



Country Safeguards Review: Indonesia Consultation Draft

March 2017

Appendix 2, 3, and 4: Environmental Safeguards – Equivalence Assessment

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.



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Appendix 2: Indonesian Legal Framework for Environmental Safeguards

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APPENDIX 2: INDONESIAN LEGAL FRAMEWORK FOR ENVIRONMENT

A. Legal Hierarchy

1. According to Article 7 of Law 12 of 2011 on the Formulation of Laws and Regulations, the Indonesian legal framework sets forth the following hierarchy of laws, regulations, and decrees that correspond to the environmental safeguards policy principles of Asian Development Bank's 2009 Safeguard Policy Statement, as shown in Figure A2.1 below.



2. In practice, there are also presidential instructions (*Instruksi Presiden* or Inpres), ministerial decrees (*Keputusan Menteri* or Kepmen) and circulation letters (*Surat Edaran*). However, ministerial decrees and the decrees of non-departmental chiefs do not have the same binding power as regulations; rather they are binding in their respective sectors as an administrative decision. A complete inventory of legal instruments referenced in this equivalence assessment are listed in Table A.2 below.

B. Indonesian Environment Legal Framework

3. The primary legal instruments relevant to this equivalence analysis consist of the laws and regulations as presented in Table A.2 below.¹

Table A.2: Environmental Legal Framework

No.	Legal Hierarchy	Laws and Regulations Referred
1	Constitution	UUD 1945 (Indonesia's Constitution)
2	TAP MPR	Article 5 TAP MPR (Decree of Supreme People Assembly) No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management
3	Laws	1) UU (Law) No. 5/1960 on Basic Stipulation of Agrarian Regulation 2) Law 5/1990 on Conservation of Living Natural Resources and Ecosystems (PP8) 3) Law 12/1992 on Cultivation of Plants (PP9) 4) Law 7/994 on Ratification of Agreement Establishing The World Trade Organization (PP9) 5) UU No. 5/1994 on Ratification of UN Convention on Biodiversity (UN-CBD) 6) UU No. 39/1999 on Human Right 7) UU No. 41/1999 on Forestry 8) Law 13/2003 on Labor (PP10) 9) UU No. 31/2004 jo. UU No. 45/2009 on Fishery 10) Law 17/2004 on Ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (PP9) 11) Law 24/2007 on Disaster Management (PP9) 12) UU No. 26/2007 on Spatial Plan 13) Law 30/2007 on Energy (PP9) 14) Law 14/2008 on Disclosure of Public Information (PP6) 15) Law 19/2009, Ratification of the Stockholm Convention on Persistent Organic Pollutants (PP9) 16) Law 32/2009 on Environmental Protection and Management (PPs 1, 2, 3, 4,5, 6,7, 9 and 11) 17) Law 36 /2009 on Health (PP2) 18) Law 11/2010 on Cultural Heritage (PP11) 19) Law 17/2013 on Civil Society Organizations (PP5) 20) Law 18/2013 on Prevention and Eradication of Forest Destruction (PP8) 21) Law 1/2014 (Amendment to Law of 27/2007 on the Management of Coastal Areas and Small Islands (PP8) 22) Law 12/2014 on Geothermal (PP8)
2.	Government Regulation	1) Government Regulation 102/2000 on National Standardization(PP9) 2) Government Regulation Number 82 of 2001 on Management of Water Quality and the Control of Water Pollution (PP9) 3) Government Regulation (Minister of Agriculture) 1/2007 on Active

¹ To avoid unnecessary redundancy, not all of the legal instruments are cited in the equivalence matrix. Legal instruments are listed here in chronological order. The corresponding ADB SPS policy principle(s) for environmental safeguards are cited in parentheses.

No.	Legal Hierarchy	Laws and Regulations Referred
		<p>Materials of Prohibited....and Restricted Pesticides (PP9)</p> <p>4) Government Regulation (Minister of Agriculture) 42/2007 on Pesticide Monitoring (PP9)</p> <p>5) Government Regulation 21/2008 on Disaster Management</p> <p>6) Government Regulation 30/2009 on Implementation Procedures for Reducing Emissions from Deforestation and Forest Degradation (REDD) (PPs 8 and 9)</p> <p>7) Government Regulation 70/2009 on Energy Conservation (PP9)</p> <p>8) Government Regulation 1/2010 on Water Pollution Control System (PP9)</p> <p>9) Government Regulation 6/2010 on Norms, Standards, Procedures and Criteria for Forest Management in Protected Forest Management Units (PP9)</p> <p>10) Government Regulation 12/2010 on Living Environment Management...and Monitoring Efforts and Statement of Capability to Manage and Monitor the Living Environment (PPs 4 and 7)</p> <p>11) Government Regulation 17/2012 on Guidelines for Community Involvement in the Process of Impact Assessment and Environmental Permitting (PPs 5 and 6)</p> <p>12) Government Regulation 27/2012 on Environment License Holders' Responsibility. (PPs 4, 7 and 9)</p> <p>13) Government Regulation (Minister of Agriculture) 64/2013 on Organic Agriculture System (PP9)</p> <p>14) Government Regulation 145/2013 on Measuring, Reporting and Verifying Climate Change Mitigation Actions</p> <p>15) Government Regulation Number 101/2014 on Hazardous and Toxic Waste Management.</p>
3.	Presidential Decrees and Regulations	<p>1) Presidential Instruction 9/2000 Mainstreaming Gender in the Development Process (PPs 2 and 5)</p> <p>2) Presidential Decree 32/1990 on Management of Protected Areas (PP8)</p> <p>3) Presidential Decree 46/2001, Operation of the National Greenhouse Gas Inventory (PP9)</p> <p>4) Presidential Regulation 23/1992 on Ratification of the Vienna Convention for Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer as Adjusted and Amended by the Second Meeting of the Parties London, 27-29 June 1990 (PP9)</p> <p>5) Presidential Decree 23/1992 on Ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer (PP9)</p> <p>6) Presidential Decree 46/2005 Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (PP9)</p> <p>7) Presidential Regulation Number 10 of 2011 on National Institution of Coordination of Agricultural, Fishery and Forestry Counseling. (PP8)</p> <p>8) Presidential Regulation 61/2011, on National Action Plan for Greenhouse Gas Emission Reduction (PP9)</p>
4.	Ministerial Decrees	<p>1) Minister of Labor Decree 5/1996 on Work Safety and Health Management System (PP10)</p> <p>2) Decree of the Head of Environmental Impact Management Agency 299/1996 on the Technical Direction of Social Assessment in EIA/AMDAL. (PP2)</p>

No.	Legal Hierarchy	Laws and Regulations Referred
		<ul style="list-style-type: none"> 3) Decree of the Head of Environmental Impact Management Agency 124/1997 on the Public Health Assessment in EIA/AMDAL (PP 2) 4) Decree of Minister of Environmental Affairs 45/2005 on Guidelines for the Formulation of Reports on the Realization of Environmental Management Plans (RKL) and Environmental Monitoring Plans (RPL) (PPs 4 and 7) 5) Minister of Public Works Decree 9/2008 on Management System for of Worker Safety and Health in the Construction of Public Works (PP10) 6) Minister of Environment Decree 31/2009 on Direction and Control of implementation of Environmental Management, Ecolabelling, Clean Production, and Environmental Technology Use in Regions. (PP9) 7) Minister of Environment Decree 9/2010 on Guidelines on Community Grievances and Handling of Grievances Caused by Pollution and/or Degradation (PP5) 8) Minister of Environment Decree 5/2012 on Types of Business Plans and/or Activities Subject to Environmental Impact Analysis (PP1) 9) Minister of Environment Decree 16/2012 on Guidelines for Preparation of Environmental Documentation (PPs 2, 3, and 4) 10) Minister of Environment Decree Number 17 of 2012 on Public Participation in AMDAL and Environmental License (PP5). 11) Minister of Environment Decree Number 15 of 2013 on Measurement, Notification, and Verification of Mitigation Actions for Climate Change (PP9) 12) Decree 62/2013 on Managing Agency for the Reduction of Emissions from Deforestation and Degradation of Forests and Peat lands (PPs 8 and 9) 13) Minister of Agriculture Decree 11/2015 on Principles and Criteria for Indonesian Sustainable Palm Oil Certification (PP 8)



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Appendix 3: Equivalence Assessment for Environmental Safeguards

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EQUIVALENCE ASSESSMENT FOR ENVIRONMENTAL SAFEGUARDS

1. This document assesses levels of equivalence between the environmental safeguards policy principles and key elements of the Asian Development Bank (ADB) 2009 Safeguard Policy Statement (SPS)¹ and the Indonesian environmental country safeguard system (CSS).

2. Table A.3.1 summarizes the findings of this equivalence assessment in matrix format. A narrative summary for each of the key elements comprising the 11 policy principles follows.

Table A.3.1: Summary of Equivalence Assessment for Environment

No	Policy Principles	Level of Equivalence
1	Policy Principle 1	Full
1.1	Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.	Full
2	Policy Principle 2	Partial
2.1	Conduct an environmental assessment for each proposed project.	Full
2.2	Identify potential direct, indirect and induced impacts and risks.	Full
2.3	Identify cumulative impacts and risks.	Full
2.4	Identify physical and biological impacts and risks	Full
2.5	Identify socioeconomic impacts (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues).	Partial
2.6	Identify impacts on physical cultural resources.	Full
2.7	Assess potential trans boundary impacts.	Full
2.8	Assess potential global impacts, including climate change	Full
2.9	Use strategic environmental assessment where appropriate	Full
3	Policy Principle 3	Full
3.1	Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts; document selection.	Full
3.2	Consider the no project alternative	Full
4	Policy Principle 4	Full
4.1	Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management.	Full
4.2	Prepare an environmental management plan (EMP) that includes the proposed mitigation measures that reduce potential adverse impacts to the level of no significant harm to third parties, and apply the polluter pays principle.	Full
4.3	Include environmental monitoring and reporting requirements in the environmental	Full

¹ ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

No	Policy Principles	Level of Equivalence
	management plan (EMP).	
4.4	Include institutional or organizational arrangements and capacity development in the environmental management plan (EMP).	Full
4.5	Include the proposed implementation schedule, cost estimates and performance indicators in the environmental management plan (EMP).	Full
5	Policy Principle 5	Full
5.1	Carry out meaningful consultation with affected people and facilitate their informed participation	Full
5.2	Ensure women's participation in consultation	Full
5.3	Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment.	Full
5.4	Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.	Full
6	Policy Principle 6	Full
6.1	Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders.	Full
6.2	Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.	Full
7	Policy Principle 7	Full
7.1	Implement the EMP and monitor its effectiveness.	Full
7.2	Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	Full
8	Policy Principle 8	Full
8.1	Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated.	Full
8.2	If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area.	Full
8.3	In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated.	Full
8.4	Use a precautionary approach to the use, development, and management of renewable natural resources.	Full
9	Policy Principle 9	Full
9.1	Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. m	Full
9.2	Adopt cleaner production processes and good energy efficiency practices.	Full
9.3	Avoid pollution. When avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges	Full
9.4	When avoidance is not possible, minimize or control the intensity or load of direct	Full

No	Policy Principles	Level of Equivalence
	and indirect greenhouse gases emissions	
9.5	When avoidance is not possible, minimize or control the intensity or load of waste generation pollute n	Full
9.6	When avoidance is not possible, minimize or control the intensity or load of hazardous materials from their production, transportation, handling, and storage.	Full
9.7	Avoid the use of hazardous materials subject to international bans or phase outs.	Full
9.8	Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides	Full
10	Policy Principle 10	Full
10.1	Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.	Full
10.2	Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.	Full
11	Policy Principle 11	Full
11.1	Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys.	Full
11.2	Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation	Full

3. Table A.3.1 above shows the 11 policy principles of the ADB SPS as disaggregated into 41 key elements. Indonesian CSS for environment is fully equivalent for all 40 of the 41 key elements and 10 of 11 policy principles. This is a high level of equivalence. The following notes and recommendations are provided to guide further updates and detailing of existing guidelines.

4. The following discussion addresses equivalence assessment findings at both the policy principle and key element (KE) levels.

Objectives:

To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

5. *Broadly Aligned.* Indonesian CSS are broadly aligned with the requirements of the SPS. Law 32 of 2009 on Environmental Protection and Management is the primary legal instrument to ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process. There are other several Indonesian laws ensuring greater alignment with SPS objectives.

6. The purpose of Law 32 of 2009 is to create environmentally sustainable development through means of an environmental planning policy, and the rational exploitation, development, maintenance, restoration, supervision and control of the environment. Environmental protection and management shall be planned through the following phases:

environmental inventorying to obtain data and information on natural resources; stipulation of ecoregions; and the formulation of environmental protection and management plans. The Government shall be responsible for: controlling natural resources; controlling environmental pollution and damage; making strategic environmental assessments; providing quality standards of the environment; regulating legal actions and legal relations between persons and/or other legal subjects; controlling activities which have social impact; developing a funding system for efforts to preserve environmental functions.

7. Every business and/or activity having substantial impact on the environment is subject to an environmental impact assessment in order to obtain a license to conduct such business or activity as discussed in detail in the mentioned Law. Requirements and procedures for obtaining an environmental permit are set out in the Law. The Law also makes provision for the management of hazardous and toxic materials as well as hazardous and toxic waste. Particular attention should be paid also to the importance given by the Law to the role that communities should play in the environmental protection and management. The Law further provides for: development of an environmental information system to support the implementation and development of environmental protection and management policies; rights, obligations and prohibitions of the people; settlement of environmental disputes; investigation powers of the police of the Republic of Indonesia; offences and penalties.

Scope and Triggers:

Environmental safeguards are triggered if a project is likely to have potential environmental risks and impacts.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

8. *Broadly Aligned*. AMDAL is a prerequisite for other permits (including Land Acquisition and Principal Permit) and is, therefore, normally carried out as early as possible. No construction is allowed until the AMDAL and environmental permit have been approved. If the proposed project and/or activity has already been started (whether under pre-construction, construction, operation and/or post operation) without the AMDAL, it must be rejected. Special mechanisms apply to rare cases including those projects that commenced prior to the enactment of Law 12 of 2009.²

9. The screening process determines whether a project requires the preparation of an AMDAL or should be subject to a less comprehensive requirement (either UKL-UPL or SPPL), as referred to in PermenLH 5 of 2012 on Types of Business and/or Activity Requiring AMDAL.³

²PermenLH No. 14/2010 on Preparation of Environmental Document for Already Operated Business and/or Activity

³ PerMen LH No 05/2012 on Types of Business and/or Activity Requiring AMDAL

Policy Principle 1:

Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks as described below.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

10. *Full equivalence*. Indonesia's CSS for environment provide for early screening to determine the extent and type of environmental risks and impacts to ensure that appropriate studies are undertaken.

11. Key element 1 requires the use of a screening process to determine the appropriate extent and type of environmental assessment. Law 32 of 2009 on Environmental Protection and Management Article 22(1) states per that "[e]very business and/or activity having significant impact on the environment shall conduct an environmental impact assessment (AMDAL). Law 32 of 2009 on Environmental Protection and Management Article 22(2) specifies the criteria for determining whether or not a project potentially has a "significant" impact.⁴ Attachment I of the Permen-LH (Minister of Environment Regulation) 5 of 2012 on Types of Business Plans Requiring Environmental Impact Analysis further refines these criteria. Annex I to Minister of Environment Regulation 16 of 2012 on Guidelines for Preparation of Environmental Documents requires project proponents to state the reason why a business plan or activity is required to conduct an environmental impact assessment (AMDAL) and to outline the study approaches used (single, integrated, or regional AMDAL). Permen-LH 05/2012 on Types of Business and/or Activity Requiring AMDAL provided two possible options, i.e., AMDAL for those that meet the criteria set forth (business and/or activity with significant impacts), while the rest with less significant impacts are obliged to prepare UKL-UPL. Beyond the two categories, the proponent should prepare the Commitment Letter for Environmental Management and Monitoring (SPPL). SPPL is the exemption of both categories.

Policy Principle 2:

Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

⁴ The criteria used for determining substantial impacts are: i) Number of population to be affected; ii) coverage of the impact distribution; iii) intensity and duration of the impact; iv) number of environmental components affected by the impact; v) cumulative characteristics of the impact; vi) reversibility or irreversibility of the impact; and viii) other applicable criteria as the advancement of science and technology. Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

12. *Partial equivalence.* Indonesia's CSS require environmental assessment to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic, and physical cultural resource receptors in the context of the project's area of influence. Indonesia's CSS also provide for the assessment of trans-boundary and global impacts including climate change. The use of strategic environmental assessment is also required where appropriate. The Indonesian CSS is partially equivalent to this policy principle.

13. Key Element 1 requires an environmental assessment for each proposed project. Article 3 of Government Regulation No. 27/2012 requires that every business and/or activity with significant impact to environment shall prepare AMDAL. If it does not meet criteria of AMDAL requirement, the business and/or activity shall prepare UKL-UPL.

14.

15. Key Element 2 requires that environmental assessment identifies direct, indirect and induced impacts. The Indonesian CSS is fully equivalent to this key element by virtue of Permen-LH 16 of 2012, Guidelines for Environmental Documentation. With respect to direct and indirect impacts, Attachment II, B(3)(d) states that "In the formulation of Environmental Impact Assessment (AMDAL), in regards to impact forecasting, it is necessary to pay attention to impacts that are both direct and/or indirect in nature."⁵ With respect to induced impacts, Attachment II, B.2 requires that the description of the environmental setting for the project include "the area where the (proposed) activities are planned to be conducted that utilize and affect local surroundings."⁶

16. Key Element 3 requires that environmental assessment identifies cumulative impacts. The Indonesian CSS is fully equivalent with this key element by virtue of Permen-LH 16 of 2012 Article 6 which requires that AMDAL should give "careful consideration to the...cumulative nature...of the impact."⁷

17. Key Element 4 requires that environmental assessment identify physical impacts and biological impacts. The Indonesian CSS is fully equivalent to this key element. With regard to physical impacts, Permen-LH 16 of 2012, Attachment II, B.2 requires the description of the environmental setting to include "geo-physical...components such as geological resources, soil...water, etc." Law 32 of 2009, Article 23 includes "change in formation of land and landscape" among the criteria for conducting AMDAL.⁸ With regard to biological impacts, Permen-LH 16 of 2012 requires the description of the environmental setting to include "biological components such as vegetation, flora, fauna, ecosystem types, extent of rare and endemic species and their habitat". Law 32 of 2009, Article 23 includes "influencing the conservation of conservation areas or natural resources" among the criteria for conducting AMDAL.

⁵ Government of Indonesia. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 regarding Guidelines for Environmental Documentation.*

⁶ Attachment II, Part B. 2 of Permen-LH 16 of 2012: "Environmental baseline contains detail and in-depth description of the location, covering: (i) environmental components (i.e., geo-physical-chemical component, biological component, social-economic-cultural component, and public health component); and (ii) business and/or activities at the surrounding and its effect to environment."

⁷ Article 6: one of the contents of ANDAL document is "holistic evaluation of the environmental impacts." As refer to Law 32 of 2009 on Environmental Protection and Management, the evaluation considers cumulative effect of the impact.

⁸ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management.*

18. Key Element 5 requires environmental assessment to identify socioeconomic impacts (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues). The Indonesian CSS is partially equivalent to this key element. Law 32 of 2009 The Indonesian CSS is partially equivalent with respect to provisions for vulnerable groups, since the Indonesian CSS provides only for customary communities and poor people, whereas the ADB SPS has a broader definition of vulnerable groups, including those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.

19. With respect to KE5 requirements for identification of impacts on health and safety, Permen-LH 16 of 2012, Attachment II, B.2(c) requires that the description of the environmental setting include “community health components, such as changes in the health (...) of the community.”⁹ Decree 124 of 1997 of the Head of the Environmental Impact Management Agency (BAPEDAL), on Guidance on Public Health Aspects of Environmental Impact Assessments further requires that “AMDAL shall review the public health aspects of the activities to which the public will be exposed and the condition of public health resources.”¹⁰

20. With respect to KE5 requirements for identification of socioeconomic impacts of projects with respect to gender, this issue is addressed by virtue of Presidential Instruction 9 of 2000, on Gender Mainstreaming in National Development.¹¹ The strategy and actions for gender mainstreaming is outlined in the Development of Gender Equality of Medium Term Development Plan III (2015–2019) includes all sectors and into cross-sectoral priorities such as poverty and climate change.¹² Key gender mainstreaming policy direction in the next 5 years (2015 – 2019) include: i) improving the quality of life and the role of women in various fields of development, ii) improving the protection of women from different forms of violence, and iii) enhancing institutional capacity for gender mainstreaming and protection of women against violence. The implementation of Presidential Instruction 9/2000 on gender mainstreaming carried out through gender analysis, which represent a process systematically developed to identify and understand division of labor/role between men and women, access and control to development resources, participation in development process and benefits they enjoy. Specifically, UU No. 32/2009 on Environmental Protection and Management (PPLH): Explanation of Article 2 letter g mentioned that equality principle in environmental protection and management shall reflect proportionally equality for each citizen, in term of inter-region, inter-generation, and inter-gender.

⁹ Government of Indonesia. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

¹⁰ Appendix II of Permen-LH 16 of 2012 describes that public health is one of the four main components to be evaluated. Guidance on evaluating public health component provided in Government of Indonesia. 1997. *Decree of the Head of Environmental Impact Management Agency Number 124 of 1997 on Guidance on Public Health Aspects of Environmental Impact Assessment*.

¹¹ Presidential Instruction 09/ 2000 states: “mainstreaming gender into the entire development process is an integral of the...activities of all institutions and government agencies at the central and regional levels” and that “gender mainstreaming is a strategy...to integrate gender into...the design, preparation, implementation, monitoring and evaluation of policies and national development programs”. The Guidelines on Gender Mainstreaming In National Development requires gender analysis to identify and understand the division of laborer roles of men and women, access to and control over resources development, participation in the development process and the benefits they enjoy Government of Indonesia. 2000. *Regulation of the President of the Republic of Indonesia Number 9 of 2000 regarding Gender Mainstreaming in National Development*.

¹² The priority areas and strategy for improving gender equality include all sectors (education, health, employment, law, political) and cross sectors which include violence, poverty, and climate change.

21. Key Element 6 requires that environmental assessment detects impacts on physical cultural resources. The Indonesian CSS is fully equivalent to this SPS by virtue of Permen-LH 16 of 2012, Attachment II.B.2 which requires that the description of the environmental setting include “social-economic-cultural component such local culture, archeological, and cultural sites.”¹³

22. Impacts in the context of a project’s area of influence are also identified in the environmental impact assessment. The Indonesian CSS is fully equivalent to this key element. Law 32 of 2009, Article 25 requires that an AMDAL include an “evaluation of activities around the location of the (proposed) business and/or activity...” Permen-LH 16 of 2012, Attachment II.B.2 requires AMDAL to include a “description of the environmental setting...to include component/features of the environment around the targeted site taking into account baseline environmental conditions.”¹⁴

23. Key Element 7 requires environmental assessment to determine potential transboundary impacts. The Indonesian CSS is fully equivalent to this key element. Law 32 of 2012, Article 63(1) requires the government to “stipulate and implement policies regarding protection and/or damage to the inter-state border environment”. Permen-LH 16 of 2012, Article 6(1)(d) Attachment II.B.4 includes among “areas that require particular attention” those whose coverage is “trans-national” or “international” in scope.¹⁵

24. Key Element 8 requires environmental assessment to pinpoint potential global impacts, including climate change. The Indonesian CSS is fully equivalent to this key element by virtue of Law 32 of 2009. The Preamble states that “global warming has caused climate change” requiring “environmental protection and management.” Article 3.j(2) requires that “environmental protection and management shall aim at anticipating global environmental issues” including such “standard criteria” as “damage caused by climate change.”¹⁶

25. Key Element 9 requires that environmental assessment make use of strategic environmental assessment. The Indonesian CSS is fully equivalent to this key element by virtue of Law 32 of 2009 Article 15(1) and (2) which requires that “national and local governments are obliged to conduct KLHS (strategic environmental assessment) to ensure that sustainable development has been used a basis of and been integrated into the development of a region and/or policy, plan or programs....with the potential to cause environmental impacts or risks.”¹⁷

¹³ The Article 5, Attachment II Part B, 2 states that baseline description of environmental setting includes social-economic-cultural component such as local culture, archeological site, cultural sites and others. Government of Indonesia. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

¹⁴ Article 5, Attachment II Part B.2: “General description of environmental setting which consists of an elaboration of the targeted work or activities implementation site to include component/features of environment that could be impacted by the site-specific activities including component/features of the environment around the targeted site, taking into account baseline environmental conditions”. Government of Indonesia, Minister of Environment. 2012. *Regulation 16 of 2012 on Guidelines for Environmental Documentation*.

