

INDIGENOUS PEOPLES PLANNING FRAMEWORK

Document Stage: Draft

Project Number: 55020-001
August 2022

Indonesia: Infrastructure Improvement for Shrimp Aquaculture Project

Prepared by the Ministry of Marine Affairs and Fisheries for the Asian Development Bank.

ABBREVIATIONS

ADB	– Asian Development Bank
AP	– Affected Person
AH	– Affected Household
AMAN	– <i>Aliansi Masyarakat Adat Nusantara</i> (Indigenous Peoples Alliance of Archipelago)/NGO
BAP	– Best Aquaculture Practices
BAPPENAS	– <i>Badan Perencanaan Pembangunan Nasional</i> (Ministry of National Development Planning)
BPBAP	– <i>Balai Pengembangan Budidaya Air Payau</i> (Brackish Water Aquaculture Development Center)
BPKIL	– <i>Balai Pemeriksaan Kesehatan Ikan dan Lingkungan</i> (Center for Investigation of Fish Health and Environment)
BPIU2K	– <i>Balai Produksi Induk Udang Unggul & Kekekangan</i> (Broodstock Center for Shrimp and Mollusk)
BRWA	– <i>Badan Registrasi Wilayah Adat</i> (Ancestral Domain Registration Agency)/NGO
BUMDes	– <i>Badan Usaha Milik Desa</i> (Village-owned Enterprise)
CBIB	– <i>Cara Berbudidaya Ikan yang Baik</i> (Good Aquaculture Practices)
CDF	– Community Development Framework
COVID-19	– Coronavirus Disease
DGA	– Directorate General of Aquaculture
EA	– Executing Agency
FAO	– Food Agriculture Organization
GEF	– Global Environmental Facility
Gol	– Government of Indonesia
GRC	– Grievance Redress Committee (<i>Tim Penanganan Pengaduan</i>)
GRM	– Grievance Redress Mechanism
HH	– Household
INDOGAP	– Indonesian Good Agriculture Practices
IP/CC	– Indigenous Peoples/ Customary Communities
IPPF	– Indigenous Peoples Planning Framework
IISAP	– Infrastructure Improvement for Shrimp Aquaculture Project
KATR/BPN	– <i>Kementerian Agraria dan Tata Ruang Badan Pertanahan Nasional</i> (Ministry of Agrarian Affairs and Spatial Planning /National Land Agency)
LARP	– Land Acquisition and Resettlement Plan
LP2IL	– <i>Loka Pemeriksaan Penyakit Ikan & Lingkungan</i> (Fishery Health and Environmental Laboratory)
MMAF	– Ministry of Marine Affairs and Fisheries
MHA	– <i>Masyarakat Hukum Adat</i> (MHA, Indigenous Law Communities)
MDP	– MHA or <i>Masyarakat Hukum Adat</i> Development Plan
MPWH	– Ministry of Public Works and Housing
NGOs	– Non-Government Organizations
PITAP	– Participatory Shrimp Pond Irrigation Management
PMC	– Project Management Consultant
PMO	– Project Management Office
POKLINA	– <i>Kelompok Pengelola Irigasi Perikanan</i> (Aquaculture Irrigation Management Group)

- RF – Resettlement Framework
- SIA – Social Impact Assessment
- SPS – Safeguard Policy Statement
- STELINA – *Sistem Telusur dan Logistik Ikan Nasional* (National Fish Traceability and Logistic System)
- UPT – *Unit Pelaksana Teknis* (Regional Technical Implementation Unit)

