping
			Moderate	Technical scope of the AMDAL study clearly distinguishes between 'significant' and 'less significant' issues.
			Weak	In approving KA-ANDAL, Commission members look for administrative correctness only. Clear definition of AMDAL scope is rare.

No.	Agency	COMPONENT/ SUB-COMPONENT	S/M/W	REMARKS AND EXPLANATION
C.	OUTPUT/ OUTCOME			
C.1	Quality of document and impacts	Content of the study report	Strong	Comprehensive structure provided based on international best practice, adapted as necessary to local conditions and highly sensitive to scoping
			Moderate	Content of study report varied based on the results of scoping
			Weak	Strict adherence to structure set out in national guidelines
		Quality of analysis	Strong	Magnitude and significance of key impacts assessed using both quantitative and qualitative methods
			Moderate	Some quantitative analysis of impacts provided in the study linked to baseline conditions
			Weak	Baseline information lacks focus containing much irrelevant information and very limited analysis
		Consideration of alternatives	Strong	AMDAL includes assessment of alternatives including the 'no project' alternative.
			Moderate	Project alternatives emerge and are considered as a result of AMDAL.
			Weak	AMDAL study considers one alternative only
		Operational environmental management plan	Strong	RKL/RPL includes specific mitigation and monitoring plans based on key impact areas identified in the AMDAL study
			Moderate	Moderate RKL/RPL in term of operational value and effectiveness
			Weak	RKL/RPLs formulaic, lacking in substance and of limited operational value to decision makers
		Method for review of content and substance of reports submitted	Strong	Based on ensuring consistency with the KA-ANDAL, includes peer review and may include field visits by environmental specialists
			Moderate	Commission members engage in significant discussion on technical matters and may recommend changes to the siting and/or design of the project.
			Weak	Commission members look for administrative correctness rather than discussing substantive environmental and social issues
		Requirement for public participation	Strong	Public participation leads to revisions to the ANDAL/RKL/RPL, or complaints during project implementation ensure that RKL/RPL is applied
			Moderate	Affected people are involved but in limited scope (rather superficial)
			Weak	Project affected people are unaware of the AMDAL process as a possible channel for their concerns
		Arrangements for access to ANDAL reports	Strong	Provision of accessible information in local language is mandatory prior to finalization of KA-ANDAL and after completion of draft ANDAL/RKL-RPL

			Moderate	Reports placed in a public place and publicized in a local newspaper (or other media)
			Weak	No specific arrangements made for access to information
		Requirements for follow-up and monitoring		
			Strong	Formal procedures based on regular reporting applied
			Moderate	RKL/RPL is an operational document, and may have been subject to 'revisions' during lifetime of project
			Weak	RKL/RPL not used or referred to after review and approval completed
		Enforcement and compliance		
			Strong	Monitoring reports result in developer being forced to take action to reduce environmental damage, or to a permit being revoked
			Moderate	Non-compliance with RKL/RPL are reported but no action taken
			Weak	Non-compliances with RKL/RPL ignored

Indicator and ratings for Acceptability Assessment (involuntary resettlement)

Component	Category	Remarks
Institutional Capacity		
Institutional Structure: Safeguard Unit/Task Force	Strong	An established unit or focal point responsible for the social safeguards with institutional structure, legal mandates and detail roles and functions
	Moderate	An ad hoc unit or focal point responsible for the social safeguards in HQ and/or regional office with no institutional structure
	Weak	No unit or task force responsible for the social safeguards
Human Resources: Staffing (number and qualification)	Strong	Adequate (both qualitatively and quantitatively) technically competent management staffs allocated to appropriate organizational units within the institution
	Moderate	Less technically competent management staffs allocated to appropriate organizational units within the institution
	Weak	No technically competent management staffs allocated to appropriate organizational units within the institution
Financial Resources: Budget	Strong	Adequate budget allocated and used effectively to support mandates of the institution
	Moderate	Budget has been allocated but inadequate or not used effectively to support the mandates
	Weak	No budget allocated to support its mandates
Technical Resources: Equipment and Facility	Strong	The institution has functional Pusdiklat or training center to improve capacity of their staff and has capacity building program to improve/upgrade their human resource and effectively implemented
	Moderate	The institution has no Pusdiklat or training center but has outsourcing for training and education, and have capacity building program to improve/ upgrade their human resource but not effectively
	Weak	The institution has no capacity building program to improve/upgrade their human resource, and has no Pusdiklat or training center to improve capacity of their staff
Achivement	Strong	Generally the achievement of the institution (indicating by number of environmental documents processed and approved annually, complaints received and addressed, timely environmental document processing and approval) meet requirements
	Moderate	The institution performs with some achievements but still require some improvement
	Weak	The achievement of the institution lag behind the plan or does not meet requirement