¹⁵ Art. 6 (1) and Attachment II Part B (4) states that based on the review if the interconnection and interaction of Hypothetical Significant Impact (DPH), information on areas that require particular attention (area of concern), as well as their coverage (local, regional, trans-national or international). Government of Indonesia. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

¹⁶ Government of Indonesia. 2009. *Law 32 of 2009 on Environmental Protection and Management*.

¹⁷ Government of Indonesia. 2009. *Law 32 of 2009 on Environmental Protection and Management*.

Recently, Government Regulation No. 46/2016 on Procedures for Implementation of Strategic Environmental Assessment, elaborates further for the implementation.

Policy Principle 3:

Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

26. *Full equivalence.* Indonesia's CSS require the examination of alternatives to a project's location, design, technology, and components for their potential environmental and social impacts—including analysis of the “no-project alternative.”

27. Key Element 1 requires environmental assessment to examine alternatives to the project's location, design, and technology. The Indonesian CSS is fully equivalent to this key element by virtue of Permen-LH 16 of 2012, Article 5(1)(b) Attachment II which defines AMDAL to include a “feasibility study of environmental aspects of the components of a plan of work or activities that may have several alternatives” with respect to “location...equipment...technical specification, work facility, construction, operational duration, and/or other types of alternatives.” It also requires that “the alternatives must be reviewed in the AMDAL.”¹⁸

28. Key Element 2 requires environmental assessment to consider the “no-project” alternative. The Indonesian CSS fully equivalent to this key element. Based on AMDAL Guideline (former Ministry of Environment Regulation 16 of 2012), Appendix II Point B.3.e clearly states that the “in case of business and/or activity still in selection phase of alternative (for example: alternatives of locations, production equipment, capacity, technical specification, facilities, layout of building, operation time and duration, and other alternatives), the assessment will be carried out for each alternative”. In addition, Appendix II of PerMENLH No. 16/2012 Point 3 (Prediction of Significant Impact), letter c: One of the aspects to be considered in predicting significant impact is that the assessment carried out by analyzing difference between environmental quality with project (proposed business and/or activity) and one without proposed business and/or activity in timeframe set forth by using impact prediction method. Without business and/or activity in this context is without project (*no project alternative*).

¹⁸ Government of Indonesia. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

Policy Principle 4:

Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

29. *Full equivalence*. Indonesia's CSS seeks to avoid, and where avoidance is not possible, to minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Indonesia's CSS requires preparation of an environmental impact analysis (*Analisis mengenai dampak lingkungan hidup*; AMDAL) and management plan (*Rencana Pengelolaan Lingkungan Hidup*; RKL) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators.

30. Key Element 1 requires the avoidance, and where avoidance is not possible, minimization, mitigation and/or offset of adverse impacts and enhancement of positive impacts by means of environmental planning and management. Indonesia's CSS is fully equivalent with this key element. Law 32 of 2009 Article 13(2) requires that environmental pollution be controlled through "prevention, mitigation and restoration."¹⁹ Appendix III of Permen-LH 16 of 2012 on RKL-RPL (EMP) Preparation further requires that the scope of such plans include not only "measures to prevent, control and manage significant...negative impacts to the environment," but also "measures to enhance the positive impacts resulting from the proposed activity."²⁰

31.

32. Key Element 2 requires the preparation of an EMP that includes proposed mitigation measures that reduce potential adverse impacts to the level of no significant harm to third parties, and apply the polluter pays principle. The Indonesian CSS is fully equivalent with this key element. Permen-LH 16 of 2012, Guidelines for Environmental Documents, Article 7 which requires the preparation of an EMP (*Rencana Pengelolaan Lingkungan Hidup*, or RKL) for all projects subject to AMDAL. The RKL is required to include measures to control environmental pollution through "prevention... mitigation, and restoration."²¹ Law 32 of 2009, Article 87,

¹⁹Basically AMDAL is one of the instruments for preventing pollution and/or environmental deterioration. For comprehensive approach, other instruments are consulted, among others Strategic Environmental Assessment (KLHS), spatial plan, environmental quality standard, standard criteria for environmental deterioration, permitting, economic instrument, environmental regulations, environmental risk analysis, and others.

²⁰ RKL is aimed to avoid, control and mitigate significant impacts and other negative impacts as consequence of business and/or activity. Meanwhile, RPL is aimed to evaluate compliance, trend line and critical level of an environmental management.

²¹ The environmental management plan covers the following activities: (i) environmental management aimed to avoid or prevent negative impacts; (ii) environmental management aimed to mitigate, minimize or control negative impacts during the implementation of business and/or activity; and (iii) environmental

provides that “(e)very person in charge of a business or activity committing a legal violation in the form of environmental pollution shall be to pay compensation for the losses and take certain other measures.”²² The polluter pays principle is reinforced by Article 88, which sets forth the principle of “strict liability” under which “(e)verybody undertaking a business of activity producing, using, generating or managing (substances containing or capable of generating toxic or hazardous waste) shall be responsible absolutely for (any) incurred losses without the necessity to prove a substantive mistake. Article 55(4-6) obligates “(h)olders of environmental permits...to provide guarantee funds for the restoration of environmental functions.” Such funds are deposited in state banks as approved by the minister, governors, or regents/mayors, who may “appoint a third party to restore environmental (functions) damaged by environmental pollution at the expense of” environmental permit holders (Article 82).²³ In addition, Government Regulation 27 of 2012, Article 53(1)c requires that environmental license holders “provide a performance bond for the remedy of environmental functions.”²⁴

33. Key Element 3 requires that the EMP include environmental monitoring and reporting requirements in the environmental management plan (EMP). Indonesia’s CSS is fully equivalent with this key element by virtue of the requirement that every project subject to AMDAL include an EMP (*Rencana Pengelolaan Lingkungan Hidup and Pemantauan Lingkungan Hidup*, or RKL-RPL)²⁵, which is an integral part of the AMDAL documentation. Per Permen-LH 16 of 2012, Article 7, Attachment III.b.3, the RPL document is required to include: (i) the monitored impacts, (ii) the monitoring form, and (iii) the monitoring institution.²⁶

34. In addition to the RPL, Law 32 of 2009, Article 48 requires the government to “encourage... businesses or activities to undertake... periodic environmental audits in the framework of enhancing environmental performance.” According to Article 49, such audits may be required for “certain business and/or activities highly risky to the environment and/or... personnel in charge of businesses and/or activities (demonstrating) noncompliance with legislation.” Article 50 states that should personnel in charge of businesses and/or activities (demonstrating) noncompliance with legislation fail to implement such audit requirements, “the Minister may assign an independent third party to undertake the audit at the expense of the personnel in charge of the business and/or activity.”²⁷

35. With respect to reporting requirements, Government Regulation (PP) 27 of 2012 requires the proponent to prepare and submit reports on implementation of the requirements and obligations in Environmental Permit to the Minister (of Environment), governor, or

management to enhance positive impacts, therefore provide greater benefits to proponent and community.

²² The Elucidation of Article 87 further states that the provision constitutes “realization of the ‘polluter pays principle’ in environmental law.”

²³ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

²⁴ Government of Indonesia. 2012. *Government Regulation of the Republic of Indonesia Number 27 of 2012 on Environmental Permit*

²⁵ See footnote 21.

²⁶ Per Appendix III of Permen-LH 16 of 2012, Guidelines for Preparation of RKL-RPL Documents, RKL-RPL requires to identify institution(s) responsible for implementing environmental management, environmental monitoring and reporting. Government of Indonesia. 2012. Appendix III of Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation.

²⁷ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

regent/mayor periodically every 6 months.”²⁸ In addition, according to Law 32 of 2009, Article 50, “the Minister is required to announce the results of an environmental audit.”²⁹

36. Key Element 4 requires the EMP to include the related institutional or organizational arrangements and capacity development in the environmental management plan (EMP). The Indonesian CSS is fully equivalent to this key element according to Decree 45 of 2005, Article 1.b. which states that preparation and implementation of the RKL-RPL is the responsibility of the “individual or statutory body responsible for a business or action plan to be realized.”³⁰ Furthermore, Law 32 of 2009 Article 13(3) requires that “control over environmental pollution.... shall be undertaken by the (central) government, regional governments and personnel in charge of businesses and/or activities on the basis of their respective scopes of authority, roles and responsibilities.”³¹

37. Key Element 4 also requires that the EMP include the proposed capacity building and training measures. The Indonesian CSS is fully equivalent with this key element. Regulation 16 of 2012, Article 7, Attachment III (b) 3 requires that the EMP explain and elaborate on the project’s “commitment to...conduct training for labor contractors concerning environmental matters.”³² Government Regulation (PP) 27 of 2012, Article 64(1) requires the Central Environmental Institution to “conduct capacity building for a. the Provincial (environmental impact assessment) EIA and District/Municipal EIA Assessment Commissions.”³³

38. Key Element 5 requires that the EMP include the proposed implementation schedule, cost estimates and performance indicators in the environmental management plan (EMP) “proposed implementation schedule.” The Indonesian CSS is fully equivalent to this key element. Attachment III of the Ministry of Environment Permen-LH 16 of 2012, states that: “Other environmental impacts management has been planned since at the beginning as part of the activities plan, or refer to the Standard Operation Procedure, government technical

²⁸ Government of Indonesia. 2012. *Government Regulation Number 17 of 2012 on Environmental Permit*.

²⁹ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

³⁰ Government of Indonesia. *Decree of the Minister of Environment of the Republic of Indonesia Number 45 of 2005 on Guidelines for Compilation of Environmental Management Plan (RKL) and Environmental Monitoring Plan (RPL)*.

³¹ Permen-LH 16 of 2012 Article 7. Attachment III.b.2 requires that the RKL identify and describe “the Environmental Management Institution.” Appendix III to Permen-LH 16 of 2012 states that the RPL “needs to identify the institution responsible for implementation of monitoring...and should specify institutional arrangements....related to environmental management, in accordance with the legislation applicable at both national and regional levels as per the RKL.” It further requires that “Environmental Monitoring Institutions must specify....b. supervisory environmental management” by “identify(ing) the institution that will act as watchdog for the implementation of the RKL. Agencies involved in (such) supervision may be more than one institution in accordance with their scope of authority and responsibility, as well as the laws and regulations in force. Government of Indonesia, Minister of Environment. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

³² Government of Indonesia, Minister of Environment. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

³³ Likewise, Article 64(2) requires the Provincial Environmental Institution to “conduct capacity building for a. District/Municipal EIA Assessment Commissions and environmental institutions.” Article 64(3) of Government Regulation 27 of 2012 defines “capacity building” to include “among other” activities: education and training; technical guidance; and establishing of norms, standards, procedures and criteria.”

guidance, international standard.”³⁴ It means that a complete matrix of environmental management should state not only the period of environment management but also all identified environmental management programs from for example, project planning document, SOP, applicable government technical guidelines, and international standards. In practice, AMDAL document indicates the period of environment management (daily, weekly, monthly, etc.) and also proposes an implementation schedule that is aligned with the project construction time frame.

39. Key Element 5 also requires that the EMP include the proposed cost estimates for its implementation. The Indonesian CSS is fully equivalent to this key element by virtue of Law 32 of 2009 Article 43(1)(d) which specifies that “economic development planning instruments shall include “internalization of environmental costs.”³⁵ The explanatory part of this provision states that such internalization refers to “the inclusion of costs of environmental pollution and/or damage into the calculation of the (...) cost of a business or activity.”³⁶

40. Key Element 5 additionally requires that the EMP include performance indicators. The Indonesian CSS is fully equivalent with this key element. Regulation 16 of 2012 Article 7, Attachment III(3)(j) requires that the RKL-RPL include specific indicators for each item of achievement of environmental management.”³⁷ Decree 45 of 2005, Article 2(1) states that “(g)uidelines related to this Decree shall aim at ensuring uniformity of the reporting format so as to create legal certainty and usable criteria for evaluation.” Article 2(2) states that “(t)he technique and methodology for management and monitoring...shall be...in accordance with standard technique and methodology, or those regulated by legislation in force.”³⁸

³⁴ Government of Indonesia, Minister of Environment. 2012. *Appendix III of Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

³⁵ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

³⁶ Article 43(2)a requires that “the instrument of environmental funding... shall include guarantee funds for environmental restoration. With specific reference to environmental monitoring, Regulation 16 of 2012 Article 7, Attachment III(A)(3)(d) requires that RPL “shall be adequately resourced for budget purposes sufficient for sustained monitoring throughout the term of the business or activity to be monitored.” Appendix III.d further requires that “(e)nvIRONMENTAL monitoring should be economically viable” and that “costs incurred for monitoring should be considered given the ongoing monitoring activities...throughout the life of the business and/or activity.

³⁷ Government of Indonesia. 2012. *Regulation of the Minister of Environment of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*.

³⁸

Policy Principle 5:

Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

41. *Full equivalence.* Indonesia's CSS require borrowers to carry out meaningful consultation with affected people and to facilitate their informed participation as well as to ensure women's participation in consultation. The involvement of stakeholders, including affected people and concerned nongovernment organizations, occurs early in the project preparation process in order to ensure that their views and concerns are made known to and understood by decision-makers and taken into account. Indonesia's CSS also provide for continued consultations with stakeholders throughout project implementation, as necessary, to enable any related to environmental issues to be addressed. Grievance redress mechanisms are mandated to receive and facilitate resolution of the affected people's concerns and grievances regarding project environmental performance.

42. Key Element 1 requires the project to carry out meaningful consultation with affected people and facilitate their informed participation. The Indonesian CSS is fully equivalent with this key element by virtue of Law 32 of 2009, Article 2 which states that "(e)nvironmental protection and management shall be executed on the basis of...participation."³⁹ The Elucidation of this provision elaborates by stating that "(t)he participatory principle means (that) every community member (is entitled) to participate actively in decision making and implementing environmental protection and management directly and indirectly." Article 26(2) requires that "(c)ommunity involvement"⁴⁰ shall be based on the principle of transparent and comprehensive information provision prior to the implementation of the activity."

43. Key Element 2 requires the project proponent to ensure women's participation in consultation. The Indonesian CSS is fully equivalent with this key element. In 1984, Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women with Law 7 of 1984 on the Enactment of Convention on the Elimination of All Forms of Discrimination Against Women. Article 3 of the law states that "States Parties shall take in all fields, in particular in the political, social, economic, and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."⁴¹ The Convention requires the state to agree to

³⁹ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁴⁰ Article 26(3) a. and b. defines "communities" to include "affected communities" as well as "parties affected by all kinds of decisions in the AMDAL process. Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁴¹ Government of Indonesia. 1984. *Law of the Republic of Indonesia Number 7 of 1984 on Convention on the Elimination of All Forms of Discrimination Against Women*.

pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women. Presidential Instruction 9 of 2000 on Gender Mainstreaming in National Development emphasized on women participation in development. However, Permen-LH 17 of 2012 on Community Participation does not specifically mention women's participation in AMDAL. In practice, both the proponent and the AMDAL compiler will identify important community sub-groups, and women are always one of the selected community sub-groups to be included in AMDAL's public consultation processes, especially when they are classified as impacted community.

44. Key Element 3 requires to continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. The Indonesian CSS is fully equivalent with this key element by virtue of Law 32 of 2009. Article 26(3)(b) states that communities involved in the all AMDAL processes, from beginning to the permit issuance and implementation as well. In addition to affected people, who directly and indirectly affected, both at project site and beyond project site, the consultation also to include "environmental activists." In addition, per Article 30(1)(f), representatives of environmental organizations "are to be included among the members of the official AMDAL Appraisal Commissions convened to review and approve AMDAL documents."⁴²

45. Key Element 4 requires the establishment of a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance. The Indonesian CSS is fully equivalent with this key element. Law 32 of 2009 Article 26(4) states that "(affected) communities...may raise objections to the AMDAL document." Article 63(1)(r) obliges the government to "develop and implement policies on the management of public complaints" related to "protecting and managing the environment." Article 86(1) and (2) provides that communities, government and regional authorities may establish independent and impartial institutions for the settlement of environmental disputes.⁴³ In addition, Permen-LH 9 of 2010, provides for guidelines handling community grievances caused by environmental pollution and degradation.⁴⁴ As a final recourse, Law 32 of 2009 Articles 84 and 85 provide for citizen lawsuits with respect to environmental disputes resulting in court-ordered or out-of-court settlements including provisions for environmental restoration and compensation.

⁴² Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁴³ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁴⁴ Regulation of the Minister of Environment of the Republic of Indonesia Number 9 of 2010 on Guidelines on Community Grievances and Handling of Grievances Caused by Pollution and/or Degradation.

Policy Principle 6:

Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal,^a in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.

^a "Appraisal" refers to a stage of project preparation and is used primarily by multilateral development banks. With respect to government and quasi-government agencies, such as POWERGRID, the corresponding concept would be the final stage of project review and approval.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

46. *Full equivalence.* Indonesia's CSS require the disclosure of the environmental assessment (AMDAL-RKL-RPL) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to the affected people and other stakeholders. Disclosure of the final environmental assessment and its updates, if any, to affected people and other stakeholders is also required.

47. Key Element 1 requires disclosure of a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. The Indonesian CSS is fully equivalent with this key element by virtue of the Permen-LH 17 of 2012 which requires public consultation in the process of composing the draft AMDAL-RKL-RPL document. To implement this requirement, the project initiator is required to "reach the (affected) communities via printed media and electronic media" using the "correct Indonesian language, delivered clearly and understandable to all levels of society."⁴⁵ Article 9 obliges every public agency to "announce public information periodically" and to "disseminate public information "in a manner that...can be obtained easily by people and in a simple language." Article 21 requires that such information be made available "promptly and at low cost."⁴⁶

48. Key Element 2 requires disclosure of the final environmental assessment, and its updates if any, to affected people and other stakeholders. The Indonesian CSS is fully equivalent with this key element by virtue of Law 32 of 2009, Article 65(2) which states that "(e)veryone shall be entitled to environmental information." The explanation of this law provides that "the environmental information referred to in this [provision]" includes environmental impact analysis documents." In addition, Article 39 requires responsible government officials to "announce every application and decision on environmental permits."⁴⁷

⁴⁵ These provisions are reinforced by the Public Information Disclosure Act (PIDA) of 2008 which provides that "(e)very individual has right to "know about...see...obtain...copy.... (and) disseminate public information" and to "attend public meetings...to obtain (such) information. Government of Indonesia. 2010. *Regulation of the Minister of Environment of the Republic of Indonesia Number 9 of 2010 on Guidelines on Community Grievances and Handling of Grievances Caused by Pollution and/or Degradation*.

⁴⁶ Government of Indonesia. 2012. *Decree of the Minister of Environment of the Republic of Indonesia Number 17 of 2012 on Public Participation in AMDAL and Environmental Permit*.

⁴⁷ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

Policy Principle 7:

Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

49. *Full equivalence*. Indonesia's CSS require the implementation of the RKL-RPL, monitoring its effectiveness, documenting the monitoring results including the development and implementation of corrective actions, and disclosing the monitoring reports.

50. Key Element 1 requires implementation of the EMP and monitoring its effectiveness. The Indonesian CSS is fully equivalent with this key element. Law 32 of 2009 Article 63(3)(i) requires the central, provincial and local government to "supervise the compliance of persons in charge of work...based on the environmental licensing decision and regulations for management and protection of the environment."⁴⁸ Article 71 provides for government officials to designate "environmental supervisors"⁴⁹ for this purpose.

51. Key Element 2 requires to document monitoring results including the development and implementation of corrective actions, and disclose monitoring reports. The Indonesian CSS is fully equivalent with this key element. The Permen-LH 16 of 2012 stipulates that RKL-RPL must endeavor to "deal with the impact and monitor the environmental components...(affecting) overall impact, (and these are) not only impacts summed up as an important impacts...(but a) holistic evaluation process in Environmental Impact Analysis (ANDAL)."⁵⁰ RPL is aimed to evaluate compliance, trend line and critical level of an environmental management. Government Regulation (PP) 27 of 2012 requires that proponent shall prepare and submit reports on implementation of the requirements and obligations in Environmental Permit to Minister (of Environment), governor, or regent/mayor periodically every 6 (six) months.

52. Key Element 2 also requires the disclosure of monitoring reports. The Indonesian CSS is fully equivalent with this key element by virtue of Law 32 of 2009, Article 65(2) which provides that "(e)verybody shall be entitled to environmental...information."⁵¹ The Elucidation of this provision specifies that "the environmental information as referred in this paragraph may be in the form of...reports and documents of results of evaluation of environmental monitoring, either the monitoring of compliance or monitoring of change it the quality of the environment."

⁴⁸ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁴⁹ Article 74(1) authorizes such supervisors to "conduct monitoring;" including requesting information; copying documents; entering and inspecting workplaces and related transportation facilities; taking photographs; making audio-visual records; taking samples; and checking equipment. Article 74(2) prohibits personnel in charge of regulated businesses and/or activities from executing the tasks of environmental supervisors. Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁵⁰ Government of Indonesia, Minister of Environment. 2005. *Permen-LH 16 of 2012 on Guideline of RKL-RPL Preparation*

⁵¹ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

Policy Principle 8:

Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

53. *Full equivalence.* Indonesia's CSS requires borrowers to avoid implementing project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, it must implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless: (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Indonesia's CSS also requires using a precautionary approach to the use, development, and management of renewable natural resources.

54. Key Element 1 requires the avoidance of project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. The Indonesian CSS is fully equivalent to this key element. Law 5 of 1990, Article 2(1), states that "(t)he conservation of preserved areas is aimed at preventing... damage to environmental functions." Article 2(2) states that "(t)he aim of the conservation of preserved areas to:...increase the preservation of soil, water, climate, vegetation, and wildlife functions along with national history and culture;(and)...preserve the biodiversity of vegetation, wildlife, ecosystem types, and unique features of the environment." Article 5 states that "(c)onservation of living resources and their ecosystems shall be brought about through protection of life supporting systems; ... preservation of plant and animal species diversity and their ecosystems; and... sustainable utilization of living resources and their ecosystems." Article 13(1) states that "(t)he preservation of plant and animal species that be implemented both inside and outside natural sanctuary areas." To implement these objectives, Article 8(1) requires the government to designate specified areas as "life support system protection areas" and to issue guidelines for regulating such designated areas. Further, Article 10 requires that any inadvertent "(d)egradation within a life support system...shall be followed by planning and continuous rehabilitation efforts."⁵²

⁵² Government of Indonesia. 1990. *Law of the Republic of Indonesia Number 5 of 1990 on Conservation of Living Resources and their Ecosystems*.

55. Key Element 2 requires that if a project is located within a legally protected area, the proponent must implement additional programs to promote and enhance the conservation aims of the protected area. The Indonesian CSS is fully equivalent to this key element. With respect to the designation and classification of protected areas, Indonesia's CSS categorizes and defines various types of protected areas in a manner that is fully consistent with ADB's SPS and with the United Nations List of National Parks and Protected Areas. Under Law 5 of 1990, protected areas are classified as "sanctuary reserves," a category which includes "strict nature reserves," "wildlife sanctuaries," and "biosphere reserves." Similarly, "nature conservation areas," are classified as "national parks," "grand forest parks," and "natural recreation parks." Specific functions are reserved to these categories of protected areas for the purpose of promoting and enhancing specific conservation objectives (Box 1).

56. Key Element 3 requires that in an area of (noncritical) natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. The Indonesian CSS is fully equivalent with this key element. With respect to restrictions on significant conversion or degradation, Article 13 of Law 18 of 2013 on Prevention and Eradication of Forest Destruction requires that "(t)he preservation of plant and animal species shall be implemented both inside and outside natural sanctuary areas...by protection and by promoting key breeding areas." Law 18 of 2013 on Prevention and Eradication of Forest Destruction states that "(f)orests must be utilized...in an appropriate and sustainable way" and states that "(t)he (central) government and regional government have the obligation to eradicate forest destruction." The assessment of "alternatives" to significant conversion or degradation of natural habitats could be met through, in principle, the requirements of Regulation 16 of 2012, Article 5(1)(b) Attachment I which defines AMDAL to include a "feasibility study of environmental aspects of the components of a plan of work or activities that may have several alternatives" with respect to "location..... and/or other types of alternatives."⁵³ However, there are no specific requirements pertaining to alternatives assessment with respect to a decision to undertake significant conversion or degradation of natural habitats. Where utilization of natural habitats is authorized, Indonesia's CSS ensure that the benefits outweigh the costs. Law 1 of 2014 Article 15(1) authorizes government agencies to "revoke permits to use small islands and surrounding waters (where use will) result in environmental change."⁵⁴ Under Minister of Agriculture Decree 11 of 2015, on Principles and Criteria for the Indonesian Sustainable Palm Oil Production System, (Attachment II, Article 4) "(p)alm oil companies are required to protect and conserve biodiversity in their respective management areas" through various prescribed measures. Law 21 of 2014 on Geothermal(Energy) Article 62(g) requires that geothermal energy exploration and development projects engage in "repairing, restoring, and remedying land function impacted, hindered, or impaired resulting from geothermal business activities...." However, the legal framework does not specifically require any determination of whether "the overall benefits from the project substantially outweigh the environmental costs," with respect to the protection of natural habitats. Mitigation efforts are required under Law 5 of 1990, Conservation of Living Resources and their Ecosystems, Article 10 which requires that "(d)egradation...due to...unwise utilization or other causes shall be followed by planning and continuous rehabilitation efforts."

⁵³ Government of Indonesia. 2012. *Regulation of the Republic of Indonesia Number 16 of 2012 on Guidelines for Environmental Documentation*

⁵⁴ Government of Indonesia. 2014. *Law of the Republic of Indonesia Number 1 of 2014 on Amendment to Law 27 of 2007 on the Management of Coastal Areas and Small Islands.*

57. Key Element 4 is about applying the “precautionary approach” according to Principle 15 of the 1992 Rio Declaration to the use, development, and management of renewable natural resources.⁵⁵ The Indonesian CSS is fully equivalent to this key element by virtue of Law 30 of 2009, Article 2(e) which states that “(e)nvironmental protection...shall be implemented on the basis of (the principle) of “prudence.” The relevant Elucidation states that “(t)he principle of prudence means uncertainty about impact of a business and/or activity due to limited mastery of science and technology is not a reason for delaying measures to minimize or avoid threat(s) against environmental pollution and/or damage.”

Box 1: Classification of Protected Areas in Indonesia

Indonesia’s Law 5 of 1990 classifies protected areas under two general categories: sanctuary reserve and nature conservation area and further broken down into subcategories.

Article 1.9 defines “sanctuary reserve” as “a specific terrestrial or aquatic sanctuary area having as its main function preserving biodiverse plants and animals as well as an ecosystem which...acts as a life support system.” Under this category are three subcategories: strict nature reserves, wildlife sanctuaries, and biosphere reserves.

Under Article 1.10, a “strict nature reserve” is “a sanctuary reserve area having a characteristic set of plants, animals and ecosystems which must be protected and allowed to develop naturally.” Article 1.11 defines a “wildlife sanctuary” as “a sanctuary reserve area having a high value of species diversity and/or a unique animal species, in which habitat management may be conducted, in order to assure their continued existence.” Article 1.12 identifies a “biosphere reserve” as “an area of native, unique, and/or degraded ecosystems, where all natural components need to be protected and sustained for ...research and education.”

Article 1.13 defines a “nature conservation area” as “a specific terrestrial or aquatic area whose main function is to preserve the diversity of plant and animal species, as well as provide... sustainable utilization of living resources and their ecosystems.” Three subcategories are under this classification: national parks, grand forest parks, and natural recreation parks.

According to Article 32, a “national park” is to be managed through “a zoning system consisting of ‘core zones,’ ‘utilization zones,’ and ‘other zones’ based on function and condition, and reserved as wilderness, or for traditional use or rehabilitation. Article 1.15 defines a “grand forest park” as “a nature conservation area intended to provide a variety of indigenous and/or introduced plants and animals for research, science, education, breeding enhancement, culture, recreation and tourism purposes.” Article 1.16 identifies a “nature recreation park as a nature conservation area mainly intended for recreation and tourism purposes.”

The Minister of Forestry Regulation 30 of 2009 on Implementation Procedures for Reducing Emissions from Deforestation and Forest Degradation (REDD) designates two additional categories of protected areas: “protected forest” and “conservation forest” and reserves specific functions to these categories of protected areas for the purpose of promoting and enhancing specific conservation objectives.

Source: Law 5 of 1990 on Conservation of Living Natural Resources and Ecosystems; Minister of Forestry Regulation 30 of 2009 on Implementation Procedures for Reducing Emissions from Deforestation and Forest Degradation.

⁵⁵ Principle #15 of Declaration of the Rio Conference on Environment and Development (the June 1992): *“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”*

Policy Principle 9:

Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health, and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phase outs. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

58. *Full equivalence.* Indonesia's CSS requires the application of pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards. Indonesia's CSS requires adoption of cleaner production processes and good energy efficiency practices, avoidance of pollution, or, when avoidance is not possible, minimizing or controlling the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gas emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Indonesia's CSS also requires avoiding the use of hazardous materials subject to international bans or phase outs; and purchasing, using, and managing pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.

59. Key Element 1 requires the application of pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. The Indonesian CSS is fully equivalent with this key element. Government Regulation 102 of 2000 on National Standardization, Article 2, states that "(t)he scope of national standardization includes...technique, standard analysis, and quality of measurement...with respect to safety, health, and environment."⁵⁶ The Elucidation of Article 2 states that "(b)y virtue of its ratification of the World Trade Organization (WTO) Agreement per Law 7 (of)1994, Technical Barriers to Trade, the Indonesian government is obliged to adjust its national regulations to international standards. Such standardization is implemented by the National Standardization Agency, established by the Presidential Decree 13 of 1997 with the main objectives of protecting producers, consumers, labor and public safety aspects, safety, health and preservation of the environment, in order to build a national system that can

⁵⁶ Government of Indonesia. 2000. *Government Regulation of the Republic of Indonesia Number 102 of 2000 on National Standardization*.

encourage,...promote, and guarantee the quality of goods and/or services and to facilitate national product acceptability in global market transactions.”⁵⁷

60. Additionally, Decree 45 of 2005, Article 2(1), states that “(g)uidelines related to this Decree shall aim at ensuring uniformity of the reporting format so as to create legal certainty and usable criteria for evaluation...”⁵⁸ Article 2(2) states that “(t)he technique and methodology for management and monitoring...shall be...in accordance with standard technique and methodology or those regulated by legislation in force.” Also, Permen-LH 16 of 2012, Guidelines for Preparation of EIA Documents, Annex II states that “EIA documents set forth various options for management of environmental impacts...in terms of the availability of management options using best available technology), the ability of the proponent to undertake management options using the best achievable technology and relevance on management options available to local conditions. From the results of these options, the EIA document compilers can formulate the direction of the management and monitoring of the environment as the basis for the preparation of the RKL-RPL.”

61. Key Element 2 requires the adoption of cleaner production processes and good energy efficiency practices. The Indonesian CSS is fully equivalent to this key element by virtue of Permen-LH 31 of 2009, Law 30 of 2007 on Energy, and Government Regulation 70 of 2009 on Energy Conservation. Article 1(4) of Permen-LH 31 of 2009 defines “clean production” as “a strategy of preventive, integrated, and continuously implemented conservation from upstream to downstream, related to production processes, products and services to increase efficiency of natural resource use, prevent environmental pollution prevention and reduce the formation of waste at source thus minimizing risks to the health and safety of humans and the environment.” Article 23 of Law 30 of 2007 states that “(e)nergy conservation is a systematic planned and integrated effort to conserve energy resources and use them efficiently.” Article 25(2-4) states that the energy conservation “covers all stages of energy management” and requires “(e)nergy users and producers of energy saving equipment to implement energy conservation at their own initiative and/or through government incentives.” It further provides that “(e)nergy and energy resource users who do not implement energy conservation are not eligible to benefit from government incentives.”⁵⁹ Article 10 of Government Regulation 70 of 2009 requires that “(i)ndividuals, business entities and permanent establishments shall be obliged to implement energy conservation in the supply of energy,” and elaborates on the incentives available to users of clean energy and producers of energy saving equipment including tax deductions, import duty relief, access to low interest rate funds, and government financed energy audits.⁶⁰

62. Key Element 3 requires the avoidance of pollution, wherever feasible. The Indonesian CSS is fully equivalent to this key element. Law 32 of 2009, Article 13 (1-2) requires that “(e)nvironmental pollution and/or damage shall be controlled in the framework of preserving...environmental functions” and shall cover prevention, mitigation, and restoration. Numerous regulations have been issued to prevent pollution of air, water, and other environmental media.⁶¹ For example, Government Regulation 82 of 2001 on Water Quality

⁵⁷ Government of Indonesia. 1994. *Law of the Republic of Indonesia Number 7 of 1994 on Ratification of Agreement Establishing The World Trade Organization*

⁵⁸ Government of Indonesia. 2005. *Decree of the Republic of Indonesia Number 45 of 2005 on Guidelines for Compilation of Environmental Management Plan (RKL) and Environmental Monitoring Plan (RPL)*.

⁵⁹ Government of Indonesia. 2007. *Law of the Republic of Indonesia Number 30 of 2007 on Energy*.

⁶⁰ Government of Indonesia. 2009. *Government Regulation of the Republic of Indonesia Number 70 of 2009 on Energy Conservation*.

⁶¹ Government of Indonesia (Ministry of Environment) has issued several regulations on prevention and mitigation of air, water, coastal, and land pollution.

Management and Control of Water Pollution, Article 37 requires that “(e)very business entity discharging waste to a water body must “prevent... water pollution” by “comply(ing) with required criteria of quantity and quality of wastewater eligible to be discharged to the environment.”

63.

Key Element 4 requires avoidance, or, when avoidance is not possible, minimize or control of the intensity or load of direct and indirect greenhouse gases emissions (GHGs). The Indonesian CSS is fully equivalent to this key element. Presidential Regulation 62 of 2013 states that...efforts are needed to reduce emission of greenhouse gases from deforestation and degradation of forest and peat lands. Attachment 1 sets forth the required procedure for “verification of the achievement of climate change mitigation....” Presidential Regulation 61 of 2011 sets forth the National Action Plan for Greenhouse Gas Emission Reduction to implement Indonesia’s agreement to reduce GHG emissions from “business as usual” projections by 2020 by 26% through its own efforts and 41% with international assistance. Article 1.1 states that the National Action Plan (NAP) is “a work plan for the implementation of various activities that directly and indirectly decrease ...greenhouse gas emissions in accordance with national development targets. Per Article 1.9, the NAP covers activities in the fields of agriculture; forestry and peat; energy and transport; industry; waste management; and other supporting activities.”⁶² Law 32 of 2009 Article 57(4)a. provides that “(t)he conservation of the atmosphere function...shall include mitigation and adaptation to climate change.” The explanation of Article 57(4) further states that “(m)itigation of climate changes is a series of activities which are taken to lower greenhouse (gas) emissions.”⁶³ Article 63(1)(j) requires that “the government shall be assigned and authorized to stipulate and implement policies on control over impacts of climate change.” Article 63(2)(f) requires provincial governments to do an inventory of greenhouse gas emissions at the provincial level. Presidential Decree 46 of 2001, Operation of the National Greenhouse Gas Inventory, Article 15(1) requires “(a)ll business operators of activities that potentially cause...and/or absorb GHG emissions are obliged to report annually data related the GHG inventories to the Government and Regent/Mayor.”⁶⁴

64. Key Element 5 requires avoidance, minimization, and control of the intensity or load of waste generation. The Indonesian CSS is fully equivalent with this key element. Law 24 of 1996 on Spatial Planning regulates spatial planning at local, regional, and national levels, including spatial planning for sanitary landfills. Law 18 of 2008 on Waste Management, Article 1.5 defines “waste management” as “systematic, holistic, and sustainable activities included reducing and handling of waste.” Article 2 (4) Waste which regulated under the Act includes household waste, “household-like waste,” and “specific waste.” According to Article 7, the government has the authority to stipulate norms, standards, procedures, and the criteria for waste management; conduct coordination, development, and monitoring of local government performance in waste management; and stipulate policy for dispute settlement in waste management among regions. Article 20 (1) waste reduction is implemented through: limitation of waste generation; recycling of waste; and/or reuse of waste. Article 21 authorizes the government to provide incentives and

⁶² Government of Indonesia. 2011. *Presidential Regulation of the Republic of Indonesia Number 61 of 2011 on National Action Plan for Greenhouse Gas Emission Reduction.*

⁶³ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management.*

⁶⁴ Government of Indonesia. 2013. *Regulation of the Republic of Indonesia Number 62 of 2013 on Managing Agency for the Reduction of Emissions from Deforestation and Degradation of Forests and Peat Lands*

disincentives based on an entity's implementation of waste reduction. Article 29 prohibits the importation of waste; mixing household or other waste with hazardous and toxic waste; disposal of waste in improper manner and location; or burning waste against waste management technical requirements. Article 30 places the responsibility of monitoring of the waste management policy for the local government on the central government and states that the governor shall carry out monitoring for the implementation of waste management at the district or municipality level. Article 31 tasks the local government or jointly with the waste operator with monitoring the implementation of waste management based on the monitoring norm, standard, procedure, and criteria as regulated by the government. According to Article 38(2), license holders are obliged to comply with "required criteria for quality and quantity of wastewater eligible to be discharged to environmental media;...authorized methods for discharging waste water;...requirements to supervise wastewater quantity and quality;....prohibitions of simultaneous discharges;...(and on) dilution of waste water as a means for complying with maximum discharge levels;...and other requirements as set forth in the environmental impact analysis."⁶⁵ As an example of sectoral implementation of Law 18 of 2008, Government Regulation 82 of 2001 on Water Quality Management and Control of Water Pollution, specifically Article 37, requires "every business entity discharging waste to a water body must prevent and mitigate water pollution."⁶⁶

65. Key Element 6 requires avoidance, minimization, or control of the intensity or load of pollutant emissions and discharges, including, release of hazardous materials from their production, transportation, handling, and storage. The Indonesian CSS is fully equivalent to this key element. Law 32 of 2009. Article 59(1) requires "(a)ll persons producing (hazardous) toxic materials to manage such produced waste."⁶⁷ Article 59(3) states that if those who produce toxic materials are unable to manage their waste on their own, they should arrange for a third party to do so. Article 59(5) requires the government to "specify the environmental requirements" that apply to the management of hazardous and toxic wastes. Article 60 prohibits the dumping of such waste into environmental media without a permit. Government Regulation 101 of 2014 on Hazardous and Toxic Waste Management, Article 10 requires producers of such waste to practice "waste reduction...through material substitution; modification processes; and/or environmentally friendly technologies."⁶⁸

66. Key Element 7 requires the avoidance of the use of hazardous materials subject to international bans or phase outs. With respect to ozone depleting substances, the Indonesian CSS is fully equivalent by virtue of Presidential Decree 23 of 1992 on Ratification of the Vienna Convention for the Protection of the Ozone Layer; Presidential Decree 92 of 1998 on Ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer; and Presidential Decree 46 of 2005 on the Montreal Amendment to the Montreal Protocol. In addition, Law 32 of 2009 Article 57(4)b states that "(t)he conservation of the atmosphere...shall include protection of the ozone layer."⁶⁹ Article 63(1)j. assigns and authorizes the government to "stipulate and implement policies on...protection of the ozone layer." With respect to persistent

⁶⁵ Government of Indonesia. 2008. *Law of the Republic of Indonesia Number 18 of 2008 on Waste Management*.

⁶⁶ Government of Indonesia. 2001. *Government Regulation of the Republic of Indonesia Number 82 of 2001 on Water Quality Management and Control of Water Pollution*.

⁶⁷ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

⁶⁸ Government of Indonesia. 2014. *Government Regulation of the Republic of Indonesia Number 101 of 2014 on Hazardous and Toxic Waste Management*.

⁶⁹ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management*.

organic pollutants (POPs), the Indonesian CSS is fully equivalent by virtue of Law 19 of 2009, Ratification of the Stockholm Convention on Persistent Organic Pollutants which requires that parties to the Convention “reduce or eliminate releases from intentional production and use of specified POPs...and develop and implement plans to identify sources and reduce unintentional POPs releases; and endeavor to reduce or eliminate POP such unintentional releases.”⁷⁰ Decree of the Head of Bapedal Kep-03/Bapeldal/09 of 1995 Concerning Technical Requirements for toxic and hazardous waste processing set limits for efficiency of removal and destruction of POPs in incinerators. Government Regulation 101 of 2014 on Hazardous and Toxic Waste Management, Article 10 requires producers of POPs waste to practice “waste reduction...through material substitution; modification processes; and/or environmentally friendly technologies.”⁷¹

67. Key Element 8 requires the purchase, use, and management of pesticides based on integrated pest management approaches and reduced reliance on synthetic chemical pesticides. The Indonesian CSS is fully equivalent with the requirement for integrated pest management because of the Regulation of the Minister of Agriculture 64 of 2013 on the Organic Agriculture Systems which requires “a holistic production management system to improve and develop ecosystem health,” and by emphasizing “implementation practices which...if possible...can be achieved by utilizing...biological and mechanical methods and does not use synthetic materials.”⁷² Article 5(3) prohibits “organic agriculture” from using “growing media and fertilizer originating from synthetic chemicals materials.”

68. This regulation is reinforced by Law 12 of 1992 Cultivation of Plants, Article 38/1 which requires that “(p)esticides distributed within...Indonesia must be registered, comply with standards, be guaranteed safe for humans and the environment and be appropriately labelled.” Article 832(2) stipulates types of pesticides permitted for import. Article 39 requires the government to register and supervise procurement, distribution, and use of pesticides while Article 40 allows the government to prohibit or limit distribution of certain pesticides. Article 1 of the Regulation of the Minister of Agriculture 1/2007, Active Materials of Prohibited and Restricted Pesticides lists the active materials of prohibited pesticides (Attachment I) and the active materials of restricted pesticides (Attachment II). Regulation of the Minister of Agriculture 42 of 2007, Pesticide Monitoring requires the Supervisor of Pesticides to monitor the types and amounts of pesticides; the quality of the material used in the formulation of pesticides with reference to the allowed tolerance limit; the suitability and dose with respect to target organisms; pesticide residues in farm products and environmental media; provisions for safety and health; negative effects on the natural environment; and the destruction of pesticides.

⁷⁰ Government of Indonesia. 2009. *Law of the Republic of Indonesia Number 19 of 2009 on Ratification of the Stockholm Convention on Persistent Organic Pollutants*.

⁷¹ Government of Indonesia. 2014. *Government Regulation of the Republic of Indonesia Number 101 of 2014 on Hazardous and Toxic Waste Management*.

⁷² Government of Indonesia. 2013. *Regulation of the Minister of Agriculture of the Republic of Indonesia Number 64 of 2013 on Organic Agriculture Systems*.

Policy Principle 10:

Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

69. *Full equivalence.* Indonesia's CSS requires projects to provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. It also requires the establishment of preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.

70. Key Element 1 requires that workers be provided with safe and healthy working conditions and prevent accidents, injuries, and disease. The Indonesian CSS is fully equivalent with this key element. Law 13 of 2003 on Labor requires per Article 35(3) that "(e)mployers must provide workers with physically and mentally safe and healthy working environments." Article 86 recognizes that "(e)very worker has the right to...protection with respect to work safety and health." Per Article 87 "[e]very industry must implement a work, health and safety management system integrated into its industrial management system."

71. Key Element 2 requires the establishment of preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities. The Indonesian CSS is fully equivalent with this key element. Law 24 of 2007 Disaster Management. Article 4 indicates the objectives of the law, which includes an aim to "provide protection for communities against disaster threats; and "guarantee well-planned, integrated, coordinated and comprehensive disaster management."⁷³ Government Regulation 21 of 2008 on Disaster Management, Article 10 requires "(i)ntegration of disaster management into development planning" and Article 12 requires that "(a)ny development activity running a high risk of disaster shall require a disaster risk analysis." Article 21 requires that "(d)isaster management during an emergency...shall include: quick and appropriate study on location, damage, losses and resources; rescue and evacuation of disaster affected communit(ies); fulfillment of basic necessities; protection for vulnerable groups and immediate recover of essential facilities and infrastructure."⁷⁴

⁷³ Government of Indonesia. 2007. *Law of the Republic of Indonesia Number 24 of 2007 on Disaster Management*

⁷⁴ Government of Indonesia. 2007. *Law of the Republic of Indonesia Number 24 of 2007 on Disaster Management*

Policy Principle 11:

Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

72. *Full equivalence.* Indonesia’s CSS requires conservation of physical cultural resources and avoidance of destruction or damage to them by using field-based surveys that employ qualified and experienced experts during environmental assessment. It also provides for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.

73. Key Element 1 requires the conservation of physical cultural resources and avoidance of their destruction or damage by using field-based surveys that employ qualified and experienced experts during environmental assessment. The Indonesian CSS is fully equivalent with this key element by virtue of Law 32 of 2009, Article 23 which require “the protection of cultural reserves” to be included among “the criteria for a business or activity subject to AMDAL.” Law 11 of 2010 Cultural Heritage, Article 58(1) requires that “(p)hysical cultural resource conservation is undertaken in order to...prevent damage....transfer and change of ownership of cultural resources contrary to law and regulation.” Article 59 requires that “(p)hysical cultural resources at risk of being destroyed, eliminated or damaged should be relocated to a safer location...under the supervision of conservation experts.”⁷⁵

74. Key Element 2 requires the use of “chance find procedures” that include a preapproved management and conservation approach for materials that may be discovered during project implementation.” The Indonesian CSS is fully equivalent with this key element by virtue of Law 11 of 2010 Article 23(1) which requires that “(a)nyone who finds an object, building or site suspected to be of cultural value must report such a finding to an authorized cultural institution, the policy or related institution with 30 days.”⁷⁶

Conclusions and Recommendations

75. Based on the study findings, the overall assessments of which can be viewed in the Assessment Matrix Table, the Indonesian CSS is fully equivalent with 10 out of 11 policy principles and 40 out of 41 key elements.

76. The assessment results show that Indonesia has an environmental safeguards system with some detailed and comprehensive requirements that are spread across various prevailing regulations.

⁷⁵ Government of Indonesia. 2010. *Law of the Republic of Indonesia Number 11 of 2010 Cultural Heritage*.

⁷⁶ Government of Indonesia. 2010. *Law of the Republic of Indonesia Number 11 of 2010 Cultural Heritage*.



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Appendix 4: Equivalence Assessment Matrix for Environmental Safeguards

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.

**APPENDIX 4:
EQUIVALENCE ASSESSMENT MATRIX FOR ENVIRONMENTAL SAFEGUARDS**

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
Objectives: To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process.			BROADLY ALIGNED	
Law No. 32/2009 on Environmental Protection and Management. FAOLEX Abstract: ¹ The purpose of this Law is to create environmentally sustainable development through means of an environmental planning policy, and the rational exploitation, development, maintenance, restoration, supervision and control of the environment. Environmental protection and management shall be planned through the following phases: environmental inventorying to obtain data and information on natural resources; stipulation of ecoregions; and the formulation of environmental protection and management plans. The Government shall be responsible for: controlling natural resources; controlling environmental pollution and damage; making strategic environmental assessments; providing quality standards of the environment; regulating legal actions and legal relations between persons and/or other legal subjects; controlling activities which have social impact; developing a funding system for efforts to preserve environmental functions; etc. Every business and/or activity having substantial impact on the environment is subject to an environmental impact assessment in order to obtain a license to conduct such business or activity as discussed in detail in the Law. Requirements and procedures for obtaining an environmental permit are set out in the Law. The Law also makes provision for the management of hazardous and toxic materials as well as hazardous and toxic waste. Particular attention should be paid also to the importance given by the Law to the role that communities should play in the environmental protection and management. The Law further provides for: development of an environmental information system to support the implementation and development of environmental protection and management policies; rights, obligations and prohibitions of the people; settlement of environmental disputes; investigation powers of the police of the Republic of Indonesia; offences and penalties.				
Scope and Triggers: Environmental safeguards are triggered if a project is likely to have potential environmental risks and impacts.			BROADLY ALIGNED	
Law 32/2009 on Environmental Protection and Management. FAOLEX Abstract Every business and/or activity having substantial impact on the environment is subject to an environmental impact analysis in order to obtain a license to conduct such business or activity as discussed in detail in the Law				
1.0	Policy Principle 1: Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.			
1.1	Key element 1: Use a screening process for each proposed project, as early as	Law 32/2009, Environmental Protection and Management Chapter I, General Provisions	Full Equivalence	None required.