Process and Procedures – Implementation Practices		
Involuntary Resettlement ⁸		
Planning Stage		
Feasibility Study	Strong	The feasibility study done with a complete socio-economic survey, feasibility location, cost and benefit analysis for the usage of the development to the community, approximate value of the land, and assessment of potential social and environmental impacts and risks
	Moderate	The feasibility study done with not such complete socio-economic survey, feasibility location, cost and benefit analysis for the usage of the development to the community, approximate value of the land, and assessment of potential social and environmental impacts and risks
	Weak	There has not been any feasibility study done for project
Spatial Planning	Strong	The sub project is very consistent with the spatial planning, regional development planning and the organisation strategic planning
	Moderate	The sub project is partly consistent with the spatial planning, regional development planning and the organisation strategic planning
	Weak	The sub project is not consistent with the spatial planning, regional development planning and the organisation strategic planning
Planning Document	Strong	The Land Purchasing Plan document has the purpose and objective of the development, consistent with spatial planning, regional development planning and the organisation strategic planning, size and status of the land, estimate time of land purchase, estimate time of the sub project development and budget estimation, and <i>there are special attention to vulnerable people</i>
	Moderate	The Land Purchasing Plan document has the purpose and objective of the development, consistent with spatial planning, regional development planning and the organisation strategic planning, size and status of the land, estimate time of land purchase, estimate time of the sub project development and budget estimation, with <i>no special attention to vulnerable people</i>
	Weak	The Land Purchasing Plan document has no detailed purpose and objective of the development, not consistent with spatial planning, regional development planning and the organisation strategic planning, size and status of the land, has no estimate time of land purchase, and the sub project development and has no budget estimation
Submission to Governor	Strong	The land acquisition document submitted to the Governor has detailed identification, consultation and agreement of affected people, and issuance of project location determination
	Moderate	The land acquisition document submitted to the Governor has less detailed identification, consultation and agreement of affected people, and issuance of project location determination
	Weak	The land acquisition document submitted to the Governor has no detailed identification, consultation and agreement of affected people, and issuance of project location determination

⁸ The stage here is made In accordance with Law No. 2/2012 of Purchasing Land for Public Use. Some indicators made in *italic* were the ones not included in the law, thus they refer to the international practices i.e. SPS ADB