¹ http://www.fao.org/fishery/shared/faolextrans.jsp?xp_FAOLEX=LEX-FAOC013056&xp_faoLexLang=E&xp_lang=en

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
	<p>possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.</p>	<p>Article 1.11 Environmental Impact Analysis....(AMDAL) defined as a study on significant impacts of a planned business and/or activity in the environment, as needed for making decision[s] on the operation of a business and/or activity.</p> <p>Article1.12. Environmental Management and Monitoring Measures (UKL-UPL) are...defined as the environmental management and monitoring for businesses and/or activities with less significant impacts on the environment, as needed for making decision[s] on the operation of businesses and/or activities.</p> <p>Article 22</p> <p>(1) Every business and/or activity having significant impact on the environment shall conduct AMDAL (Environmental Impact Assessment).</p> <p>(2) Significance of impact shall be determined based on the following criteria:</p> <ul style="list-style-type: none"> a. Number of population to be affected...; b. Coverage and distribution [of the] area of impact; c. Intensity and period of the impact d. Number of environmental components to be affected; e. cumulative characteristics of impact; f. reversibility or irreversibility of impacts; and g. Other criteria as the advance of science and technology <p>Article 24. AMDAL document will be basis for stipulating a decision on environmental feasibility.</p> <p>Minister of Environment Decree (PermenLH) No. 5/2012 on Types of Business Plans and/or Activities Requiring AMDAL(Decree 5/2012)</p> <p>Article 2</p> <p>(1) Every business and/or activity with significant environmental impact requiring AMDAL.</p> <p>(2) Types of business plans and/or activities requiring AMDAL ...are listed in Annex I, which is an integral part of this regulation.</p> <p>(3) To determine if a plan of business and/or activity requires an AMDAL, the proponent shall conduct screening in accordance with the screening procedure as described in Annex II, which is an integral part of this regulation.</p> <p>(4) Upon the screening results as referred to Clause (3),</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>environmental agency at the central, provincial or district/city level shall examine and determine whether the business and/or activity requiring an AMDAL.</p> <p>Article 3 (1) Business and/or activities carried out: a. in protected areas; and/or b. directly adjacent to a protected area, shall be required to conduct AMDAL. (2) Protected areas are listed in Annex III, which is an integral part of this regulation. (3) Types of business plans and/or activities whose direct boundary with protected area includes: a. boundary of project site is directly adjacent to the protected area; and or b. potential impacts of business and/or activity are predicted to affect nearby protected area (4) The obligation to conduct an AMDAL is excluded for business plans and/or activities [involving]: a. exploration for mining, oil and gas, and geothermal development; b. scientific research and development; c. support of the conservation of protected areas; d. defense and security interests with no significant impact on the environment; e. cultivation with no significant impact on the environment; and f. cultivation as permitted for indigenous people in a specified area that does not reduce the function of protected areas and under strict supervision.</p> <p>Article 4 (1) Types of business plans and/or activities: a. with smaller scale/magnitude than those listed in Annex I; and/or b. not listed in Annex I but have significant impact on the environment, may be decided as requiring AMDAL. (2) Types of business plans and/or activities as referred to Clause (1) shall be determined by the Minister based on: a. scientific considerations regarding environmental carrying capacity and supporting capacity; and b. typology of local ecosystems likely to be subject to significant environmental impacts.</p> <p>Article 5 (1) Types of business plans and/or activities with AMDAL requirement</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>might be exempted from the obligation if:</p> <p>a. impact of the plan business and/or the activity can be mitigated through the application of science and technology; and/or</p> <p>b. based on scientific considerations, not cause significant impacts on the environment.</p> <p>(2) Type of business plans and/or activities as referred to Clause (1) shall be determined by the Minister.</p> <p>(4) Business plans and/or activities as referred to Clause (1) shall have the UKL-UPL or a statement on capability for environmental management and monitoring in accordance with the laws and regulations concerning the type of business and/or activities requiring UKL-UPL or statement of capability for environmental management and monitoring.</p> <p>ANNEX I to Minister of the Environment Regulation (PermenLH) No. 16/2012, Guidelines on Preparation of Environmental Documents</p> <p>B. Terms of Reference</p> <p>The background contains a description of:..</p> <p>b. the reason why the business plan and or activity is required to prepare AMDAL and the type of AMDAL study used (single, integrated, or regional);</p> <p>3. Scoping</p> <p>Scoping (preparation of KA-ANDAL or TOR for AMDAL study) is aimed to formulate scope and depth of AMDAL study as well as to direct the study effectively and efficiently as available cost, personnel and time.</p> <p>Regulation 16/2012, Annex II</p> <p>Article 3: AMDAL must identify potential significant and critical impacts” based on “information regarding the amount...nature...[and] magnitude of the critical impact. Calculation and analysis of the hypothetical significant impacts ...uses scientific methods that apply nationally and /or internationally in ...accordance with the rules of the scientific method.</p>		
2.0	Policy Principle 2: Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.			

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
2.1	Key element (1): Conduct an environmental assessment for each proposed project.	<p>Government Regulation No. 27/2012</p> <p>Article 3: (1) Every business and/or activity with significant impact to environment shall prepare AMDAL. (2) Every business and/or activity which does not meet criteria of AMDAL requirement as mentioned in Clause (1) shall prepare UKL-UPL.</p> <p>Article 13 (1) Business and/or activity with significant impact to environment is exempted from AMDAL requirement if: a. location of the business and/or activity lies within an area with approved regional AMDAL; b. location of the business and/or activity lies within a district/city with approved district/city detail spatial plan and/or district/city strategic spatial plan; or c. Business and/or activity carried out for responding disaster emergency.</p> <p>(2) Business and/or activity as mentioned in Clause (1) letter a and letter b, shall prepare UKL-UPL based on: a. Regional RKL-RPL document; or b. District/City detail spatial plan and/or District/City strategic spatial plan.</p>	Full Equivalence	None required
2.2	Key element (2): Identify potential direct, indirect and induced impacts and risks.	<p>Minister of Environment Decree 16/2012, Guidelines on Preparation of Environmental Documents (Decree 16/2012)</p> <p>Attachment II Part B (3) (d): In the formulation of Environmental Impact Assessment (AMDAL), in regards to impact forecasting, it is necessary to pay attention to both direct and/or indirect impacts.</p> <p>Decree 16/2012 on Guidelines on Preparation of Environmental Documents</p> <p>Article 5 Attachment II, Part B. 2: Description of the environmental setting of previous and ongoing work or activities around the targeted site of activities will provide a holistic illustration of other activities already conducted around the area of where the [proposed] activities are planned that utilize and affect local surroundings.</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
2.3	Key element (3): Identify cumulative impacts and risks.	<p>Decree 16/2012 on Guidelines on Preparation of Environmental Documents</p> <p>Annex 3: In formulating the documents of Environmental Management Plan and Environmental Monitoring Plan (RKL-RPL), specifically in regards to the period of environmental management, the compiler of the Environmental Impact Assessment (AMDAL) should elaborate the timeline of when and how long the environmental management activities will be implemented, with careful consideration of the significant environmental impact (duration, cumulative nature and irreversibility of the impact). Identification of the cumulative impact should also be done while formulating the plan for environmental management, specifically on the timeline and frequency of the monitoring.</p>	Full Equivalence	None required
2.4	Key element (4): Identify physical and biological impacts and risks.	<p>Law 32/2009 on Environmental Protection and Management</p> <p>Article 2 Environmental protection and management shall be executed based on principles of: f. Precautionary; g. Fairness; h. Ecoregion; i. Biological diversity;</p> <p>Article 23. Criteria of business and/or activity with significant impacts requiring Amdal consist: a. change of land topography and natural landscape; b. exploitation of natural resources, both renewable and non-renewable; c. process and activity which potentially may cause pollution and/or environmental deterioration and wastage and natural resource deterioration in the utilization; d. process and activity which results may affect natural environment, both human-made environment, and social and culture environment; e. process and activity which results will affect preservation of conservation area of natural resource and/or protection of cultural heritage; f. introduction of plants, animals, and microorganism; g. preparation and use of biological and non-biological materials;</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>h. activity with high risk and/or affect State's defense; and/or</p> <p>i. application of technology which predicted to potentially significantly affect environment.</p> <p>Decree 16/2012, Guidelines on Preparation of Environmental Documents</p> <p>Article 5, Attachment I Part B.2: General description of environmental setting which includes:</p> <p>a) Geo-Physical-Chemical components, such as geological resources, soil, ground water, underground water, noise level, etc.</p> <p>b) Biological component, such as vegetation/flora, fauna, ecosystem type, extent of rare and endemic species and/or their habitat...</p>		
2.5	<p>Key element (5): Identify socioeconomic impacts (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues).</p>	<p>1) UUD 1945 (Indonesia's Constitution):</p> <p>a. Article 18 B Clause (2) State recognizes existence of customary law community together with their traditional rights based on certain extent;</p> <p>b. Article 28 I Clause (3): cultural identity and rights of customary law community are respected as the advance of civilization;</p> <p>2) Article 5 TAP MPR (Decree of Supreme People Assembly) No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management mentions that one of the principles related to implementation of agrarian reform and natural resource management is to recognize and respect customary law community and cultural diversity upon agrarian and natural resources;</p> <p>3) Article 3 and Article 5 of UU (Law) No. 5/1960 on Basic Stipulation of Agrarian Regulation basically recognizes directly customary right and similar rights entitled by customary law community as well as traditional knowledge in natural resource management;</p> <p>4) Article 8 letter j UU No. 5/1994 on Ratification of UN Convention on Biodiversity (UN-CBD): Indonesia is obliged to respect and protect traditional knowledge related to sustainable utilization of biodiversity, including promote fair benefit sharing of</p>	<p>Partial Equivalence</p> <p>The Indonesian CSS is partially equivalent with respect to provisions for vulnerable groups, since the Indonesian CSS provides only for customary communities and poor people, whereas the ADB SPS has a broader definition of vulnerable groups, including those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.</p>	<p>Detailing and updating of Technical Guideline on Social Aspects in AMDAL Preparation</p>

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		<p>the use of traditional knowledge. Based on this convention, Nagoya Protocol established, which also ratified by Government of Indonesia. One of the important point of the Nagoya Protocol is to regulate access to traditional knowledge related to natural resource and regulate fair and well-distributed benefit sharing upon its utilization;</p> <p>5) Article 6 UU No. 39/1999 on Human Right: In order to enforce human right, difference and needs in customary law community should be considered and protected by civil law and Government. In addition, cultural identity of customary law community, including right over customary land is also protected as the progress of civilization;</p> <p>6) Article 67 Clause (1) UU No. 41/1999 on Forestry: provide stipulations related to customary law community in its relationship with harvesting of forest products, forest management and empowerment of customary law community;</p> <p>7) Article 6 UU No. 31/2004 jo. UU No. 45/2009 on Fishery: Fishery management for catch and aquaculture shall consider customary law and local wisdom as well as considering community participation. Customary right and customary law community is recognized as far they exist and has been endorsed in Perda (Local Regulation);</p> <p>8) Explanation of Article 5 Clause (5) UU No. 26/2007 on Spatial Plan: Types of strategic region in context of spatial plan, among others, are ones viewed from perspective of security and defense, economic growth, social, culture, natural resource utilization and/or high technology, and environmental function and carrying capacity. In term of social and cultural interest, strategic region, among others, is certain customary area;</p> <p>9) UU No. 32/2009 on Environmental Protection and Management (PPLH): UU No. 32/2009 contains many stipulations related to local wisdom and customary law community. They are Article 1 number 30 and 31, Explanation of</p>		

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		<p>Article 2 letter h and letter i, Article 63 Clause (1) letter t, Clause (2) letter n and Clause (3) letter k. Based on the stipulations, PPLH shall consider communal culture and local wisdom. Related to KLHS (SEA: Strategic Environmental Assessment) which provides direction for more detail assessment in AMDAL, explain one of the environmental impacts and risks related to increasing population number of poor people or who are threatened their livelihood as mentioned in explanation of Article 15 Clause (2) letter f. In addition, it is also emphasized that AMDAL and environmental permit process should involve communities comprising of affected people, interest groups concerning with environment and people who are affected upon all kinds of decisions in AMDAL process as mentioned in Article 26, Article 39, Article 65, Article 67 and Article 70. Referring to various stipulations in UU No. 32/2009 as mentioned above, therefore can be concluded that community in this context also including vulnerable groups are considered;</p> <p>10) PP No. 46/2016 on Strategic Environmental Assessment (KLHS): KLHS is an instrument which provides direction related to more detail environmental assessment in Amdal and UKL-UPL. One of the sustainable development issues to be identified in KLHS preparation and implementation which mentioned in Article 9 Clause (2) letter h and j are related to:</p> <ul style="list-style-type: none"> a. Level and status of poor population or those who are threatened their livelihood; b. Threat against protection to certain area traditionally which carried out by community and customary law community. <p>11) PerMENLH No. 16/2012 on Guideline on Preparation of Environmental Documents (Amdal, UKL-UPL and SPPL). This regulation provides guidance on how to identify, predict and evaluate environmental impacts as well as environmental management and monitoring to be carried, including social aspects.</p> <ul style="list-style-type: none"> a. Appendix I of PerMENLH No. 16/2012, Guideline on Preparation of KA (TOR) Document, which contain: 		

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		<ul style="list-style-type: none"> i. Part 2 Scoping, point b, description of environmental baseline (<i>environmental setting</i>): component, sub-component and parameter of social, culture and economy as well as public health in KA document shall be described ii. Part 2 Scoping, point c, results of public involvement: In this part Amdal's compiler shall explain on key information which importantly required in decision making, come from community suggestion, opinion and response covering among others local values, local customs, and community aspiration related to proposed business and/or activity; iii. Part 2 Scoping, point e: One of the important spatial aspects in Amdal study is social boundary which will affect identification of people potentially affected in term of social-economic-public health as well as determination of people to be consulted; b. Appendix II Peraturan MENLH No. 16/2012, Guideline on Preparation of ANDAL Document, which contain: <ul style="list-style-type: none"> i. Part 2 Description of Environmental Baseline: In this part mentioned that Amdal compiler shall describe in detail component, sub-component and parameters of social-culture and economic related to prediction of significant impacts related to social-culture and economic, including public health aspect; ii. Part 3 Prediction of Significant Impact: If social-culture and economic and public health aspect represents significant impact to be assessed, therefore in the prediction, magnitude and feature of the social impact shall be measured and determined; iii. Part 3 Holistic Impacts Evaluation: In evaluating the impacts, important information should be presented as area of concerns such as area which receives exposure of various impacts and at the same time inhibited by various groups of community, disaster 		

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		<p>prone area which mostly affected and combination of both. In addition, this part shall explain whether proposed business and/or activity disturb social values and community perception, to prove that the plan environmentally viable or otherwise;</p> <p>c. Appendix III of Perm MENLH No. 16/2012, Guideline on Preparation of RKL-RPL Document, which contain:</p> <ul style="list-style-type: none"> i. Social impact represents ones should be managed and monitored in RKL-RPL document, both significant impact and insignificant impact but recommended to be managed; ii. One of the important aspects in environmental management approaches is social economic and institutional approach. Social economic approach carried out to mitigate impacts through various actions based on social interaction. Institutional approach is measure to mitigate impact through various actions based on institutional mechanism such as coordination with various parties. <p>12) Guideline on Public Consultation in Amdal (A Guidance for Proponent) which prepared and issued by KLH in cooperation with World Bank and Qipra in 2002. In this guideline, at Step 4: Recognize Consultation Area mentioned that one of the important factors to be considered in determining priority scale of a consultation area is presence of isolated tribe or community group who require special attention. In other parts related to social condition mentioned that based on demographic, economic and social cultural of the community in consultation area, Amdal compiler may easily determine appropriate consultation target and technique. Related to this, one of the aspects shall be understood by Amdal compiler is special aspect related to isolated tribe, or vulnerable and marginalized groups.</p> <p>13) Further stipulations related to social aspects assessment in Amdal elaborated in Decree of Head of Bapedal No. Kep-299/11/1996 on Technical Guidelines on Social Aspect Assessment in</p>		

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		<p>Amdal Preparation which provides guidance related to:</p> <ol style="list-style-type: none"> Scoping process of social impact in KA (TOR), which in detail describe list of social components, sub-components and parameters, which used as the characteristics of proposed business and/or activity and local condition of the environment (location specific); Data collection and analysis as well as prediction and evaluation of social impact in ANDAL document; Preparation of management and monitoring plan for social impacts in RKL-RPL <p>Amdal, UKL-UPL and Environmental Permit process shall consider and shall integrate 3 important aspects, namely legal aspect, technical and scientific aspect and management aspect. Legal aspect relates to laws and regulations. By integrating and showing interrelation among various laws and regulation and technical guidelines as above mentioned, if vulnerable groups issue is relevant with a Amdal study of certain project in certain location, therefore by using the list of social component, sub-component and parameters described in Table I of Appendix II Decree of Head of Bapedal No. Kep-299/11/1996 on Technical Guidelines on Social Aspect Assessment in Amdal Preparation, Amdal compiler and evaluator may identify and assess issues related to vulnerable groups in various implementation aspects of business and/or activity.</p> <p>Law 32/2009 Article 1.</p> <ol style="list-style-type: none"> Environment shall be the totality of space with all materials, resources, situations and creatures, including human and their behavior that influences the nature, continuation of <i>livelihood</i> and human welfare...(emphasis added) Sustainable development shall be conscious.... efforts integrating environmental, social and economic aspects into a development strategy to assure the totality of the environment, as well as welfare and <i>living standards</i> of the present and future generations. (emphasis added) A customary legal community is a group of communities that historically living in a particular geographical area because of 		

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		<p>linkages to the origins of ancestors, a strong relationship with the environment as well as a system of values determining economic, political, social and legal structures.</p> <p>Article 2 Environmental protection and management shall be executed based on principles of:</p> <ul style="list-style-type: none"> a. State's responsibility; b. Preservation and sustainability; c. Harmony and balance; d. Integration; e. Benefit; f. Precautionary; g. Fairness; h. Ecoregion; i. Biological diversity; j. Polluter's pay; k. Participatory; l. Local wisdom; m. good governance; and n. local autonomy. <p>Article 7 (1) Environmental inventorying....shall become the basis of the stipulation of an ecoregion.... (2) The ecoregion ...shall be stipulated by taking into account the similarity of:</p> <ul style="list-style-type: none"> a. characteristics of natural landscape; b. watershed; c. climate; d. flora and fauna; e. social culture; f. economy; g. community organization; and h. result of environment inventory. <p>Article 12. Natural resources shall be utilized on the basis</p>		

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		<p>ofc....living standard and welfare of communities.</p> <p>Article 23.</p> <p>(1) Criteria for a business and/or activity having substantial impact subject to Amdal...:</p> <p>d. potential to influence the...socio and cultural environments</p> <p>Article 63.</p> <p>(1) In protecting and managing the environment, the government shall be assigned and authorized to:</p> <p>t. stipulate policies and procedures for recognizing the existence of customary legal communities, local wisdom, and rights of customary legal communities with respect....to environmental protection and management.</p> <p>Decree 16/2012</p> <p>Article 5</p> <p>Attachment I, Part B</p> <p>2. The general description of environmental setting shall include:</p> <p>c) ...[C]ommunity health components, such as changes in the health level of the community.</p> <p>Decree 124/1997, Head of Environmental Impact Management Agency [BAPEDAL], Guidance on Public Health Aspects of Environmental Impact Assessments.</p> <p>Each type of business or activity requiring AMDAL should review the public health aspects of the site plan (typology of activities, the typology of the environment), environmental media, the public will be exposed, and the condition of public health and health resources.</p> <p>Gender mainstreaming into various planning, implementation and monitoring and evaluation process of development activities, including Amdal, UKL-UPL and environmental permit process basically have been set forth in laws and regulation and technical guidelines, as follows:</p> <p>1) UU No. 32/2009 on Environmental Protection and Management (PPLH): Explanation of Article 2 letter g mentioned that equality principle in environmental protection and management shall reflect proportionally equality for each citizen, in term of inter-region, inter-generation, and inter-gender;</p>		

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		<p>2) Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development, based on this Inpres all ministries and non-ministerial government institutions, governor, regen and mayor are instructed to implement gender mainstreaming (PUG) in order to deliver gender perspective planning, preparation, implementation, monitoring, and evaluation over national development policy and program as their respective duties and function, and their respective authority. In the appendix of this Inpres mentioned that one of the activities for PUG implementation is gender analysis, which represent a process systematically developed to identify and understand division of labor/role between men and women, access and control to development resources, participation in development process and benefits they enjoy, relationship pattern between men and women, which in the implementation consider other factors such as social class, race, and ethnics;</p> <p>3) Guideline on Gender Integration in Institutional Based Waste Management Program which published by Indonesia Infrastructure Initiative, Ditjen Cipta Karya Kementerian PU together with DFAT and AusAid 2013. This guideline mentioned that Proponent and AMDAL consultant have opportunity to integrate gender in AMDAL process as follows:</p> <ul style="list-style-type: none"> a. Launch announcement/information in mass media which accessible for affected women and men affected; b. Involve women and men to deliver suggestion, opinion and response on the proposed program in public consultation; c. If necessary, arrange separate meeting for affected women and men to collect segregated and detailed opinion; d. Affected women and men shall be involved as members of Amdal Review Commission; e. Prepare and provide data on positive and negative impacts which may affect women, men, children, 		

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		<p>disabled persons and elder;</p> <p>f. Involve affected women and men as respondents in survey and interview;</p> <p>g. Affected women and men have access to read the report and give comments.</p> <p>In Chapter 7 of this Guideline explained role, responsibility and coordination among institutions in integrating gender in the Institutional Base Waste Management program. In the matrix mentioned that BLH has role and responsibilities as follows:</p> <p>a. Encourage and ensure that proponent and AMDAL consultant involve both women and men equally in all AMDAL stage.</p> <p>b. Assist, support and advise to Dinas PU/PDAM/PDPAL/BLUD PAL in socialization on hazard of pollution and importance of wastewater management.</p> <p>c. Involve environmental cadres (women and men) in socialization activities.</p> <p>Presidential Instruction 9/2000, Mainstreaming Gender in The Development Process</p> <p>Considering...</p> <p>.....In order to improve the position, role, and the quality of women, as well as efforts to achieve gender equality in family life, community, nation, and state, deemed necessary to carry out gender mainstreaming strategies into all national development processes;</p> <p>...Mainstreaming gender into the entire development process is an integral part of the functional activities of all institutions and government agencies at central and regional level;</p> <p>Given...</p> <p>Law 7/1984 on Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women</p> <p>Appendix: Guidelines on Gender Mainstreaming in National Development</p> <p>I. General</p> <p>In this Presidential Instruction referred to as:</p>		

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		<p>1. Gender mainstreaming is a strategy that is built to integrate gender into an integral dimension of the design, preparation, implementation, monitoring and evaluation of policies and national development programs.</p> <p>2. Gender is a concept that refers to the roles and responsibilities of men and women arising from and can be changed by the social and cultural circumstances.</p> <p>3. Gender Equality is the similarity of the conditions for men and women to opportunities and rights as human beings, to be able to contribute and participate in the political, economic, social, cultural, national defense and security, and equality in the enjoyment of the fruits of development.</p> <p>4. Gender justice is a process to be fair to both men and women.</p> <p>5. Gender analysis is a process that is built systematically to identify and understand the division of labor / roles of men and women, access to and control over resources development, participation in the development process and the benefits they enjoy...</p> <p>III. Scope The scope of gender mainstreaming includes all the planning, preparation, implementation, monitoring and evaluation of national development policies and programs.</p>		
2.6	Key element (6): Identify impacts on physical cultural resources.	<p>Decree 16/2012 on Guidelines on Preparation of Environmental Documents</p> <p>Article 5, Attachment I Part B. 2: General description of environmental setting includes: c) Social-Economic-Cultural component such as local culture, archeological site, cultural sites and others;</p>	Full Equivalence	None required
2.7	Key element (7): Assess potential transboundary impacts.	<p>Law 32/2009 on Environmental Protection and Management</p> <p>Article 63 (1) In protecting and managing the environment, the government shall be assigned and authorized to: m. stipulate and implement policies, protection and/or damage of inter-state border environment^c</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Decree 16/2012 on Guidelines on Preparation of Environmental Documents</p> <p>Article 6 (1) (d) Holistic Evaluation of the Environment, Attachment II Part B (4) Based on the review if the interconnection and interaction of Hypothetical Significant Impact (DPH), information on areas that require particular attention (area of concern), as well as their coverage (local, regional, trans-national or international).</p>		
2.8	<p>Key element (8): Assess potential global impacts, including climate change.</p>	<p>Law 32/2009 on Environmental Protection and Management</p> <p>Preamble Considering...e. that...global warming has caused climate change thus worsening ...environmental quality, environmental protection and management are needed;</p> <p>Article 1. 19. Climate Change is...climate change attributed directly or indirectly by human activities thus changing the composition of the atmosphere globally, as distinguished from change in the variability of natural climate observed in a comparable period.</p> <p>Article 3. Environmental Protection and Management shall aim at:...j. anticipating global environmental issues</p> <p>Article 21 (1) In order to determine the occurrence of environmental deterioration, standard criteria set up for environmental deterioration. (2) Standard criteria for environmental deterioration covering standard criteria for ecosystem deterioration and standard criteria for deterioration due to climate change.</p> <p>Article 63 (1) In protecting and managing the environment, the government shall be assigned and authorized to: j. stipulate and implement policies on control over impacts of climate change and protection of ozone layer.</p>	Full Equivalence	None required
2.9	<p>Key element (9): Use strategic environmental assessment where appropriate.</p>	<p>Law 32/2009 on Environmental Protection and Management</p> <p>Article 1.</p>	Full Equivalence	None required

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		<p>10. Strategic Environmental Assessment.... (KLHS) defined as a series of systematic, comprehensive and participatory analyses to ascertain that the principles of sustainable development have been integrated into the development of a region and/or policy, plan or program.</p> <p>Article 15.</p> <p>(1) The National and Local Governments shall be obliged to conduct KLHS [Strategic Environmental Assessment] to ensure that sustainable development has been used as a basis of and integrated into the development of a region and/or policy, plan, and/or program.</p> <p>(2) The National and Local Governments shall be obliged to implement KLHS.....</p> <p>in the formulation or evaluation of: b. policies, plans, and/or programs with potential to cause environmental impacts and or risks.</p> <p>Article 17</p> <p>(1) The results of KLHS...shall become the basis for development policies, plans and/or programs in a region.</p> <p>(2) Should the results of KLHS...certify...that the policy, plan, and/or program exceed the carrying capacity of the environment:</p> <p>a. the development policies, plans and/or programs shall be improved in accordance with the recommendations of the KLHS; and</p> <p>b. all businesses and/or activities already surpassing the support and carrying capacities of the environment shall no longer be permitted.</p> <p>Government Regulation No. 46/2016 on Procedures for Implementation of Strategic Environmental Assessment</p> <p>Article 15 (summary)</p> <p>Government and Local Government is obliged to prepare KLHS for spatial plan KRP (policy, plan and program), Development, and those affect to environment through assessment mechanism, preparation of alternatives, and policy recommendation.</p> <p>Article 16 (summary)</p> <p>KLHS contains among others: environmental carrying capacity and supporting capacity, environmental impacts and risks, performance of ecosystem/environmental service, efficiency of natural resource utilization, resilience of biodiversity, and capacity to climate change.</p> <p>Article 17 (summary)</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		KLHS become basis of KRP and once declared the environmental carrying capacity and supporting capacity exceeded it should be improved and not allowed again		
3.0	Policy Principle 3: Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.			
3.1	Key element (1): Examine alternatives to the project's location, design, technology and components and their potential environmental and social impacts; document selection.	<p>Decree 16/2012 on Guidelines on Preparation of Environmental Documents</p> <p>Annex I: Environmental Impact Assessment (AMDAL) study is a feasibility study of environmental aspects, therefore there are possibly components of a plan of work or activities that may have several alternatives such as location, utilization of equipment for production process, capacity, technical specification, work facility and/or activities, building's layout, time, operation period, and/or other types of alternatives. The alternatives reviewed in AMDAL might be pre-determined alternatives or those resulted during AMDAL process.</p> <p>Functions and benefits of alternatives examination in the AMDAL study are:</p> <ol style="list-style-type: none"> 1) Ensure that environmental considerations have been integrated into selection process of alternatives other than economic and technical factors. 2) Ensure that proponent and decision makers have considered and applied pollution prevention principles and/or environmental deterioration in the context of environmental management. 3) Provide an opportunity for stakeholders who are not fully involved in the decision making process, to evaluate various aspects of the business and/or activity and how a decision finally approved. 4) Provide a framework for transparent decision-making based on the scientific considerations. <p>If there are alternatives, the Terms of Reference document also explains on the selection process of alternatives. Explanations in this section should provide systematic and logic description of the process which generates alternatives to be studied including:</p> <ol style="list-style-type: none"> 1) Explanation on rationale in determining factors to be considered in 	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>assessing alternatives.</p> <p>2) Explanation on procedures to be used to select alternatives available, including means of identification, forecasting and rationale to be used to provide weighting, scale or ranking as well as ways to interpret the results.</p> <p>3) Explanation on selected alternatives to be studied further in Amdal.</p> <p>4) Citing of references to be or has been used as of information sources in selecting alternative.</p> <p>Annex II to Minister of the Environment Regulation 16/2012 Guidelines on Preparation of Environmental Documents</p> <p>Should Amdal provide some alternative components of the business plan and/or activities (e.g. alternative locations, the use of the means of production, capacity, technical specifications, business facilities and/or activities, building layout, time and duration of the operation), then in this section, the AMDAL document must describe and provide recommendations as well as the rationale on choosing the best alternative. In the selection of these alternatives, compiler of AMDAL document shall use scientific methods applicable nationally and/or internationally as supported in the literature.</p>		
3.2	<p>Key element (2): Consider the no project alternative.</p>	<p>Assessment of alternatives represent the core of AMDAL system, as stipulated in PerMENLH No. 16/2012 on Guideline on Preparation of Environmental Document (Amdal, UKL-UPL and SPPL) and other MENLH regulation which explicitly mentioned on assessment of alternatives such as:</p> <p>1) Appendix I of PerMENLH No. 16/2012, Guideline on Preparation of KA Document, which contain: Part 2 Scoping:</p> <ol style="list-style-type: none"> Point a description of proposed business and/or activity, number 3: description of proposed business and/or activity to be assessed focus on components of activities potentially affect environment based on stage of activities, including its alternatives (if there is alternative) and environmental management which already prepared or planned from the beginning; On the other part also emphasized that there is possibility component of business and/or activity has several alternatives, among others alternatives for 	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>location, use of production equipment, capacity, technical specification, and facilities. Further, this part also explains function and benefit of alternative assessment and alternative selection process;</p> <p>c. Point b description of environmental baseline (<i>environmental setting</i>): in case there are alternatives for location, the description of environmental baseline shall be made for each location.</p> <p>2) Appendix II of PerMENLH No. 16/2012, Guideline on Preparation of ANDAL Document, which contain:</p> <p>a. Point 2 description of environmental baseline (<i>environmental setting</i>): in case there are alternatives for location, the description of environmental baseline shall be made for each location.</p> <p>b. Point 3 Prediction of Significant Impact, letter c: One of the aspects to be considered in predicting significant impact is that the assessment carried out by analyzing difference between environmental quality with project (proposed business and/or activity) and one without proposed business and/or activity in timeframe set forth by using impact prediction method. Without business and/or activity in this context is without project (<i>no project alternative</i>);</p> <p>c. Point 4 Prediction of Significant Impact: in this part also mentioned that Amdal provides several alternatives of components of proposed business and/or activity. In this case Amdal compiler shall have explained and provided recommendation for the best alternative and basis for the selection.</p>		
4.0	Policy Principle 4: Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.			
4.1	Key element (1): Avoid, and where avoidance is not	Law 32/2009, Environmental Protection and Management	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
	possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management.	<p>Article. 13</p> <p>(1) Pollution and/or environmental deterioration shall be controlled in the framework of preserving environmental functions.</p> <p>(2) Control over pollution and/or environmental deterioration as referred to Clause (1) shall cover:</p> <ul style="list-style-type: none"> a. prevention; b. mitigation; and c. restoration. <p>(3) Control over pollution and/or environmental deterioration as referred to Clause (1) shall be undertaken by the [national] government, regional governments and personnel in charge of businesses and/or activities on the basis of their respective scopes of authority, role, and responsibility.</p> <p>Article 43</p> <p>(1) The instruments for development planning and economic activities as referred to Article 42 Clause (2) letter a cover:</p> <ul style="list-style-type: none"> a. natural resources and environment balance; b. formulation of gross domestic product and regional gross domestic product which incorporate the depreciation of natural resources and environmental deterioration; c. compensation/environmental services mechanism among regions; and d. internalization of environmental costs. <p>(2) The instrument of the environmental management...shall include:</p> <ul style="list-style-type: none"> a. guarantee funds for environmental restoration; b. funds for pollution and/or deterioration mitigation and environmental restoration; and c. conservation trust funds. <p>Law 32/2009, Environmental Protection and Management</p> <p>Article 53.</p> <p>(1) Anyone polluting or deteriorating the environment shall be obliged to mitigate the pollution and/or environmental deterioration.</p> <p>(2) The pollution and/or environmental deterioration ... shall be mitigated by:</p> <ul style="list-style-type: none"> a. providing information about...[the] pollution and/or environmental deterioration [to] communities b. isolating pollution and/or environmental deterioration; c. stopping [the] source of pollution and/or environmental 		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>deterioration; and/or</p> <p>d. other methods in accordance with advance of science and technology</p> <p>3) Further provisions on procedures for mitigating the pollution and/or environmental deterioration as referred to Clause (1) will be stipulated in government regulation.</p> <p>Article 54.</p> <p>(1) Anyone who pollutes or deteriorates the environment shall restore [its] environmental function.</p> <p>(2) The environmental function...shall be restored in phases;</p> <p>a. Stopping of [the] source of pollution and cleaning of pollutants;</p> <p>b. remedy;</p> <p>c. rehabilitation</p> <p>d. restoration; and/or</p> <p>e. other methods in accordance with advance of science and technology.</p> <p>Decree of Minister of Environment (PermenLH) 16/2012, Guidelines on Preparation of Environmental Documents</p> <p>Article 7,</p> <p>Substance of Environmental Management and Monitoring Plans (RKL-RPL) Annex III (b.2):</p> <p>The Environmental Management Plan (RKL) as well as the Environmental Impact Assessment (AMDAL) documents describe how the impacts to be managed with respect to the following elements:</p> <p>a. Environmental impact (significant impact and other environmental impact).</p> <p>b. Source of impact (significant impact and other environmental impact).</p> <p>c. Successful indicator of environmental management</p> <p>d. Environmental Management Form.</p> <p>e. Environmental Management Location</p> <p>f. Environmental Management Period</p> <p>g. Environmental Management Institution</p> <p>Decree of Minister of Environment (PermenLH) 16/2012, Guidelines on Preparation of Environmental Documents</p> <p>Article 7,</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		Substance of Environmental Management and Monitoring Plans (RKL-RPL): The scope of Environmental Management and Monitoring Plans cover efforts to prevent, control, and manage significant and negative impacts to the environment, as well as measures to enhance the positive impacts resulting from the proposed activity...		
4.2	Key element (2): Prepare an environmental management plan (EMP) that includes the proposed mitigation measures that reduce potential adverse impacts to the level of no significant harm to third parties, and apply the polluter pays principle.	Law 32/2009, Environmental Protection and Management Article 2. Environmental protection and management shall be executed on the basis of....j. polluter pays ⁹ Article 42 (2) The instrument of environmental funding...shall include: ^h a. Guarantee funds of environmental restoration; b. Funds of pollution and environmental deterioration mitigation and environmental restoration; and c. Conservation trust funds... Article 43 (1) The instrument of planning of economic development and activities...shall include: d. internalization of environmental costs. ⁱ Article 54 (1) Anyone who pollutes or deteriorates the environment shall restore [its] environmental function. (2) The environmental function...shall be restored in phases; a. Stopping of [the] source of pollution and cleaning of pollutants; b. remedy; c. rehabilitation d. restoration; and/or e. other methods in accordance with advance of science and technology. Article 55 (1) Holders of the environmental permits shall be obliged to provide guarantee funds for the restoration of environmental function. (2) The guarantee funds shall be [deposited in] state banks appointed by the Minister, governors, or regents/mayors by virtue of their authority.	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>(3) The Minister, governors or regents/mayors...may [designate a] third party to restore the environmental function using guarantee funds.</p> <p>Article 82</p> <p>(1) The Minister, governors or regents/mayors shall be authorized to compel personnel in charge of businesses and/or activities to restore the environment attributed to pollution and/or deterioration committed by [them].</p> <p>(2) The Minister, governors or regents/mayors shall be authorized to appoint for [a]...third party to restore the environment attributed to pollution and/or deterioration committed by personnel in charge of businesses and/or activities at the expense of said personnel....</p> <p>Article 87</p> <p>(1) Every person...in charge of businesses and/or activities committing [a] legal violation in the form of pollution and /or deterioration incurring losses on other people or the environment shall be obligated to pay compensation for the losses and/or take certain [other] measures.^m</p> <p>Article 88.</p> <p>Everybody which action, business and/or activity using B3 [hazardous substances], producing and/or managing B3 waste and/or causing serious threat to the environment shall be responsible absolutely for the incurred losses without the necessity to prove a substantive mistake.</p> <p>GR 27/2012</p> <p>Article 53:</p> <p>(1) The Environmental Permit Holder shall:</p> <ol style="list-style-type: none"> comply with the requirements and obligations in accordance with the Environmental Permit and Environmental Protection and Management Permits; develop and submit reports of Environmental Permit Implementation to the Ministry, Governor or Major; and provide a performance bond/budget for the remedy of environmental functions. <p>(2) The report should be submitted at least every 6 months.</p> <p>Decree 16/2012</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Article 7 Substance of Environmental Management and Monitoring Plans (RKL-RPL) Annex III (b)</p> <p>2. Within the scope of the Environmental Management Plan (RKL), documents shall describe how resulting impacts will be managed by providing the following elements:</p> <ul style="list-style-type: none"> - Environmental Management Form. - Environmental Management Location - Environmental Management Institution <p>3. Related to content of RKL-RPL ...the Compiler shall explain or elaborate these following issues:</p> <p>a. Statement regarding goal and objective of RKL-RPL implementation in general. The statement should be explained systematically, briefly and clearly.</p> <p>b. Commitment to accomplish a sustainable RKL-RPL in the sequence of avoidance, management and control of environmental impacts caused by project activities and conduct training for the labor contractors concerning environmental matters.</p> <p>Environmental Management Plan. In this part, the Compiler elaborates the types of environmental management that will be undertaken concerning the impact of activities in order to avoid, prevent, minimize and/or controlling any negative impacts and to enhance positive impacts.</p> <p>Appendix III, Minister of Environment 16/2012 Guidelines on Preparation of Documents RKL-RPL</p> <p>2. The scope of environmental management plan RKL includes efforts to prevent, control and mitigate significant environmental impacts and other negative environmental impacts and enhance the positive impact arising from a planned business and/or activity.</p>		
4.3	Key Element (3): Include environmental monitoring and reporting requirements in the environmental management plan (EMP).	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 48 The government shall encourage person in charge of businesses and/or activities to undertake environmental audits in order to improve environmental performance:</p> <p>Article 49</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>(1) The Minister shall require an environmental audit for:</p> <ul style="list-style-type: none"> a. Certain business and/or activities highly risky to the environment and/or b. Personnel in charge of businesses and/or activities [demonstrating] disobedience to legislation..... <p>(3)The environmental audit of ...certain highly risks activities shall be executed periodically.</p> <p>Article 50</p> <p>(1) [Should] personnel in charge of a business and/or activity not executing the [environmental audit] obligations...the Minister may assign an independent third party to undertake the environmental audit at the expense of the...personnel in charge of the business and/or activity.</p> <p>(2) The Minister shall announce the results of the environmental audit.</p> <p>Decree of Minister of Environment (PermenLH) 16/2012, Guidelines on Preparation of Environmental Documents</p> <p>Article 7, Annex III (b.3)</p> <p>The Environmental Monitoring Plan (RPL) document includes the following elements:</p> <p>(a) Monitored impact, (b) Monitoring forms, and (c) Monitoring Institution.</p> <p>According to Decree 16/2012, Attachment IV, C, will receive reports regarding the performance of the UKL/UPL commitment on a quarterly basis for effluent quality and on a a semi-annual basis for ambient receiving water quality.</p> <p>Appendix III, Minister of Environment 16/2012 Guidelines for Preparation of RKL-RPL Documents</p> <p>There are several factors that need to be considered in formulating the environmental monitoring plan in RKL-RPL:</p> <p>f. The Environmental Monitoring Plan needs to identify the institution responsible for implementation of monitoring, the results of monitoring, and supervisory monitoring activities.....and should specify institutional arrangements that will related to the environmental management, in accordance with the legislation applicable at both national and regional levels in each environmental management plan.</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Environmental Monitoring Institutions must specify:...</p> <p>b. Supervisory environmental management: identify the institution that will act as a watchdog for the implementation of the RKL. Agencies involved in supervision may be more than one institution in accordance with the scope of authority and responsibility, as well as the laws and regulations in force.</p>		
4.4	<p>Key Element (4): Include institutional or organizational arrangements and capacity development in the environmental management plan (EMP).</p>	<p>Decree 16/2012, Guideline on Preparation of Environmental Documents</p> <p>Article 7, Substance of Environmental Management and Monitoring Plans (RKL-RPL) Attachment III (b) numbers 2 and 3:</p> <p>The Environmental Management Plan (RKL) documents describe the management of resulting impacts by providing the following elements: Environmental Management Institution.</p> <p>Appendix III, Minister of Environment Number 16 in 2012 Guidelines for Preparation of Environmental Documents: Guidelines for Preparation of RKL-RPL Documents</p> <p>2. Scope of Environmental Impact Plan To handle the significant impacts that have been predicted from ANDAL studies... environmental management can be formulated using one or more environmental approach, which is known as: technological, social, economic, and <i>institutional</i> (emphasis added).</p> <p>3. Scope of environmental monitoring plan f. The environmental monitoring plan needs to address institution for environmental monitoring. Institution for environmental monitoring refers to the institution responsible as implementers of monitoring, reporting of the monitoring results, and supervisory of monitoring activities.</p> <p>Government Regulation 27/2012, Environmental Permit</p> <p>Article 64 (1). (1) The Central Environmental Institution conducts capacity building for: a. the Provincial ARC (AMDAL Review Commission) and District/Municipal ARC; and b. The Provincial and District/Municipal environmental agencies (2) The Provincial Environmental agency conducts capacity building</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		for: a. District/Municipal ARC and environmental agencies. (3) Capacity building shall among others include the following: a. AMDAL Education and Training; b. Technical Guidance on UKL-UPL; and c. Establishment of norms, standards, procedures, and criteria.		
4.5	Key Element (5): Include the proposed implementation schedule, cost estimates and performance indicators in the environmental management plan (EMP).	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 43 (1) The instrument of development planning and economic activities...shall include: d. internalization of environmental costs^d (2) The instrument of environmental funding ...shall include: a. guarantee funds of environmental restoration;^e b. funds of pollution and/or damage mitigation^e and environmental restoration;...</p> <p>Article 55 (4) Holders of the environmental permit....shall be obliged to provide guarantee funds for the restoration of environmental function (5) The guarantee funds shall be [deposited in] state banks appointed by the Minister, governors, or regents/mayors by virtue of their authority. (6) The Minister, governors or regents/mayors...may [designate a] third party to restore the environmental function using guarantee funds.</p> <p>Government Regulation 27/ 2012, Environmental Permit</p> <p>Article. 69 (1): Budget for activity: a. AMDAL Review conducted by AMDAL Review Commission, technical team and Secretary of AMDAL Review Commission; or b. Review of UKL-UPL carried out by Central, Provincial or District/Municipality environmental agency shall be allocated from the State Budget or Local Budget with regards to the existing regulations;</p> <p>(2) The service for AMDAL Review and UKL-UPL examination conducted by AMDAL Review Commission and Technical Team will be charged to the proponent as required by prevailing regulations.</p> <p>Decree of Minister of Environment (PermenLH) 16/2012,</p>	Full Equivalence	None required

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		<p>Guidelines on Preparation of Environmental Documents</p> <p>Article 7 Concerning Substance of Environmental Management and Monitoring Plans (RKL-RPL) Attachment III (2) and (3): The Environmental Management Plan (RKL) shall describe the management of the resulting impacts by providing the following elements:</p> <ul style="list-style-type: none"> j. Successful indicator of environment management k. Environmental Management Period <p>Attachment III (A) (3) (d): Environmental Monitoring shall be adequately resourced for budget purposes sufficient for sustained monitoring throughout the term of the business or activity to be monitored.</p> <p>Appendix III, Minister of Environment 16/2012 Guidelines on Preparation of RKL-RPL Documents</p> <p>The AMDAL document specifies the measures to be undertaken to avoid, prevent, minimize and/or control the negative impacts and enhance positive impacts.</p> <p>The RKL is described briefly and clearly in the form of a matrix or table containing environmental management of impacts, delivering the following elements:</p> <ul style="list-style-type: none"> a. Environmental impact (significant impacts and other environmental impacts). b. Source of the impact (significant impacts and other environmental impacts). c. Indicators of success for environmental management. d. Environmental management forms. e. Location of environmental management. f. Period of environmental management. g. Institutions for environmental management. <p>There are several factors that need to be considered in formulating the environmental monitoring plan in RKL-RPL, namely:</p> <ul style="list-style-type: none"> d. Environmental monitoring should be economically viable. Costs incurred for monitoring should be considered given the ongoing monitoring activities continue throughout the life of the business and/or activity. 		