Preparation Stage		
Development of Preparation Team (10 days)	Strong	A Land Acquisition Preparation team consist of Bupati/Mayor, related SKPD, related office needs the land, and other related office been established by governor to do the sub project during 10 days after the land acquisition plan document submission
	Moderate	A Land Acquisition Preparation team consist of Bupati/Mayor, related SKPD, related office needs the land, and other related office has been established by governor to do some projects including the sub project within 10 days
	Weak	Land Acquisition Preparation team has been established by governor to do the sub project more than 10 days after the land acquisition plan document submission
Information of the Land Acquisition Plan (10 days)	Strong	The complete information of the development of the sub project document which has: the purpose and objective of the development, consistency with spatial planning, regional development planning and the organisation strategic planning, size and status of the land, estimate time of land purchase, estimate time of the sub project development and budget estimation being informed to the community directly (socialisation, meeting or letter of information) or indirectly (through media) within 10 days
	Moderate	The information of the development of the sub project document does not have complete data, and informed to the community directly (socialisation, meeting or letter of information) or indirectly(through media) more than 10 days
	Weak	There is no information of the development of the sub project document being informed to the community directly (socialisation, meeting or letter of information) or indirectly (through media)
Preliminary Data Collection (30 days)	Strong	The collection of preliminary data of the subproject including all data of eligible people and the object of land acquisition in accordance with the law and being done within 30 days after the information of the plan announced
	Moderate	The collection of preliminary data of the subproject is not complete but being done within 30 days after the information of the plan announced
	Weak	The collection of preliminary data of the subproject is not complete and being done more than 30 days after the information of the plan announced
Public Consultation (90 days)	Strong	The public consultation(s) has been held in the LG office or agreed place involving <i>and facilitate meaningful consultation with and informed participation of project affected people, vulnerable groups including women, non-governmental organizations</i> , to disclose the result of the data collected and get the agreement of the location of the sub project in accordance with the law in 90 days
	Moderate	The public consultation(s) has been held in the LG office or agreed place to disclose the result of the data collected without getting the agreement of the location of the sub project in 90 days
	Weak	The public consultation(s) has been held in the LG office or agreed place to disclose the result of the data collected without getting the agreement of the location of the sub project in more than 90 days

Development of Assessment Team – for complain (14 days)	Strong	A consultation mechanism agreement being applied effectively to address non-compliant affected people by doing another public consultation and/or having governor established a study compliance team
	Moderate	A consultation mechanism agreement being applied but not run effectively to address non-compliant affected people
	Weak	There is no consultation mechanism agreement being applied to address non-compliant affected people
Penetapan Lokasi (Determination of Location) (14 days)	Strong	The team prepared the Penetapan Lokasi Pembangunan including the map of the sub project location prepared by the office needs the land within 14 days after the public consultation
	Moderate	The team prepared the Penetapan Lokasi Pembangunan including the map of the sub project location prepared by the office needs the land more than 14 days but less than 40 days after the public consultation
	Weak	The team doesn't prepared the Penetapan Lokasi Pembangunan including the map of the sub project location prepared by the office needs the land until more than 40 days after the public consultation
Announcement of Penetapan Lokasi (14 days)	Strong	The disclosure of the Penetapan Lokasi Pembangunan including the number of the Location Defined, map of the location, purpose and objective of the development, size and status of the land, estimate time of land purchase, estimate time of the sub project development in is within 14 days after the Penetapan Lokasi
	Moderate	The disclosure of the Penetapan Lokasi Pembangunan including the number of the Location Defined, map of the location, purpose and objective of the development, size and status of the land, estimate time of land purchase, estimate time of the sub project development in is more than 14 days after the Penetapan Lokasi
	Weak	The disclosure of the Penetapan Lokasi Pembangunan is not complete and more 14 days after the Penetapan Lokasi
State Administrative Court lawsuit (90 days)	Strong	The process of State Administrative Court lawsuit has been done in less than 90 days
	Moderate	The process of State Administrative Court lawsuit has been done in more than 90 days until 120 days
	Weak	The process of State Administrative Court lawsuit has been done in more 120 days
Implementation Stage		
Inventory and Identification of Land Owner, Land User and Other Eligible Affected People (30 days)	Strong	The detailed list of inventory and identification of the land owner, land user and other eligible affected people has been collected, including the measurement and mapping of each piece of land, and data of all eligible people and land purchase object being collected by a task force headed by the Land Office person within 30 days
	Moderate	The list of inventory and identification of the land owner, land user and other eligible affected people has been collected, including the measurement and mapping of each piece of land, and data of all eligible people and land purchase object being collected by a task force headed by the Land Office person in 30 – 60 days