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5.0	Policy Principle 5: Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.			
5.1	Key element (1): Carry out meaningful consultation with affected people and facilitate their informed participation.	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 2 Environmental protection and management shall be executed on the basis of [the following] principles:...</p> <p>k. participationⁿ</p> <p>Article. 18 (1) KLHS [Strategic Environmental Assessment] shall be executed by involving communities and stakeholders.^o</p> <p>Article 25 An AMDAL document shall contain: c. public recommendation, input as well as response to proposed business and/or activity</p> <p>Article 26 (1) The AMDAL document shall be formulated by the proponent by involving communities (2) Community involvement shall be based on the principle of transparent and comprehensive information provision prior to the implementation of the activity. (3) The communities...shall include a. the affected communities;... b. people who are interest in environmental issue (interest group/NGO); and/or c. parties affected by all kinds of decision(s) in the AMDAL process</p> <p>Law 32/2009, Environmental Protection and Management</p> <p>Article 65 (2) Everybody shall be entitled to...participation access.... Everybody shall reserve the right to participate in... environmental protection and management in accordance with legislation</p> <p>Article. 70 (1) Communities shall have...equal and broad right[s] to participate</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>actively in environmental protection and management.</p> <p>(2) Public participation may be in the form of</p> <ul style="list-style-type: none"> a. social control (supervision) b. Suggestion, opinion, recommendation, objection, complaint; and/or c. information and/or report <p>Minister of State for Environment Regulation 17/ 2012, Guidelines on Community Involvement in the Process of Impact Assessment and Environmental Permit</p> <p>Article 1</p> <p>(3) Implementation of community involvement in the process of environmental impact analysis ...is based on the following principles:</p> <ul style="list-style-type: none"> A. Providing transparent and complete information; B. Equality between the position of the parties involved; C. Settlement of problems that are fair and prudent; and D. Coordination, communication and cooperation among the parties concerned. <p>Appendix to Regulation 17/2012, Guidelines on Community Involvement in the Process of Impact Assessment and Environmental Permit</p> <p>Chapter I Introduction</p> <p>A. Background</p> <p>Law No. 32 of 2009 on the Protection and Environmental Management (UUPPLH) provides greater opportunities for people to participate in environmental protection and management (PPLH). ...The principle of participation is one of the key principles in this UUPPLH, by which <i>every member of the community</i> is encouraged to actively participate in the decision making process and the implementation of environmental protection and management, both directly and indirectly. [emphasis added]</p> <p>In accordance with the provisions of Article 26 of Law No. 32 of 2009 on the Protection and Management of the Environment Environmental Impact Assessment, AMDAL documents prepared by involving the public through announcements and public consultations. ^p</p> <p>UUPPLH and Government Regulation on Environmental Permits are required to ensure that in the AMDAL process and environmental permits, public is involved through:</p>		

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		<p>1. participation in AMDAL document preparation through the processes of announcement, delivery of advice, opinion and community feedback, public consultation and...participation.</p> <p>2. The announcement of application for environmental permit process, delivery of advice, opinion and community feedback as well as announcements after the environmental permit is issued. It is required both for business and /or activities requiring AMDAL and business and/or activities requiring UKL-UPL.</p> <p>Guidelines on community involvement in the AMDAL process and the environmental permit is indispensable... to ensure the implementation of the rights and obligations of the public in the field of PPLH, realizing the implementation of the environmental permit process as transparent, effective, accountable and qualified.....</p> <p>In addition, affected communities through its representatives shall be involved in the assessment process documents AMDAL and RKL-RPL through AMDAL Review Commission Meeting. Representatives of the communities affected is one member of the AMDAL Review Commission.</p> <p>Law 12/2014, Geothermal</p> <p>Article 65</p> <p>(1) In carrying out Geothermal undertakings, the community participates in:</p> <ul style="list-style-type: none"> a. keeping, protecting and maintaining the conservation of the areas used for the Geothermal business undertaking; and b. submitting reports in the existence of hazardous conditions, pollution/contamination, and/or damage to the environment within the area where activities of the Geothermal business are carried out. <p>(2) Pursuant to the performance of Geothermal management, the community has the right to:</p> <ul style="list-style-type: none"> a. obtain information relating to the Geothermal business undertaking through/from? the Government or Regional Government having the authority as applicable; b. take benefit from the Geothermal business activities from the enterprise's obligation regarding community social responsibility and/or the development of the local community; c. receive fairly compensation in case of deterioration resulting from wrongdoings in Geothermal undertaking activities in accordance to the laws and regulations; and 		

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		d. submit proceedings/legal actions through court for damages resulting from the Geothermal undertaking activities which violate the laws and regulations.		
5.2	Key element (2): Ensure women's participation in consultation.	<p>1) UU No. 32/2009 on Environmental Protection and Management:</p> <ul style="list-style-type: none"> a. Explanation of Article 2 letter g mentioned that equality principle in environmental protection and management shall reflect proportionally equality for each citizen, in term of inter-region, inter-generation, and inter-gender; b. As stipulation of Article 26, Article 39, Article 65, Article 67 and Article 70 of UU No. 32/2009, Amdal and environmental permit process shall involve community through announcement and public consultation, and provide suggestion, opinion and response. The community involved comprising of: <ul style="list-style-type: none"> i. Affected people, ii. Interest groups concerning with environment; and iii. People who affected upon all kinds of decision made during Amdal process; c. PP No. 27/2012 on Environmental Permit: As As stipulation of Article 9, Article 49 and Article 56, Amdal and Environmental Permit process shall involve community through announcement and public consultation, and providing suggestion, opinion and response. The community involved comprising of: <ul style="list-style-type: none"> i. Affected people, ii. Interest groups concerning with environment; and iii. People who affected upon all kinds of decision made during Amdal process; <p>2) Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development, based on this Inpres all ministries and non-ministerial government institutions, governor, regen and mayor are instructed to implement gender mainstreaming (PUG)</p>	Full Equivalence	Detailing and updating of Guideline on Public Consultation in AMDAL

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>in order to deliver gender perspective planning, preparation, implementation, monitoring, and evaluation over national development policy and program as their respective duties and function, and their respective authority. In the appendix of this Inpres mentioned that one of the activities for PUG implementation is gender analysis, which represent a process systematically developed to identify and understand division of labor/role between men and women, access and control to development resources, participation in development process and benefits they enjoy, relationship pattern between men and women, which in the implementation consider other factors such as social class, race, and ethnics;</p> <p>3) PerMENLH No. 17/2012 on Guideline of Community Involvement in Amdal and Environmental Permit Process: This regulation describes more detail guidance related to definition of community to be involved in Amdal, UKL-UPL and Environmental Permit Process, procedure on methods for community involvement through announcement and public consultation and determination of representatives of affected people to nominate as members of Amdal Review Commission as well as announcement for application of Environmental Permit and Environmental Permit issued;</p> <p>4) Decree of Head of Bapedal No. Kep-299/11/1996 on Technical Guideline on Social Aspect Assessment in Amdal Preparation, related to:</p> <ul style="list-style-type: none"> a. Scoping process of social impacts in KA, which in detail describe list of social component, sub-components and parameters which used as the characteristics of proposed business and/or activity and condition of local environment (location specific); b. Data collection and analysis as well as predication and evaluation of social impacts in ANDAL; c. Preparation of management and monitoring plan for social impacts in RKL-RPL 		

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		<p>4) Guideline on Public Consultation in Amdal (A Guidance for Proponent) which issued by Qipra, World Bank and KLH in 2002. In the guideline at Step 5 Determine Consultation Target, mentioned that in inventory of target groups, one of the methods for community grouping carried out based on main issue, i.e., based on special aspect, where in this guideline special attention shall be paid to people in the community which position vulnerable or strategic such as women. They need special attention since they often have inadequate opportunities to articulate their aspiration.</p> <p>This gender equally principle is emphasized with Presidential Instruction to implement gender mainstreaming (PUG) in every sector, including environmental protection and management.</p> <p>Presidential Decree (INPRES) 9/2000 Gender Mainstreaming in National Development, In order to improve the position, role and quality of female, as well as the work to realize equality in gender justice in the family, community and national life, it is perceived necessary to implement the gender mainstreaming strategy in all the national development process;</p> <p>First Presidential Instruction: Implementing gender mainstreaming to conduct planning, formulation, monitoring and evaluation of national development policy and program with gender perspective in accordance to its task, function and roles.</p>		
5.3	<p>Key element (3): Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment.</p>	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 1. 27. [An] Environmental Organization...[is] a group of organized people...established on the basis of their own which goal[s] and activities related to the environment</p> <p>Article 26 (1) The AMDAL document shall be formulated by the [project] proponent by involving communities</p> <p>(3) The communities...shall include: b. environmental activists</p> <p>Article 30. (1) Members of the AMDAL Review commission...shall consist of</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>representatives of (e) communities potentially affected by the project; (f) environmental organizations</p> <p>Ministry of Environment Decree (PermenLH) 17/2012, Guidelines on Community Involvement in the Process of Impact Assessment and Environmental Permit Attachment</p> <p>Article 2 Community involvement in AMDAL and in Environmental Licensing are based on the principles of: a. Providing transparent and complete information. b. Equal position among the parties c. Fair and wise dispute settlement. d. Coordination communication and partnership among the parties.</p> <p>Law 17/ 2013 Civil Society Organisations Considering: c. As a means for implementing freedom of association, assembly and expression of opinion, civil society organisations take part in development....</p> <p>d. Law Number 8 of the year 1985 on Civil Society Organisations⁹ is no longer compatible with the need and dynamics of in the life of the society, the nation and the state, so that it is deemed necessary to be replaced;</p> <p>Article 1 (1) Civil Society Organizations, hereinafter called “Ormas”, means any organizations founded and established by the people voluntarily based on similar aspirations, will, needs, interests, activities and goals in order to take part in development towards achieving the purpose of the Unitary State of the Republic of Indonesia which is based on Pancasila.^r</p> <p>Article 2. Principles of Ormas shall not contradict Pancasila and the ...Constitution of the Republic of Indonesia. Article 4. Ormas are voluntary, social, independent, non-profit and democratic.</p> <p>Article 8.</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Ormas shall have the following coverage:</p> <ul style="list-style-type: none"> a. national; b. province; or c. regency/city. <p>Article 12 (2) Validation as an association legal entity shall be issued by the minister in charge of government affairs in the field of law and human rights.</p> <p>Article 43 (1) Ormas founded by foreign citizens may carry out activities within Indonesia's territory.^s</p>		
5.4	<p>Key element (4): Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p>	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article. 26 (1) The AMDAL document shall be formulated by the proponent by involving communities (4) The communities...may raise objection to the AMDAL document.</p> <p>Article 63 (1) In protecting and managing the environment, the government shall be assigned and authorized to: r. develop and implement policies on the management of public complaints.</p> <p>Law 32/2009, Environmental Protection and Management</p> <p>Article (2) b. Public participation may be in the form of:... b.... objection, complaint; c. information and/or report</p> <p>Article 84 (1) Resolution of environmental dispute may be settled through the court or out of court. (2) The mechanism of settlement of environmental dispute shall be chosen voluntarily by the parties in dispute. (3) Lawsuit by court may only be [pursued] if the resolution of out-of-court ...is declared unsuccessful by any of the parties in dispute.</p> <p>Article 65 (3) Everyone have the right to submit ...suggestion and/or objection[s]</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>against businesses or activities predicted to affect environment</p> <p>(5) Everyone shall have the right to report alleged consequences of environmental pollution or damage. Article 85</p> <p>(1) Out-of-court settlement of environmental dispute(s) shall be executed to achieve an agreement on:</p> <ol style="list-style-type: none"> mode...and amount of compensation. Restoration of consequences of pollution and/or deterioration; certain measures to assure that the pollution and/or deterioration won't be repeated and/or; preventive measures [against] negative impact on the environment. <p>Article 86</p> <p>(1) Communities may establish independent and impartial institutes providing service for the settlement of environmental;</p> <p>(2) The government and regional governments may facilitate the establishment of the independent and impartial institutes providing service for the settlement of environmental dispute(s).</p> <p>Ministry of Environment Decree 09/2010, Guidelines on Community Grievances and Handling of Grievances caused by environmental pollution and or degradation</p> <p>Article 1 (1): A Grievance is an information submission written or unwritten by a person to the [responsible] authority concerning pollution and or environmental degradation caused by activities during planning, implementation or after implementation of an activity.</p>		
6.0	Policy Principle 6: Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.			
6.1	Key element (1): Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders.	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 65</p> <p>(2) Everybody shall be entitled to...information access...</p> <p>Minister of Environment Decree 17/2012, Part II:</p> <ul style="list-style-type: none"> - Participation of the community is conducted through an announcement of the work or activities plan, and through public consultancy prior to composing draft document. - To reach the aforementioned community, media used by the 	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>proponent the announcement should be in a form of printed media such as a local and/or national newspaper; announcement board that can be accessed by the affected community, and other media such as brochures, pamphlets, or banners;; electronic media such as television, websites, social media, text message, and/or radio, announcements; bulletin boards located at environmental agencies and institutions in charge for the business and/or activities at the Central, Provincial, and/or Municipal levels; and/or other usable media.</p> <ul style="list-style-type: none"> - Announcements must use correct Indonesian language, delivered clearly and understandable by all level of society. - Such community announcements shall be undertaken for a period of 10 working days. <p>Public Information Disclosure Act, 2008 (PIDA)</p> <p>Article 4</p> <p>(1) Every individual has the right to obtain public information pursuant to the provisions of this Law.</p> <p>(2) Every individual has the right:</p> <ul style="list-style-type: none"> a. to see and to know about public information; b. to attend public meetings that are open to the public in order to obtain public information; c. to obtain a copy of the public information by applying for it pursuant to this Law; and/or d. to disseminate Public Information pursuant to the regulations of the laws. <p>Article 9</p> <p>(1) Every Public Agency is obliged to announce Public Information periodically. The obligation to disseminate Public Information as referred to in paragraph (1) is ...</p> <p>(4) submitted in such a manner that it can be obtained easily by the people and in a simple language.</p> <p>Article 21</p> <p>The mechanism to obtain Public Information is based on the principle of supplying immediate, prompt[ly], and at low-cost information.</p>		
6.2	Key element (2): Disclose the final environmental assessment, and its updates if any, to affected people and other	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 39</p> <p>(1)The Minister, governor, or regents/mayors...shall be obliged to</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
	stakeholders.	<p>announce every application and decision on environmental permits^t</p> <p>(2) The announcement....shall be conducted by a method that the public can easily understand.</p> <p>Article 65.</p> <p>(2) Everybody shall be entitled to environmental... information....^u</p> <p>Minister of Environment Decree (PermenLH) 17/2012 Attachment: Part C, Disclosure of Environmental Assessment</p> <ol style="list-style-type: none"> 1. The Minister through delegation by the Minister to the Governor, through chief of the environmental agency, or the Head of District/Mayor through chief of institution of environment, announces the final environment Permits issued. 2. The announcement is done through mass media and/or multimedia including internet sites that can effectively and efficiently which reach common society. 3. Environmental Permits that have been issued by the Minister, Governor, or Head of District/Mayor must be disclosed at maximum 5 (five) days after the issue date. 4. Persons may file suit in case of objection to the issuance of the environmental Permit, 5. The procedure for suit is subject to State Administrative Procedural Law. <p>Public Information Disclosure Act, 2008 (PIDA)</p> <p>Article 4</p> <ol style="list-style-type: none"> (1) Every individual has the right to obtain Public Information pursuant to the provisions of this Law. (2) Every individual has the right: <ol style="list-style-type: none"> a. to see and to know about Public Information; b. to attend public meetings that are open to the public in order to obtain Public Information; c. to get a copy of the Public Information by applying for it pursuant to this Law; and/or d. to disseminate Public Information pursuant to the regulations of the laws. <p>Article 9</p> <ol style="list-style-type: none"> (1) Every Public Agency is obliged to announce Public Information periodically. The obligation to disseminate Public Information as referred to in paragraph (1) is 		

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		<p>(5) submitted in such a manner that it can be obtained easily by the people and in a simple language.</p> <p>Article 21 The mechanism to obtain Public Information is based on the principle of supplying immediate, prompt[ly], and at low-cost information.</p>		
7.0	Policy Principle 7: Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.			
7.1	Key element (1): Implement the EMP and monitor its effectiveness.	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 1. 28 [An] Environmental Audit [is an] evaluation executed to judge the compliance of personnel in charge of a business and/or activity to the legal requirements and policies stipulated by the government.</p> <p>Article 63 (3) (i) : The central, provincial and local Governments shall develop and supervise the compliance of persons in charge for business and/or activity based on the environmental licensing and regulations for management and protection of the environment.</p> <p>Article 71 (1) The Minister, governors or regents/mayors ...shall supervise the compliant of personnel in charge for businesses and/or activities [with] the provisions stipulated in environmental protection and management legislation. (2) The Minister, governors or regents/mayors may delegate the authority to conduct...supervision to technical functionaries/institutions in charge of environmental protection and management. (3) In executing...supervision the Minister, governors or regents/mayors shall assign environmental supervisors....</p> <p>Article 74 (1) The environmental supervisors as referred to Article 71(3) shall be authorized to: a. conduct monitoring; b. [request] information; c. make copies of documents and or/necessary notes; d. enter certain places; e. take photographs; f. make audio-visual records; g. take samples;</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>h. check equipment; i. inspect installations and/or transportation facilities; and/or; j. stop certain violations</p> <p>(2) Personnel in charge for businesses and/or activities shall be prohibited from preventing the execution of tasks of the environmental supervisors.</p> <p>Government Regulation 27/2012, Environmental Permit</p> <p>Article 8 (3) The Central Government or relevant institution shall supervise and support the person [or entity] in charge of AMDAL preparation.</p> <p>Annex III to Decree 16/2012</p> <p>3. Scope of environmental monitoring plan</p> <p>Environmental monitoring can be used to understand the phenomena that occur at various levels, ranging from the project level (to understand the consequences of the behavior of businesses and/or activities), or at the regional level; depending on the scale of the problem.</p> <p>Monitoring is an activity that takes place continuously and systematically relative to the relevant environmental components used as indicators to evaluate compliance, trends and critical levels (critical level) of an environmental impact and its associated management.</p> <p>a. Environmental component parameters to be monitored include those undergoing a fundamental change, or affected by important components / parameters of the environment affected by other environmental impacts.</p> <p>c. Monitoring can be conducted at the source of the cause of the impact and/or components/parameters of the affected environment. By monitoring both, management effectiveness can be assessed.</p> <p>d. Environmental monitoring should be economically viable. Costs incurred for monitoring should be considered given that the ongoing monitoring activities continue throughout the life of the business and /or activity.</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		e. Plan data collection and analysis aspects that need to be monitored, include: 1) type of data collected; 2) monitoring sites; 3) frequency and period of monitoring; 4) methods of data collection (including equipment and instruments used for data collection); 5) data analysis methods		
7.2	Key element (2): Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	Law 32/2009, Environmental Protection and Management Article. 50 (1) Should personnel in charge of a business and/or activity fail to execute the environmental audit obligations...the Minister may assign an independent third party to undertake the environmental audit at the expense of the...personnel in charge for the business...and/or activity. (2) The Minister shall announce [the] result of [the] environmental audit. Article 65 (2) Everybody shall be entitled to environmental...information... ^v Article 74 (1): The Environmental Supervision Officer per Article 71 (3) has authority to: (c) make copies of or takes notes from the documents. ^w Appendix III, Minister of Environment Number 16 in 2012 Guidelines for Preparation of RKL-RPL Documents Environmental management institutions need to: c. Report the results of environmental management and specify the agencies that will receive reports on environmental management activities on a regular basis in accordance with the scope of the task of the agencies concerned, and the legislation in force.	Full Equivalence	None required
8.0	Policy Principle 8: Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.			

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
8.1	<p>Key Element (1): Do not implement project activities in areas of critical habitats,^x unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated.</p>	<p>Law 5/1990, Conservation of Living Resources and Their Ecosystems (Law 5/1990)</p> <p>Article 2 (1) The conservation of preserved areas is aimed at preventing emerging deterioration to environmental functions.^y (2) The aim of the conservation of preserved areas is to: (a) Increase the preservation of soil, water, climate, vegetation, and wildlife functions along with national history and culture; [and] (b) Preserve the biodiversity of vegetation, wildlife, ecosystem types, and unique features of the environment.</p> <p>Article 5. Conservation of living resources and their ecosystems shall be brought about through... a. protection of life support systems; b. preservation of plant and animal species diversity and their ecosystems; [and] c. sustainable utilization of biological resources and their ecosystems.</p> <p>Article 8 (1) To realize the objective of Article 7,^z the government shall enact : a. certain areas as protection areas for a life support system; b. basic guidelines for regulating protection area for a life support system;</p> <p>Article 9 Every holder of land rights or rights over aquatic areas within a life support system shall be responsible for maintaining and obliged to ensure the continuity of the protected function of the area.</p> <p>Article 10. Degradation within a life support system area due to natural processes or unwise utilization or other causes shall be followed by planning and continuous rehabilitation efforts.</p> <p>Article 11. The preservation of plant and animal species diversity, including their ecosystems shall be conducted through the following activities; a. preservation of plant an animal diversity within their ecosystems; [and] b. preservation of plant and animal species in an individual sense.</p>	Full Equivalence	None required.

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Article 12. The preservation of plant and animal diversity and their ecosystems shall be implemented by maintaining the integrity of natural sanctuary reserves in their original conditions.</p> <p>Article 13. (1) The preservation of plant and animal species shall be implemented both inside and outside natural sanctuary areas.</p> <p>Article 19 (3) A change of nature integrity of a sanctuary reserve....includes decreasing or deteriorating of functions and area of a sanctuary reserve as well an introduction of exotic plant and animal species.</p> <p>Law 1/2014 Amendment to Law 27/2007 on the Management of Coastal Areas and Small Islands</p> <p>Article 1, Paragraph 33 Customary legal community is a group of people who hereditarily reside in a certain geographic area...due to ancestry, strong ties with land, area and natural resources.....^{nX}</p> <p>Article 1, Paragraph 35. Traditional community is a fishery traditional community whose traditional right is still recognized is catching fish or carrying out other legal activities in a certain area...^{nX}</p> <p>ANNEX I to Minister of the Environment Regulation 16/2012, Guidelines for Preparation of Environmental Documents</p> <p>Based on the results of spatial analysis, AMDAL document compilers can conclude whether the location of the business and/or activity [is located] inside or outside [an] area of primary natural forests [or] peat lands listed in PIPB. If the location of a business plan/or activity are in PIPB, except for certain activities are excluded as stated in Presidential Decree No. 10 of 2011, then the AMDAL documents cannot be processed further.</p>		
8.2	<p>Key Element (2): If a project is located within a legally protected area,^{aa} implement additional programs to promote and enhance the conservation</p>	<p>Law 5/1990, Conservation of Living Resources and Their Ecosystems</p> <p>Article.1 9. A sanctuary reserve...is a specific terrestrial or aquatic sanctuary</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
	aims of the protected area.	<p>area having as its main function preserving biodiverse plants and animals as well as an ecosystem which...acts as a life support system.</p> <p>Article 13 (2) The preservation of plant and animal species within sanctuary reserves shall be conducted without interference so that the plant and animal population shall be in natural balance within their habitats.</p> <p>Article 16 The management of sanctuary reserves shall be implemented by the Government as an effort to preserve plant and animal species diversity and their ecosystems</p> <p>Article 19 (1)...All persons are prohibited from...any activity which leads to the change of natural integrity of a sanctuary reserve.</p> <p>Article 14. Sanctuary reserves... consist of: a. Strict nature reserve[s]...</p> <p>Article 1 10. A strict nature reserve is a sanctuary reserve area having a characteristic set of plants, animals and ecosystems which must be protected and allowed to develop naturally.</p> <p>Article 17 (1) Activities for research and development, science, education and other activities supporting enhanced breeding are permitted within...strict nature reserves.</p> <p>Article 14 Sanctuary reserves... consist of: b. Wildlife sanctuaries.</p> <p>Article 11. A wildlife sanctuary is a sanctuary reserve area having a high value of species diversity and/or a unique animal species, in which habitat management may be conducted, in order to assure their continued existence.</p> <p>Article 17 (2) ...[R]esearch and development, science, limited recreation and</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>other activities supporting enhanced breeding are permitted within...wildlife sanctuaries.</p> <p>Article 1. 12. A biosphere reserve is an area of native, unique, and/or degraded ecosystems, where all natural components need to be protected and sustained for ...research and education.</p> <p>Article1. 13. A nature conservation area is a specific terrestrial or aquatic area whose main function is to preserve the diversity of plant and animal species, as well as provide... sustainable utilization of living resources and their ecosystems.</p> <p>Article 33 (3) Any and all persons are prohibited from undertaking activities...inconsistent with the functions of Nature Conservation Areas...</p> <p>Article 35 Under certain conditions and when clearly necessary for the purposes of maintaining or rehabilitating nature resources and their ecosystems] the government may halt utilization activities and close Nature Conservation Areas.</p> <p>Law 5/1990, Conservation of Living Resources and Their Ecosystems</p> <p>Article 29 (1) Nature Conservation Areas consist of... a. National Parks</p> <p>Article 1 14. A national park is a nature conservation area which possesses native ecosystems, and which is managed through a zoning system...which facilitates research, science, education, breeding enhancement, recreation and tourism...</p> <p>Article 32 A National Park is managed through a zoning system which may consist of a Core Zone,^{ab} Utilization Zone,^{ac} and other zones, depending on necessity.^{ad}</p>		

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		<p>Article 33 (1)...All persons are prohibited from activities which may modify the natural integrity of a...Core Zone such as: (2)...diminishing or degrading the functions and area of the Core Zone or introduce exotic species and plants and animals (3) All persons are forbidden from undertaking any activity which is not consistent with the zonal functions of a National Park</p> <p>Article 29 (1) Nature Conservation Areas consist of... b. Grand Forest Parks</p> <p>Article 1. 15.. A Grand Forest Park is a nature conservation areas intended to provide a variety of indigenous and/or introduced plants and animals for research, science, education, breeding enhancement, culture, recreation and tourism purposes.</p> <p>Article 29 (1) Nature Conservation Areas consist of... c. Natural Recreation Parks</p> <p>Article 1. 16. A nature recreation park is a nature conservation area mainly intended for recreation and tourism purposes.</p> <p>Article 30 The function of a Nature Conservation Area is the protection of life support systems, preservation of species diversity, and sustainable utilization of living resources and their ecosystems.</p> <p>Article 31 (1) Activities relating to research, education, breeding enhancement, culture and nature recreation are allowed in a National Park, Grand Forest Park and Natural Recreation Park. (2) Such...activities must be carried out within diminishing the specified function for each area.</p> <p>Article 10 Degradation within a life support system area due to natural processes or unwise utilization or other causes shall be followed by planning and continuous rehabilitation efforts.</p> <p>Regulation of the Minister of Forestry No. 30/2009 on</p>		