	Weak	The list of inventory and identification of the land owner, land user and other eligible affected people has been collected, including the measurement and mapping of each piece of land, and data of all eligible people and land purchase object being collected by a task force headed by the Land Office person in more than 60 days
Disclose of the Inventory and Identification Result (14 days)	Strong	The result of the Land Inventory and Identification including the eligible people, size, placement and the map is announced at the Lurah, Sub district and Regional Land Offices, within 14 days after the activities done
	Moderate	The result of the Land Inventory and Identification including the eligible people, size, placement and the map is announced at the Lurah, Sub district and Regional Land Offices, within 15 – 50 days after the activities done
	Weak	The result of the Land Inventory and Identification including the eligible people, size, placement and the map is announced at the Lurah, Sub district and Regional Land Offices, more 50 days after the activities done
Appraisal of the Compensation (30 days)	Strong	The appraisal of the compensation according to result made by an appointed independent appraiser and including the value of the land, space under and above the land, building, crops and tree, other things related to land, and other lost has been done in 30 days
	Moderate	The appraisal of the compensation according to result made by an appointed independent appraiser and including the value of the land, space under and above the land, building, crops and tree, other things related to land, and other lost has been done in 31 – 60 days
	Weak	The appraisal of the compensation according to result made by an appointed independent appraiser and including the value of the land, space under and above the land, building, crops and tree, other things related to land, and other lost has been done in more than 60 days
Discussion and Agreement on the Compensation (30 days)	Strong	The discussion and agreement of the compensation with the notes disclosure has been done within 30 days
	Moderate	The discussion and agreement of the compensation with the notes disclosure has been done in 31 – 60 days
	Weak	The discussion and agreement of the compensation has been done in more than 60 days
State Administrative Court lawsuit (88 days)	Strong	The process of State Administrative Court lawsuit has been done in less than 88 days
	Moderate	The process of State Administrative Court lawsuit has been done in more than 89 days until 1120 days
	Weak	The process of State Administrative Court lawsuit has been done in more 120 days
Compensation Disbursement	Strong	The compensation accepted by all eligible people and handover of land rights done in accordance with the law
	Moderate	The compensation and handover accepted only by 70% of eligible people
	Weak	The compensation and handover accepted only by less than 70% of eligible people

Meaningful Consultation	Strong	<i>There are clear and practical processes and procedures to ensure and facilitate meaningful consultation with and informed participation of project affected people, vulnerable groups including women, non-governmental organizations to ensure that their views and concerns are made known to and understood by decision-makers and taken into account</i>
	Moderate	<i>There are processes and procedures to ensure and facilitate meaningful consultation but the implementation is not effective</i>
	Weak	<i>There is no processes and procedures to ensure and facilitate meaningful consultation</i>
Submission of the Result Stage		
Submission Process	Strong	The submission of the result from the Land Office to the related office submitted after the compensation has been done entirely
	Moderate	The submission of the result from the Land Office to the related office submitted after the compensation has been done partly
	Weak	The submission of the result from the Land Office to the related office submitted after the compensation has not been done entirely
Monitoring and Evaluation		
Procedure	Strong	The procedure of monitoring and reporting <i>with special attention to vulnerable people</i> is prepared and the implementation is effective
	Moderate	The procedure of monitoring and reporting is prepared but the implementation is not effective
	Weak	The procedure of monitoring and reporting is not prepared and there is no implementation
Monitoring and assessment of the resettlement outcomes	Strong	<i>There any monitoring and assessment of the resettlement outcomes, their impacts on the standards of living of displaced persons which is being implemented effectively</i>
	Moderate	<i>There any monitoring and assessment tools of the resettlement outcomes, their impacts on the standards of living of displaced persons which is not being implemented effectively</i>
	Weak	<i>There is not any monitoring and assessment of the resettlement outcomes, their impacts on the standards of living of displaced persons</i>
Negotiated Land Acquisition		
Consistency of the sub project	Strong	<i>The subproject is very consistent with the spatial planning and development plan and any measurements to avoid or minimize safeguards impacts and determining corridor of impact</i>
	Moderate	<i>The subproject is consistent with the spatial planning and development plan and any measurements to avoid or minimize safeguards impacts and determining corridor of impact</i>
	Weak	<i>The subproject is not consistent with the spatial planning and development plan and any measurements to avoid or minimize safeguards impacts and determining corridor of impact</i>
Process	Strong	<i>There are some consultations and identification of losses by a qualified party and a calculation of compensation done by appraiser</i>
	Moderate	<i>There is an identification of losses by a qualified party and a calculation of compensation done by</i>

		<i>appraiser</i>
	Weak	<i>There is no consultations and no identification of losses by a qualified party and a calculation of compensation done by appraiser</i>
Preparation	Strong	<i>The project has a detailed preparation of land acquisition document and submission to the LG, identification, consultation and agreement of people, and issuance of project location determination</i>
	Moderate	<i>The project has a some preparation of land acquisition document and submission to the LG, identification, consultation and agreement of people, and issuance of project location determination but not in detail</i>
	Weak	<i>The project does not have a detailed preparation of land acquisition document and submission to the LG, identification, consultation and agreement of people, and issuance of project location determination</i>
Performance		
Outputs: Quality of LAP Document (as required by legal framework)		
Feasibility Study of the LAP Document	Strong	The LAP prepared based on a complete feasibility study including socio-economic survey, location feasibility, analysis of cost and development benefit to the area and community, estimated land value, environmental and social impacts that may arise out of the acquisition of land and construction and other necessary study
	Moderate	The LAP prepared based on less complete feasibility study including socio-economic survey, location feasibility, analysis of cost and development benefit to the area and community, estimated land value, environmental and social impacts that may arise out of the acquisition of land and construction and other necessary study
	Weak	The LAP prepared has not been based on a complete feasibility study or other necessary study
Content of LAP Document	Strong	The content of the document is consistent with all required content in the law and regulation including: the objective and purposes of the development plan; consistency with the regional spatial planning and the national/regional development plan; land location; land size needed; general description of the land status; estimated period of the implementation of acquisition of land and of construction; estimated land value; and budget plan
	Moderate	The content of the document is consistent with some required content in the law and regulation including: the objective and purposes of the development plan; consistency with the regional spatial planning and the national/regional development plan; land location; land size needed; general description of the land status; estimated period of the implementation of acquisition of land and of construction; estimated land value; and budget plan
	Weak	The content of the document is not consistent with required content in the law and regulation
Vulnerable Group	Strong	The LAP identify socio-economic impact in particular with respect to vulnerable groups and gender
	Moderate	The LAP identify socio-economic impact in general and not particularly to vulnerable groups and gender
	Weak	The identification of socio-economic impact in the document is very limited and need to improve

Assistance for APs	Strong	There is full assistance/livelihood restoration/corporate/social responsibility plan in the project developed in the document
	Moderate	There is some assistance/livelihood restoration/corporate/social responsibility plan in the project developed in the document
	Weak	There is no assistance/livelihood restoration/corporate/social responsibility plan in the project developed in the document
Project Outcomes: Achievement of Legal Framework Objectives		
Living standard of the entitled parties/APs	Strong	The persons and households affected by land acquisition and loss of access to assets and income at least as well off as they were in the absence of project requiring land acquisition and resettlement and the compensation provided improve the living standard of entitled parties
	Moderate	The persons and households affected by land acquisition and loss of access to assets and income at least as well off as they were in the absence of project requiring land acquisition and resettlement and the compensation provided same living standard of entitled parties
	Weak	There is no attention whether the APs and their loss of access to assets and income make them at least as well off as they were in the absence of project requiring land acquisition and resettlement or not, and whether the compensation provided same living standard of entitled parties
Grievance Redress Mechanism (GRM)	Strong	The GRM is developed and being run and implemented effectively and addressing satisfactorily the issues raised
	Moderate	The GRM is developed and but not being run and implemented effectively in addressing the issues raised
	Weak	The GRM has not been developed properly and any issue raised would be handled in case base
Land Acquisition Time Frame	Strong	All of land acquisition process was undertaken in a timely manner and land is available for the project timely
	Moderate	Part of land acquisition was undertaken in a timely manner and some parcel of land is available for the project timely
	Weak	The land acquisition was not undertaken in a timely manner and land is not available for the project timely