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		<p>Implementation Procedures for Reducing Emissions for Deforestation and Forest Degradation (REDD)</p> <p>Article 1 Definitions</p> <p>8. Protected Forest means a forest area which has the main function of protecting living support systems such as ...regulation of water management, flood prevention, erosion, control, prevention of sea water intrusion and maintaining soil fertility.</p> <p>9. Conservation Forest means a forest area with certain distinct traits, which has the main function of preserving flora and fauna biodiversity and its ecosystem.</p> <p>Presidential Decree 32/1990 On Management of Protected Areas (Presidential Decree 32/1990)</p> <p>Article 2:</p> <p>(3) Conservation of a preserved area is aimed to prevent emerging damage on environmental function. The aim of conservation of a preserved area is to:</p> <p>(a) Increase the preservation of soil, water, climate, vegetation, and wildlife function along with the national history and culture;</p> <p>(b) Preserve the biodiversity of vegetation, wildlife, ecosystem type, and uniqueness of environment.</p> <p>Article 37:</p> <p>(1) In a preservation area, it is prohibited to undertake cultivation, except that which does not disturb... environmental functions.</p> <p>(2) Within wildlife and culture reserves, it is prohibited to undertake cultivation, except that that which does not change... environmental functions, geographical structure, site utility conditions, or natural existing ecosystems.</p> <p>(3) If the Environmental Impact Analysis of a proposed cultivation activity indicates that its conduct interferes with an environmental function, the activity shall be no longer proceed and the natural functions of the preserved area should be recovered in stages.</p> <p>Decree of Minister of Environment (PermenLH) No. 05/2012</p> <p>Article 3</p> <p>(1) A Work and/or Activities Plan undertaken :</p>		

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		<p>a. inside a conservation area; and/or b. in the border of protected area is obliged to conduct an Environmental Impact Assessment (AMDAL).</p> <p>Law 21/2014 Geothermal Article 1 Definitions 2. Forest area is a specific...area... determined by the Government to be maintained as permanent forest.</p> <p>Article 2. The management/undertaking of Geothermal activities must adhere to the following principles: h. conservation of the environment's functions.^{ae}</p> <p>Article 5 Paragraph (1) "Conservation Forest Area" means Nature conservation and Sanctuary reserve areas covering land as well as waters.</p> <p>Article 24 Management of conservation forest is conducted in accordance to the forest's function comprising of: a. production forest for conservation of forest products b. protected forest for water conservation function; and c. conservation forest for the conservation of biological diversity.</p> <p>Article 62 (b) "Environment protection" means a systematic and integrated effort carried out to prevent pollution and/or to overcome/restore/remedy damages in the Geothermal Direct Utilization working areas.</p> <p>(g) "Management of environmental protection" means a systematic and integrated effort to prevent pollution and/or overcoming/restoring/management of damages within Geothermal working area resulting from Geothermal undertaking activities, such as land clearing, infrastructures works, construction works and drilling activities.</p> <p>"Reclamation" means the activities with the objective of repairing/restoring/remedying or managing the land function which had been impacted/hindered/impaired resulting from Geothermal business activities in order that such land can function and is effective in conformity with the purposes</p> <p>Regulation of the Minster of Forestry 06/2010, Norms, Standards, Procedures and Criteria for Forest Management in Protected</p>		

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		Forest Management Unit[s] (GR 06/2010) Article 1 1. Forest shall be any separable ecosystem unit in the form of ...land containing biological natural resources dominated by trees in natural association with its environment... 2. A Forest Zone shall be a certain...region designated by the Government which...must be sustained as permanent forest 5. Use of forest zone shall be...for the purpose of development offsite of the forest without changing the main status and function of the forest zone. 7. Forest protection shall be the effort to prevent and limit damage to the forest caused by human, livestock, fire, pest and disease... 14. A Protected Forest Management Unit...shall be the entire or part of the area...consisting of protected forest....		
8.3	Key Element (3): In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated.	Law 5/1990, Conservation of Living Resources and Their Ecosystems Article 1 8. A habitat is an environmental in which plants and animals are able to live and develop naturally. Article 10. Degradation within a life support system area due to natural processes or unwise utilization or other causes shall be followed by planning and continuous rehabilitation efforts. Article 13 (1) The preservation of plant and animal species shall be implemented both inside and outside natural sanctuary areas. (3) The preservation of plant and animal species outside the sanctuary reserves shall be conducted by protection and by promoting breeding efforts...to avoid species extinction. Minister of Agriculture Decree No. 11 of 2015 On Principle and Criteria of Indonesian Sustainable Palm Oil Certification System, Attachment II (4) Palm Oil companies are required to protect and conserve biodiversity in their respective management areas. Palm oil production companies must: (1) Provide a list of flora and fauna within and surrounding the plantation area (2) Report any endangered species of flora and fauna in to the Natural Resources Conservation	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Bureau/BKSDA and (3). Document if there is any unanticipated incident involving endangered species i.e. Elephant, tiger, rhino and the handling of any such those incidents.</p> <p>Decree No. 62/2013, Managing Agency for the Reduction of Emission] from deforestation and Degradation of Forest and Peatlands (Decree 62/2013)</p> <p>Article 1. In this Presidential Decree what is referred to as:</p> <p>8. Deforestation is permanent change from forested area to non-forested area.</p> <p>9. Forest degradation is the decrease in the quantity of forest cover and carbon stock in a certain period of time,</p> <p>Law No. 18/2013 Prevention and Eradication of Forest Destruction, August 6, 2013^{af}</p> <p>Considering:</p> <p>b. Forests must be utilized and used in an appropriate and sustainable way by considering ecological, social and economic functions and ensuring the continuity of forests for the present and future generations;</p> <p>Article 8.</p> <p>(1) The government and regional governments have the obligation to eradicate forest destruction.</p> <p>Law 1/2014, Amendment to Law 27/2007 on the Management of Coastal Areas and Small Islands</p> <p>Article 1 Definitions</p> <p>19. Conservation of coastal areas and small islands means an effort to protect, conserve and use coastal areas and small islands and their ecosystems to ensure the presence, availability and continuation of their]resources by...maintaining and improving the quality of their value and diversity.</p> <p>Article 15.</p> <p>Article 51 is amended...as follows:</p> <p>(1) The Minister, Governors, Regents and Mayors have the authority to:</p> <p>a. issue and revoke permits to use small islands and surround waters</p>		

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		<p>that have a significant impact with wide scope and strategic value^{ag} and ...result in environmental change.</p> <p>b. stipulate a change in the status of the core zone in the national conservation area.</p> <p>Article 12 Article 23 is amended...as follows: (3) Except for conservation, education and training, and research and development purposes, the use of small islands and surrounding waters shall:</p> <p>a. meet the requirements of...environmental management; b. consider the capacity and conservation of the local water management system; and c. use environmentally friendly technology.</p>		
8.4	<p>Key Element (4): Use a precautionary approach^{ah} to the use, development, and management of renewable natural resources.</p>	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 2. Environmental protection in management shall be executed on the basis of the following principles; e. prudence^{ai}</p> <p>Article 9 Natural resources ...consist...of biological and non-biological resources wholly forming a totality of the ecosystem.</p> <p>Part Two: Goals</p> <p>Article 3. Environmental Protection and Management shall aim at: h. Controlling the utilization of natural resources wisely.</p> <p>Article 18. Natural resource conservation... [is] the management of natural resources to assure wise utilization and the continuation of their availability by preserving and enhancing the quality... of biodiversity thereof.</p> <p>Article 57 (1) Environmental preservation shall be done through...: a. conservation of natural resources;^{aj} b. reservation of natural resources...^{ak}</p> <p>(2) The reserved natural resources....shall constitute natural resources not manageable in a specified period.</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Law 18/2013, Prevention and Eradication of Forest Destruction</p> <p>Considering...b Forests must be utilized in a...sustainable way by considering ecological, social and economic functions and ensuring the continuing of forests for the present and future generations</p>		
9.0	<p>Policy Principle 9: Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>			
9.1	<p>Key element (1): Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines.</p>	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 1. 13 Quality Standard of the Environment.... is the indicator or limit of substances...and/or pollutants that are deemed tolerable in a specified resource....</p> <p>Article 1. 14 Environmental pollution is the discharge....into the environment ...so as to exceed the stipulated environmental quality standard.</p> <p>Article 13: (1) Environmental pollution and/or damage shall be controlled in the framework of preserving environmental functions.^{al} (2)...C]ontrol of]environmental pollution and/or damage...shall cover: (3) (a) prevention; (b) mitigation and; (c) recovery</p> <p>Article 14. Instruments to prevent environmental pollution....shall consist of: a. KLHS [Strategic Environmental Assessment]; b. Spatial Planning; c. Environmental Quality Standards; d. Standard criteria of environmental deterioration; e. AMDAL (Environmental Impacts Assessment); f. UKL-UPL (Environmental Management and Monitoring Measures) g. Permitting;</p>	Full Equivalence	None required

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		<p>h. Environmental economic instruments; i. Environmental-based laws and regulation j. Environment-based budget; k. Environmental risk analysis; l. Environmental audit; and m. Other instruments, as demands and/or science development</p> <p>Article 20. (1) Environmental pollution shall be measured through the quality standard of the environment. (2) The quality standard of the environment shall include: a. quality standard of water (limit or content of creature, substance, energy or component which must exist and/or pollutants having tolerable content in water); b. quality standard of waste water (tolerable limit or content of pollutants which may be inserted into waste water); c. quality standard of sea water (the limit or content of creature, substance, energy or component which must exist and/or pollutants having tolerable content in sea water); d. quality standard of ambient air (limit or content of creature, substance, energy or component which must exist and/or pollutants having tolerable content in ambient air); e. quality standard of emission (tolerable limit or content of pollutants which may be inserted into air media); f. quality standard of nuisance (tolerable limit of pollutants, such as vibration, noise, and smell); and g. other quality standards of science and technology</p> <p>Article 23 (1) (i): Work and/or activities criteria which having significant impacts are subject to Environmental Impact Analysis regarding any technological implementation having significant potential to affect the environment.</p> <p>Article 40 (3): In the event of change [such as] ownership transfer, technological change, addition or reduction of production capacity, and/or business location subject to environmental Permit, the holder must renew the environmental Permit...</p> <p>Article 63 (1) In protecting and managing the environment, the government shall be assigned and authorized to s. stipulate minimum service standards;</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>(v) coordinate, develop, and socialize environmentally sound technology;</p> <p>(2) In protecting and managing the environment Provincial governments shall be assigned and authorized to develop and socializing the utilization of environmentally sound technology.</p> <p>Government Regulation 102/2000 on National Standardization (GR 102/2000)</p> <p>Article 2^{am}</p> <p>(1) The scope of national standardization includes...technique, standard, analysis, and quality of measurement</p> <p>(2) National Standardization is aimed at increasing protection for consumers, business owners, laborers, and other persons with respect to safety, health, and environment.</p> <p>Annex II to Minister of Environment Regulation 16/12 Guidelines on Preparation of EIA Documents...</p> <p>AMDAL documents set forth various options for management of environmental impacts ...in terms of the availability of management options best (<i>best available technology</i>), the ability of the proponent to undertake management options best (<i>best achievable technology</i>) and relevance management options available to local conditions. From the results of this research paper, the AMDAL document compilers can formulate the direction of the management and monitoring of the environment is the basis for the preparation of the RKL-RPL.</p> <p>Regulation of Minister of Environment (PermenLH) No. 1/2010, Water Pollution Control System</p> <p>Considering:</p> <p>c. Water pollution control must be implemented according to the norms, standard, procedure, and criteria stipulated by the Minister implementing administration for the protection and management of the living environment.</p> <p>Article1</p> <p>6. Water quality shall be...measured and/or tested based on certain parameters and...methods based on the statutory regulation.</p> <p>8. Standard Water Quality shall be [the] measurement limit or content of living creature, substance...or component...that must exist and/or</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>pollution element ...under consideration.</p> <p>9. Status of water quality shall be [the] level of water condition indicating pollution or good condition...by comparing the standard of water quality or the grade of water specified.</p>		
9.2	<p>Key element (2): Adopt cleaner production processes and good energy efficiency practices.</p>	<p>Minister of Environment Decree 31/2009 Directions and Control of Implementation of Environmental Management, Ecolabelling, Clean Production, and Local Environmental Technology Systems</p> <p>Article 1 (4) Clean production is a strategy of preventive, integrated, and continuously implemented conservation from upstream to downstream, related to production processes, products and services to increase efficiency of natural resource use, prevent environmental pollution prevention and reduce the formation of waste at source thus minimizing risks to the health and safety of humans and the environment.</p> <p>Article 3 (1) The Minister determines the form of environmental management system implementation, ecolabelling, clean production, and environmental technology, taking into consideration the views of national stakeholders. (2) Provincial and Regional Governments develop and supervise implementation of environmental management systems including, ecolabelling, clean production, and environmental technology in [their respective areas [of jurisdiction] consistent with the policy set forth by the Minister.</p> <p>Law 30/2007, Energy</p> <p>Article 20 (1). Energy supply is conducted through (d) diversification, conservation, and intensification of energy resources and energy.</p> <p>Article 21 (1). Energy utilization is based on the principles stated in Chapter 2:... (b) including technological, social, economic, conservation, and environmental aspects.</p> <p>Art. 23 Energy conservation is a systematic planned and integrated effort to conserve energy resources and use them efficiently.</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Art. 25</p> <p>(1) National energy conservation is the responsibility of Government, business, and society.</p> <p>(2) National energy conservation Art....covers all stages of energy management.</p> <p>(3) Energy users and producers of energy saving equipment should implement energy conservation at their own initiative and/or through government incentives.</p> <p>(4) Energy and energy resource users who do not implement energy conservation are not eligible to benefit from government incentives.</p> <p>Government Regulation 70/2009, Energy Conservation</p> <p>Article 1</p> <p>Energy Conservation shall be systematic, concerted and integrated efforts to conserve domestic energy resources and enhance efficient in its utilization.</p> <p>Article 4.</p> <p>The government...shall be responsible for</p> <p>e. facilitating and /or providing incentives for implementing energy conservation program[s].^{an}</p> <p>Article 7.</p> <p>Entrepreneurs...shall be responsible for:</p> <p>a. implementing energy conservation in every phase of business operation; and</p> <p>b. using energy efficient technology; and/or</p> <p>c. producing energy saver products and/or services</p> <p>Article 9.</p> <p>(1) The implementation of energy conservation shall cover all phases of energy management.</p> <p>(2) The management of energy ...shall cover the following activities:</p> <p>a. energy supply;</p> <p>b. energy exploitation;</p> <p>c. energy utilization; and</p> <p>d. energy resources conservation.</p> <p>Article 10.</p> <p>(1) Individuals, business entities and permanent establishments shall</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>be obliged to implement energy conservation in the supply of energy. (2) The implementation of energy conservation in the supply of energy covers:</p> <ul style="list-style-type: none"> a. planning ...the utilization of energy efficient technology; b. selection of infrastructure, facility, material and process using efficient energy directly or indirectly; and operation of energy efficient systems^{ao} 		
9.3	<p>Key element (3): Avoid pollution. When avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges.</p>	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 13 (1) Environmental pollution and/or damage shall be controlled in the framework of preserving...environmental functions. (2) Control of environmental pollution and/or damage shall cover:</p> <ul style="list-style-type: none"> a. prevention; b. mitigation; and c. restoration. <p>Article 21: Standard criteria are to be used for determining the event of environmental... ecosystem and... climate change damage.</p> <p>Decree 16/2012 Attachment I, Part B (2) 2 Ensuring that the decision maker and project initiator have considered and applied the principle of pollution and/or environmental damage prevention in regards to environmental preservation.</p> <p>Regulation of Minister of Environment (PermenLH) No. 1/2010, Water Pollution Control System</p> <p>Article 1 7. The target of water quality shall be...achieved within a certain period of time through implementation of a work program ...of water pollution control.</p> <p>19. Water pollution control is an effort to prevent and control water pollution and water quality recovery in order the guarantee....standard water quality.</p> <p>Article 12. The Regent/Mayor shall be obliged to reject an application for a location permit submitted by a...business and/or activity if based on</p>	Full Equivalence	None required.

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>the result of analysis.... water pollution load indications that the business and/or activity location plan...is a factor that....exceeds the water pollution load.</p> <p>Article 24. The Regent/Mayor shall stipulate requirements and procedures for permits...relating to discharge of waste water into...water resources.</p>		
9.4	<p>Key element (4): When avoidance is not possible, minimize or control the intensity or load of direct and indirect greenhouse gases emissions.</p>	<p>Law 17/ 2004 Ratification of Kyoto Protocol to the United Nations Framework Convention on Climate Change</p> <p>Considering:</p> <p>b. that Indonesia with Law No. 6 of 1994 has ratified the United Nations Framework Convention on Climate Change (Framework Convention of the United Nations on Climate Change), which mandates the establishment of a protocol;</p> <p>c. that the Earth's climate changes due to increased concentrations of greenhouse gases in the atmosphere give rise to adverse effects on the environment and human life that should be controlled in accordance with the principle of common but differentiated responsibilities (common but differentiated responsibilities) by taking into account social and economic conditions of each country;</p> <p>d. that as an island nation, characterized by the archipelago and has the second longest coastline in the world, Indonesia is vulnerable to climate change impacts, including sea level rise;</p> <p>e. that as a country that is building, Indonesia needs to develop clean technology industry with particularly low emissions;</p> <p>f. that as a tropical country that has the second largest forest in the world, Indonesia has an important role in influencing the Earth's climate;</p> <p>g. that the Kyoto Protocol regulate greenhouse gas emissions resulting from human activity so that the concentration of greenhouse gases in the atmosphere is stable and does not harm the earth's climate system;</p> <p>h. that based on consideration of letters a, b, c, d, e, f, and g is necessary to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol on the Framework Convention of the United Nations on Climate Change)</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>with the enactment legislation;</p> <p>By mutual agreement between the House of Representatives of the Republic of Indonesia and the President of the Republic of Indonesia has decided: to issue this Law on Ratification of Kyoto Protocol</p> <p>Decision of the Minister of Environment, No. 206/2005 on the Clean Development Mechanism (Indonesia)</p> <p>President Regulation No. 46/2008 on the National Board on Climate Change</p> <p>Law 32/2009, Environmental Protection and Management</p> <p>Article 57 (4) The conservation of atmosphere function...shall include: a. mitigation and adaptation to climate change;^{ap}</p> <p>Article 63 (1) In protecting and managing the environment, the government shall be assigned and authorized to: j. stipulate and implement policies on control over impacts of climate change</p> <p>Article 63 (2) In protecting and managing the environment, provincial governments shall be assigned and authorized to: f. Inventory....greenhouse gas emissions the provincial level.</p> <p>Regulation of the President, 61/ 2011, National Action Plan for Greenhouse Gas Emission Reduction</p> <p>Considering: a. that the geographical position of Indonesia is very vulnerable to the impacts of climate change so that the necessary reduction through mitigation of climate change;</p> <p>b. that in order to follow up on the Bali Action Plan agreement at the Conferences of Parties (COP 13) to the United Nations Frameworks Convention on Climate Change (UNFCCC) and the results of the COP-15 in Copenhagen and COP-16 in Cancun as well as meet commitment of the Government of Indonesia in the G-20 meeting in Pittsburgh to reduce greenhouse gas emissions by 26% by its own efforts and reach 41% if received international assistance in 2020 from</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>the condition without plans action (business as usual) measures should be formulated to reduce greenhouse gas emissions;</p> <p>c. Based on the considerations referred to in paragraphs a and b it is necessary to stipulate a Presidential Regulation on the National Action Plan for Greenhouse Gas Emission Reduction;</p> <p>Article1</p> <p>1. The National Action Plan for Greenhouse Gas Emission Reduction hereinafter called RAN-GRK is the document a work plan for the implementation of the various activities that are <i>directly and indirectly</i> decrease the greenhouse gas emissions in accordance with national development targets. (emphasis added)</p> <p>8. Core activities are activities that have a direct impact on GHG emission reduction and absorption of greenhouse gases.</p> <p>9. Supporting activities are activities that do not have a direct impact on the reduction in GHG emissions but support the implementation of the core activities.</p> <p>(1) RAN-GRK consists of core activities and support activities.</p> <p>(2) The RAN-GRK covers:</p> <ul style="list-style-type: none"> a. Agriculture; b. Forestry and peat; c. Energy and transport; d. Industry; e. Waste management; f. Other supporting activities. <p>Article 4.</p> <p>RAN-GRK is] reference for the public and businesses in the planning and implementation of GHG emission reduction</p> <p>Presidential Decree 46/2001, Operation of The National Greenhouse Gas Inventory</p> <p>Article 2 Implementation of the National Greenhouse Gas Inventory aims to provide:</p> <ul style="list-style-type: none"> a. Periodic information about the level, status and trends change, including GHG emissions and uptake of carbon deposits at the national, provincial and district/ city levels; b. Information on the attainment of GHG emission reduction of national climate change mitigation activities 		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>Article 15 (1) All business operators of activities that potentially cause emissions and/or absorb GHG are obliged to report data related to GHG inventories to the Governor and Regent/Mayor in accordance authority once a year.</p> <p>Minister of Environment Regulation 15/2013, Measuring, Reporting, and Verifying Mitigation Action of Climate Change</p> <p>Article 2 This Regulation ... aims to provide guidelines for the implementation of measurement, reporting and verification of Climate Change Mitigation actions that are accurate, transparent, and accountable to Responsible Authorities.</p> <p>Article 5 (3) The procedure for verification of the achievements of the action as the Climate Change Mitigation.... is contained in the Attachment (1) as an integral part of this regulation.</p> <p>Article 7 (1) Verification is carried out by the verifier... who: (2) ...shall be appointed by the Insurer for Responsible action. (3) (a) is not directly involved in the implementation of the Climate Change Mitigation actions; and (b) holds a certificate of competency as a verifier of the achievement of Climate change mitigation actions. (4) The provisions concerning the procedures and requirements for obtaining a certificate of competence as referred to in paragraph (3) letter b is set in forth in Regulation 5/ 2014</p> <p>Decree No. 62/2013 Managing Agency for the Reduction of Emission[s] from deforestation and Degradation of Forest and Peatlands (Decree 62/2013)</p> <p>Considering:</p> <ol style="list-style-type: none"> 1. That to reduce global warming....efforts are needed to reduce the emission of greenhouse gases [GHGs] from deforestation and degradation of forest and peatlands. 2. The Government of Indonesia made a commitment to reduce emission of GHGs by 26 percent using its own efforts and 41 		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		percent with international assistance by the year 22020 from a condition without an action plan (business as usual);		
9.5	Key element (5): When avoidance is not possible, minimize or control the intensity or load of waste generation.	<p>Government Regulation 82/2001 on Water Quality Management and Control of Water Pollution.</p> <p>Article 2</p> <p>(1) Management of water quality and control of water pollution shall be executed by integrated ecosystem.</p> <p>(2) Integration per Art. (1) is executed by planning, executing, supervising, and evaluation.</p> <p>Article 37</p> <p>Every business entity discharging wastewater into a water body must prevent and mitigate water pollution.</p> <p>Article 38</p> <p>(1) Every business/event holder discharge wastewater into a water body must comply with requirements set forth in [the environmental assessment.</p> <p>(2) The Permit-holder as referred to Article 38 Clause (1). is obliged to comply with :</p> <ol style="list-style-type: none"> Required criteria of quality and quantity of wastewater eligible to be discharged to environmental media; Authorized methods for discharging waste water; Required procedures to mitigate emergency situations; Requirement to supervise wastewater quantity and quality; Other requirements as set forth in the Environmental Impact Analysis in relation to water pollution control for work and/or activities subject to Environmental Impact Analysis; Prohibitions on simultaneous discharges; Prohibitions to dilution of waste water as a means of complying with maximum discharge sleeves; The obligation to supervise and results of supervision. 	Full Equivalence	None required
9.6	Key element (6): When avoidance is not possible, minimize or control the intensity or load of hazardous materials from their production, transportation, handling, and storage.	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article1.</p> <p>21 Hazardous and Toxic Materials, hereinafter abbreviated to B3,...are substances...and/or components which may pollute and/or destroy directly or indirectly the environment and/or endanger the environment, health as well as the continuation of human life and other creatures because of their characteristics, concentration and/or quantity.</p>	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>22. Waste of Hazardous and Toxic Materials [Waste of B3] are the residuals of a business or activity containing B3.</p> <p>23. Waste Management... is an activity covering the reduction, storage, collection, transportation, utilization, treatment and or/ disposal of waste.</p> <p>Article 59</p> <p>(1): All persons producing B3 waste are be obliged to manage such produced waste.^{aq}</p> <p>(3) In the case of a party being unable to manage directly B3 waste...such management...may be entrusted to another party.</p> <p>(4) Management of B3 waste shall require issuance of a Permit from the Minister, Governors, Regents/Mayors by virtue of their authority.</p> <p>(5) The Minister, governors, or regents/mayors...shall specify the environmental requirements that shall be fulfilled....by managers of B3 waste in their Permit.</p> <p>Article 60</p> <p>All persons are prohibited from dumping waste and/or materials into environmental media without a permit.</p> <p>Government Regulation 101/2014 on Hazardous and Toxic Waste Management</p> <p>Article 1. [Definitions]</p> <p>7. A B3 Label is a written description of the B3 that contains information about the producer B3, B3 waste producers address, packing time, number and characteristics of the B3 waste.</p> <p>8. B3 Labelling is the process of marking or labeling attached or affixed on the packaging directly B3.</p> <p>11. B3 Waste Management is an activity that includes reduction, storage, collection, transport, use, processing, and/or landfill.</p> <p>Article 10</p> <p>(1) Every person who produces B3 waste is obligated to practice B3 Waste Reduction.</p> <p>(2) B3Waste Reduction ...is accomplished through:</p> <p>a. material substitution;</p> <p>b. modification process; and/or</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>c. use of environmentally friendly technologies</p> <p>Article 12 (1) Every person who produces B3 waste is obligated to practice B3 waste storage.</p> <p>Article 19 (1) Packaging B3 wasteis accomplished by using packaging that is:</p> <ul style="list-style-type: none"> a. made of materials that can be packed in accordance with the characteristics of the B3 waste to be stored; b. capable of confining B3 waste within the packaging; c. has a strong seal to prevent spills when carried out storage, transfer, or transportation; and d. in good condition, without leaks, rust, or damage 		
9.7	<p>Key element (7): Avoid the use of hazardous materials subject to international bans or phase outs.</p>	<p>Presidential Decree 23/1992 on Ratification of Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer as Adjusted and Amended by the Second Meeting of the Parties London, 1990</p> <p>Presidential Decree 92/1998 on Ratification of Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen, 1992.</p> <p>Presidential Decree 46/2005 Montreal Amendment to The Montreal Protocol on Substances that Deplete the Ozone Layer</p> <p>Law 32/2009</p> <p>Article 57(4) The conservation of the atmosphere function...shall include.... b. protection of the ozone layer.</p> <p>Article 63. (1) In protecting and managing the environment, the government shall be assigned and authorized to: j. stipulate and implement policies on ...protection of the ozone layer...</p> <p>Law 19/2009 Ratification of the Stockholm Convention on Persistent Organic Pollutants^{ar} Considering...</p> <p>c. that the Stockholm Convention, has identified 12 ingredients that are Categorized as persistent organic pollutants that are dangerous to human health and the environment;</p>	Full Equivalence	None required.

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>d. that some [of these persistent organic pollutants] are still found in Indonesia and require environmentally sound management of residue stockpiles of as well as tighter controls on their circulation.</p> <p>The House of Representatives and the President of The Republic of Indonesia Have Decided:</p> <p>Article1. To ratify the Stockholm Convention on Persistent Organic Pollutants.^{as}</p>		
9.8	<p>Key element (8): Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>	<p>Law 12/1992, Cultivation of Plants</p> <p>Article 38</p> <ol style="list-style-type: none"> 1. Pesticides distributed within the Republic of Indonesia must be registered, comply with to standards, be guaranteed effective safe for humans and the environment, and [appropriately] labelled. 2. The Government stipulates standards of pesticide quality Art. and types of pesticide allowable to be imported. <p>Article 39: The Government must register and supervise procurement, distribution, and use of pesticides.</p> <p>Article 40: The Government can prohibit or limit distribution of certain pesticides.</p> <p>Article 41: Any person or body exporting a prohibited or non-complied-to-quality-standard or unregistered pesticide must destroy it.</p> <p>Regulation of the Minister of Agriculture No. 1/2007, Active Materials of Prohibited...and Restricted Pesticides</p> <p>Article 1</p> <ol style="list-style-type: none"> (1) Stipulating active materials of prohibited pesticides as set forth in Attachment I to this Regulation. (2) Stipulating active materials of restricted pesticides as set forth in Attachment II to this Regulation. <p>Regulation of the Minister of Agriculture No. 42/2007, Pesticide Monitoring</p> <p>Article 11.</p> <p>The Supervisor of Pesticides] has the duty to conduct monitoring of:</p> <ol style="list-style-type: none"> a. quality of the technical material used in the formulation of 	Full Equivalence	None required.

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>pesticides with reference to the allowed tolerance limit; b. the type and amount of pesticides;... d. the provision of safety and health; e. negative effects on the life environment; f. suitability and dose with respect to target organism;... j. residue of pesticides in farm products and environmental media; k. destruction of pesticides.</p> <p>Article 19. Results of monitoring are reported periodically by Supervisor of Pesticides to the Head of Administration.</p> <p>Regulation of the Minister of Agriculture 64/2013, Organic Agriculture System</p> <p>Article 1 1. Organic Agriculture System is a[n] holistic production management system to improve and develop eco-system health, including biodiversity, biological cycle and biological soil activities. Organic agriculture emphasis implementation practice which... if possible...can be achieved by utilizing ...biological and mechanical methods and...does not use synthetic materials to fulfil the specific requirements of the system.</p> <p>Article 5 (3) Cultivation of organic agriculture....must fulfil the following requirements: c. are not allowed to use growing media and fertilizer originating from synthetic chemical materials.</p>		
10.0	Policy Principle 10: Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.			
10.1	Key Element (1): Provide workers with safe and healthy working conditions and prevent accidents, injuries, and	<p>Law 13/2003, Labour</p> <p>Article 35 (3) Employers must provide workers physically and mentally with safe</p>	Full Equivalence²	None required

² The provisions of Law 13/2003 are sufficient to satisfy the finding of Full Equivalence. In addition, these provisions have subsequently been strengthened by enactment of Minister of Development of Area Decree 384/2004, Work Health and Safety Management System Guide in Dam Construction; Minister of Public Works Decree 09/2008, Work Health and Safety Management System Guide in Public Work Construction; and Government Regulation 50/2012, Work Health and Safety Management System Implementation.

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
	disease.	and healthy working environments. Article 86 Every worker has the right to have protection with respect to work safety and health Article 87 (1) Every industry must implement a work health and safety management system integrated into its industrial management system.		
10.2	Key Element (2): Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.	Law 24/ 2007 on Disaster Management Article 4, The use of Disaster Management shall be to achieve the objectives: a. provide protection for community against disaster threat; b. harmonize the existing legislation; c. guarantee a well-planned, integrated, coordinated, and comprehensive disaster management; d. respect local culture; e. encourage participation and partnership of both public and private sector; f. encourage the spirit of mutual cooperation, loyalty, and philanthropy; and g. create peace in social and national lives. Article 5. Government's responsibility of the government for disaster management shall include: a. disaster risk reduction and integration thereof into the development program; b. protection for community against disaster impact; c. guarantee of fulfilment of disaster-affected communities members' and refugees' rights in a fair manner and in accordance with minimum service standard; d. recovery from disaster impact; e. sufficient disaster management budget allocation in National Budget; f. disaster management budget allocation in the form of ready fund; and g. safeguard of authentic files/documents against disaster threat and impact. In the general explanation its stipulated that the non-natural disaster include forest/land fire caused by people, transportation accident, technology/construction failure, impact of industry, nuclear explosion, environmental pollution and outer space activity. Article 44 (c)	Full Equivalence	None required

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>(1) Disaster Mitigation conducted to abate the risk of disaster to the community society in the disaster-prone area.</p> <p>(2) Mitigation activity as stated in point (1) is done through:</p> <ol style="list-style-type: none"> spatial design activity; development/construction management, infrastructure development, and development/construction procedure. <p>Government Regulation 21/2008 on Disaster Management</p> <p>Article 1</p> <p>1. Disaster means an event or a series of events threatening and disturbing the community life and livelihood, caused by natural and/or non-natural as well as human factors resulting in human fatalities, environmental damage, loss of material possessions, and psychological impact.</p> <p>2. Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation.</p> <p>3. Disaster prevention means a series of activities to alleviate or eliminate disaster risk, either by reducing disaster threat or the vulnerability of people in disaster-prone areas.</p> <p>6. Mitigation means a series of efforts to reduce disaster risk, through physical development as well as awareness and improved capability to encounter a disaster threat.</p> <p>8. Disaster emergency response means a series of prompt actions during the disaster to deal with negative impacts, such as rescuing and evacuating victims and material possessions, providing basic necessities and protection, taking care of refugees, salvaging and recovering infrastructure and facilities.</p> <p>Article 4.</p> <p>Disaster management at pre-disaster stage as referred to in Article 3 include[s]:</p> <ol style="list-style-type: none"> a situation without a disaster; and a situation with a potential disaster <p>Article. 5</p>		

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
		<p>(1) Disaster management in a situation without a disaster as referred to in Art. 4 letter a shall include:</p> <ul style="list-style-type: none"> a. disaster management planning; b. disaster risk reduction; c. prevention; d. integration into development planning; e. disaster risk analysis requirements; f. spatial structure plan implementation and enforcement; g. education and training; and h. technical standard requirements for disaster management. <p>Article 10</p> <p>(1) Integration of disaster management into development planning referred ...shall be carried out by the Government or regional governments through coordination, integration, and synchronization.</p> <p>(2) Integration of disaster management into the development planning as referred to in paragraph (1) shall require the inclusion of disaster management elements into national and regional development plans.</p> <p>Article 12</p> <p>(1) Any development activity running a high risk of disaster shall require a disaster risk analysis.</p> <p>(3) Disaster risk analysis shall take the form of a document enacted by a government official in accordance with legislation.</p> <p>Chapter III Emergency Response</p> <p>Article 21</p> <p>(1) Disaster management during an emergency response shall include:</p> <ul style="list-style-type: none"> a. quick and appropriate study on location, damage, losses, and resources; b. decision on disaster emergency status; c. rescue and evacuation of disaster-affected community; d. fulfillment of basic necessities; e. protection for vulnerable group; and f. immediate recovery of essential facilities and infrastructure. 		
11	Policy Principle 11: Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.			

	ADB Safeguard Policy Statement	Corresponding Legal Provisions	Extent of Equivalence	Recommended Gap-filling Measures
11.1	Key Element (1): Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys.	<p>Law 32/2009, Environmental Protection and Management</p> <p>Article 23. Criteria for [a] business and/or activity with significant impact requiring Amdal... e. process and activity which results may affect preservation of conservation area of natural resource and/or protection of cultural heritage</p> <p>Law 11/2010, Cultural Heritage</p> <p>Article 58 (1) Physical cultural resource conservation is undertaken in order to: a. Prevent damage due to human and/or natural factors which result in to change of originality and values and b. Prevent transfer and change of ownership of cultural resources contrary to law and regulation.</p> <p>Article 59. Physical cultural resources at risk of being destroyed, eliminated, or damaged should be relocated to a safer location. (1) Relocation of Cultural Physical Resources as mentioned in Art. (1) is done by procedure guaranteeing wholeness and safety under the supervision of conservation experts. (2) Governments and persons engaged in conservation of physical cultural resources are obliged to protect such resources from theft, decomposition or damage.</p>	Full Equivalence	None required
	Key Element (2): Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.	<p>Law 11/2010, Cultural Heritage</p> <p>Article. 23 (1) Anyone who finds an object, building or site suspected to be of cultural value must report such a finding to an to authorized cultural institution, the police and/or related institutions within 30 days.</p>	Full Equivalence	None required.

^a The SPS defines “vulnerable groups” in the context of Involuntary Resettlement, to include “especially those below the poverty line, the landless, the elderly, women and children...Indigenous Peoples, and those without legal title to land.” SPS Table 2, Involuntary Resettlement, Policy Principle 2.

^b Government Regulation 21 of 2008 Concerning Disaster Management, Article 1.15.

^c It is assumed here that “inter-state” refers to international borders as a separate provision (Article 63(1) (q) refers to “inter-regional” disputes.

^d Law 32/2009 Elucidation: Internalization of environmental cost means the inclusion of costs of environmental pollution and/or damage into the calculation of production costs or cost of a business or activity.

^e Law 32/2009 Elucidation: Guarantee fund of environmental restoration mean a certain amount of funds prepared by a business or activity to restore the quality of...the environment attribute to [damage] attributed the facility.

- ^f Per Art. 7 (3) The Chief of Regency/City Living Environment Agency, Chief or Province Living Environmental Agency or Deputy Minister has the obligation to:
- (a) issue a UKL-UPL recommendation within a maximum of 7 work days from receiving a ULK-UPL having been perfected by the initiator [subsequent to a finding by the responsible agency of a shortage of data and or information] or
 - (b) provide approval for SPPL within...7 working days from receiving a UKL-UPL having been perfected by the initiator.
- ^g Law 32/2009 Elucidation: The polluter pays principle means every person in charge of businesses or activities polluting and/damaging the environment is obliged to bear the cost of environmental restoration.
- ^h Law 32/2009 Elucidation: Environmental funding is a system and mechanism of accumulation and management of funds used for financing environmental protection and management programs.
- ⁱ Law 32/2009 Elucidation: Internalization of environmental cost means the inclusion of costs of environmental pollution and/or damage into the calculation of production costs or cost of a business or activity.
- ^j Law 32/2009 Elucidation: Remediation is efforts improve the quality of the environment.
- ^k Law 32/2009 Elucidation: Rehabilitation is restoration efforts to recover the value, function and benefit of the environment, including efforts to prevent land damage, provide protection and improve the ecosystem.
- ^l Law 32/2009 Elucidation: Restoration means efforts to enable the environment...to resume its original function.
- ^m Law 32/2009 Elucidation: (This) provision constitution the realization of the principle [of] the "polluter pays" principle in environmental law. Besides paying compensation, the environmental polluter...may also be charged by (a) judge to undertake certain...measures such as...;
- (a) install or improve [a] waste treatment unit so that the waste meets the stipulated quality standard [for protection of] the environment;
 - (b) restore...environmental functions; and/or
 - (c) eliminate or destroy causes of environmental pollution...
- ⁿ Law 32/2009: Elucidation The participatory principle means [that] every community members motivated to participate actively in decision-making and implementing environmental perfection and management directly and indirectly.
- ^o Law 32/2009 Elucidation: The communities are involved through dialogue, discussion and public communication.
- ^p In addition to requiring public consultation in the EIA process, the Appendix to Regulation 17/2012 cites "Article 9 paragraph (6) of Government Regulation No. 27 Year 2012 on Environmental Permit (PP 27/2012), that further stipulates...the principle, these guidelines are to be used as a reference to carry out the mandate of Article 9 paragraph (6) PP 27/2012 as further elaborated in Article 44 through Article 46 and Article 49 of Regulation 27/2012 which regulates the application and issuance of environmental permits."
- ^q Specific provisions in Law No. 8 to which this statement may refer include Art. 12(1) "The government shall give guidance to social organisations;" Art. 12(2) "The provision of such guidance shall be regulated by Government Regulation;" Art. 13 "The Government may suspend the Executive or Central Board of any social organisation if it undertakes activities that disrupt public order and security; (b) it receives foreign aid without the approval of the government; Art. 15 "The Government may dissolve any social organisation which do not meet the requirements of the provisions of Articles 2, 3 4, 7 and/or 8; and Art. 16 "The Government may dissolve any social organisation which professes develops or spreads the doctrine or teaching of Communism/Marxism-Leninism or other ideologies, doctrines or teaching contrary to the Pancasila..."
- ^r Pancasila is Indonesian state fundamental norm created in 1945, which consists of five ("panca") principles ("sila"): (1) belief in the one and only God; (2) just and civilized humanity; (3) the unity of Indonesia; (4) democracy lead by wisdom in the unanimity arising out of deliberations amongst representatives; and (5) social justice for all people of Indonesia. See http://www.indonesianembassy.org.uk/aboutIndonesia/indonesia_facts.html
- ^s Elucidation of Law 17/2013 International associations have led to the consequence of the interaction between Ormas in one country and Ormas in another country. The presence of Ormas from other countries in Indonesia must respect the sovereignty of the Unitary State of the Republic of Indonesia, benefit for the society, nation, and state as well as respect the social and cultural values of the society, abide by and adhere to the prevailing laws in Indonesia. Therefore, Law regulates Ormas founded by foreign nationals and foreign legal entities operating in Indonesia.
- ^t Law 32/2009, Elucidation: The announcement in this Art. ...enables participation of communities ...not yet using opportunities in raising objection, hearing and others [means] in the decision process.
- ^u Law 32/2009 Elucidation: The environmental information referred to in this paragraph may be in the form of data, information or other information related to environmental protection and management, which is open...to the public...such as environmental impact analysis documents.
- ^v Law 32/2009 Elucidation: The environmental information as referred to in this paragraph may be in the form of ...reports and documents of results of evaluation of environmental monitoring, either the monitoring of compliance or monitoring of change in the quality of [the environment] and spatial plan.

^w Elucidation of Art. 74. This announcement enables participation of communities, particularly communities not yet using opportunities in raising objection, hearing and others in decision making process.

^x ADB SPS defines “critical habitat” to include “areas with high biodiversity value, including habitat required for the survival of critically endangered or endangered species; areas having special significance for endemic or restricted-range species; sites that are critical for the survival of migratory species; areas supporting globally significant concentrations or numbers of individuals of congregatory species; areas with unique assemblages of species or that are associated with key evolutionary processes or provide key ecosystem services; and areas having biodiversity of significant social, economic, or cultural importance to local communities. Critical habitats include those areas either legally protected or officially proposed for protection, such as areas that meet the criteria of the World Conservation Union classification, the Ramsar List of Wetlands of International Importance, and the United Nations Educational, Scientific, and Cultural Organization’s world natural heritage sites. The Indonesian legal framework does not use the term “critical habitat.” However the legal provisions applicable to endangered or critically endangered species are directly relevant to this Key Element.

^y The prohibitions applicable to protected/preservation areas, wildlife and cultural reserves as also reference to “environmental function” and can be presumed to include habitat protection.

^z Art. 7 States that “[t]he protection of life support systems is intended to maintain ecological processes which support continued existence of living organisms for enhancing human welfare and the quality of human life.”

^{aa} The United Nations List of National Parks and Protected Areas categorizes legally protected areas in Indonesia as consisting of Nature Reserves, Nature Recreation Parks, Wildlife Reserves, National Parks, District Marine Protected Areas, Grand Forest Parks, Locally Managed Marine Area, Game Reserve, Marine Nature Recreation Park. And Marine Nature Reserves.

^{ab} Elucidation of Article 32. (A) core zone is part of a national park which [must be] strictly protected...any changes due to human activities are not permitted.

^{ac} Elucidation of Article 32. (A) utilization zone is part of a national park which can be developed as a recreation center and a tourist destination.

^{ad} Elucidation of Article 32. (O)ther zones are...those which due to their function and condition may be assigned as wilderness, traditional use, rehabilitation and so on.

^{ae} Elucidation of Article 2. I. The “conservation of the environment’s function principle means that geothermal management must take into account and maintain the sustainability of the carrying capacity of the environment

^{af} Elucidation of Law 18/2013 General....The control of forest resources by the state gives authority to the government....(ii) to designated forest land and/or alter the status of forest land; (iii) to control and determine legal relations between human beings and forests or forest land and forest products; and (iv) to control legal act[ions] related to forest.

^{ag} Article 27A of Law 1/2014 defines “significant impact with wide scope and strategic value” as “a change that has an impact on [the] biophysical condition such as climate change, ecosystems, and social-economic impact on...present and future generations.”

^{ah} Principle #15 of Declaration of the Rio Conference on Environment and Development (the June 1992): “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

^{ai} Law 32/2009 Elucidation: “The principle of prudence means uncertainty about impact of a business and/or activity due to limited mastery of science and technology is not a reason for delaying measures to minimize or avoid threat[s] against environmental pollution and/or damage.”

^{aj} Law 32/2009, Elucidation: Conservation of natural resources covers, among others conservation of water resources, forest ecosystem[s], coastal and sea conservation, energy, land ...and karst ecosystem(s).

^{ak} Law 32/2009, Elucidation: Reservation of natural resources covers natural resources which may be managed [over] a long-term and a specified period in accordance with the need [to do so]. In order to execute the reservation of natural resources, the government, provincial governments and individuals may build:

(a) Biological diversity parks outside forest area(s);

(b) open green areas accounting for [at minimum] 30% of the total size of [an] island/archipelago; and/or

(c) planting and preserve trees outside of forest areas, particularly rare plants.

^{al} Law 32/2009, Elucidation: Control over environmental pollution and/or damage covers, among others, control over:

(a) water, air and sea pollution; and

(b) ecosystem damage and damage attributed to climate change

^{am} Elucidation of Article 2 By virtue of its ratification of the World Trade Organization [(WTO) Agreement per Law 7/1994, Technical Barriers to Trade, the Indonesian government is obliged to adjust its national regulations to international standards. Such standardization is implemented by the National

Standardization Agency, established by the Presidential Decree 13 of 1997 with the main objectives of protecting producers, consumers, labor and public safety aspects, safety, health and preservation of the environment, in order to build a national system that can encourage and promote and, guarantee the quality of goods and/or services and to facilitate national product acceptability in global market transactions. <http://www.indonesia.go.id/en/lpnk/badan-standarisasi-nasional/2449-profile/377-badan-standarisasi-nasional>

^{an} Per Art. 18. The government and/or regional government shall grant incentives to: a. energy users using energy [greater] or equal to 6,000 equivalent tons of oil per year...and b. producers of energy saving) equipment...that are successful [in] undertaking) energy conservation in a specified period. As further specified in Art. 20, such incentives may include tax deductions, import duty relief, low interests rate funds and government financed energy audits.

^{ao} This regulation is further supported by the Regulation of the Minister of Energy and Natural Resources 10/2012, Implementation and Physical Utilization of New and Renewable Energy.

^{ap} Law 32/2009 Elucidation: Mitigation of climate change is a series of activities which are taken to lower greenhouse (gas) emission(s) ...to mitigate impacts on climate change.

^{aq} Law 32/2009 Elucidation: Management of B3 waste constitutes a series of activities covering the reduction, storage, collection, transportation, utilization and/or processing...of B3 waste.

^{ar} The Stockholm Convention requires that Parties must:

1. Endorse actions to reduce or eliminate releases from intentional production and use as chemicals (aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex, toxaphene, hexachlorobenzene, and PCBs);
2. Develop and implement action plans to identify sources and reduce unintentional POPs releases (PCDDs/polychlorinated dibenzo-p-dioxins, PCDFs/polychlorinated dibenzofurans, PCBs, and HCB);
3. Endeavor to reduce or eliminate UPOPs/unintentional POPs releases;
4. Endeavor to reduce/eliminate POPs releases from chemical stockpiles and wastes;
5. Exchange information, raise awareness, and increase public education;
6. When appropriate, develop strategies to identify all types of POPs and product containing POPs;
7. Conduct research, development, and monitoring; and
8. Develop a National Implementation Plan(NIP) within two years after it has ratified the Convention, which indicates how the country is to comply with the Convention

^{as} Consistent with the practice of other developing countries, Indonesia submitted (NIP) to the United Nations Environment Programme UNEP in July 2008, prior To Its Ratification of the Stockholm Convention. According to the NIP, GR Government Regulation No. 74/2001, Management Hazardous and Toxic Waste effectively regulates the prohibition of the use of 10 of the persistent organic pollutants (POPS) subject to the Stockholm Convention. In addition, Decree of the Head of Bapedal No. Kep-03/Bapedal /09/1995 Concerning Technical Requirements for B3 Waste Processing sets limits for efficiency of destruction and removal of POPS in Incinerators. Parameters under the Regulation Include POHC (Principal Organic Hazard Constituents), PCBs, PCDDs, and PCDFs. GR 74/2001 was subsequently Superseded by GR 101, 2014, Management of Hazardous and Toxic Waste.

Source: Government of Indonesia, National Implementation Plan on Elimination and Reduction of Persistent Organic Pollutants in Indonesia, July 2008

Note: "Full Equivalence" denotes that DMC legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the DMC legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no DMC legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.