DEFINITION OF TERMS

- Affected Person (AP) – Refers to any person or persons, customary or local community, private or public institution who are displaced (physical or economic) as result of temporary impacts during construction, restriction on land use or on access to legally designated parks and protected areas. The affected community/ households/person are those who utilize, control, or possess the affected land or non-land objects
- Ancestral Domains – Means the territory, economic resources, and governance of ethnic groups and Indigenous Peoples. Ancestral lands are those under claim of ownership by indigenous communities that they have occupied and used continuously for several generations up to the present to fulfill material and cultural needs, even when such occupation or use has been interrupted by war, displacement by force, deceit, stealth, or as a consequences government projects and other voluntary dealings entered into by government and private individuals/corporations.
- Compensation – Payment in cash or in kind (e.g., land-for-land) to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, and any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of functioning markets, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access
- Communities – Indigenous territory and have sovereignty over land and natural resources. Social and cultural life is governed by customary laws and institutions that manage the continuity of life of its people. (Definition according to Aliansi Masyarakat Adat Nusantara AMAN [Indigenous Peoples Alliance of the Archipelago] in the First Congress in 1999 still in use today.)
- Indigenous Peoples or *Masyarakat Hukum Adat* (MHA) – The term used by the project in current safeguard documents is Indigenous Peoples refers to the term *Masyarakat Hukum Adat*, or translated as *Adat Law Communities*, (MHA) used in Indonesia National Law. The criteria of indigenous peoples combined between ADB SPS Indigenous Peoples Safeguards and Indonesia National Law, such as: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) have been inhabiting a certain territory for generations with collective attachment in their ancestral territories in the project area and the natural resources in these habitats and territories; (iii) they maintain their culture, including aspects of language, belief, production patterns, law, and social institutions; and (iv) deprivation of rights, marginalization, and discrimination. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project

area because of forced severance remains eligible for coverage under this definition.

Land Acquisition

The process where an individual, household, firm, or private institution is compelled by an agency needing land for public interest to alienate all or part of the land it owns or possesses to the ownership and possession of that agency in return for compensation at replacement costs.

Meaningful Consultation

A process that (i) begins early in the project preparation stage and is carried out ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender-inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

Ulayat

A bundle of rights that belong to *masyarakat hukum adat* based on their *adat* law especially rights to lands and to govern the *adat* (indigenous) territory

Vulnerable Groups

ADB Safeguard Policy Statement 2009 on the definition of vulnerable groups (p.17) and ADB Social Protection Policies and Strategies (2003) Distinct groups of people who might suffer more or face the risk of being further marginalized due to the project and specifically include: i) households that are headed by women, ii) household heads with disabilities, iii) households falling under the regional poverty line, iv) elderly household heads, v) landless, vi) people without legal title to land (non-land rights holders), vii) indigenous people or customary communities.

NOTES

- (i) The fiscal year (FY) of the Government of Indonesia and Ministry of Marine Affairs and Fisheries ends on 31 December 2022.
- (ii) In this report, "\$" refers to United States dollars

WEIGHTS AND MEASURES

km - Kilometer
m - Meter
mm - Milliliter
m² - square meter

GLOSSARY OF INDONESIA AND LOCAL TERMS

<i>Banjar</i>	- Neighborhood or the smallest form of local government in Bali is the Banjar.
<i>Gampong</i>	- Local terms for traditional village in Acehnese territories
<i>Imeum</i>	- The leader in Mukim (the larger social unit above Gampong territories, and constituted from several Gampong areas), has roles both spiritually and administratively within Mukim territories
<i>Kampong</i>	- Traditional villages in Sinjai District, South Sulawesi
<i>Kanjo Pesisir</i>	- The identity or local terms for Kajang people in coastal areas
<i>Keuchik</i>	- Traditional village chief in Gampong territories
<i>Mukim</i>	- The larger social unit above Gampong territories, and constituted from several Gampong areas
<i>Pakraman</i>	- Customary village in Balinese territories
<i>Pekon</i>	- Traditional kampong (villages) in Lampung Saibatin customary communities. This term is commonly use as local translation for the village term
<i>Tambak Udang</i>	- Shrimp Pond
<i>Tauke/Tengkulak</i>	- Aggregator or middleman to collect the commodity before selling to big trader at regional level or outside province level
<i>Subak</i>	- Indigenous irrigation system connected to temple and rice field both in dry land and wet land ecosystem
<i>Ulayat</i>	- Title rights under customary land ownership
<i>Qanun</i>	- Local terms for regional regulation translation in Aceh Province

This Indigenous Peoples Planning Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	I
I. INTRODUCTION	1
A. Project Description	1
B. Project Location	3
C. The Rationale for an Indigenous Peoples Planning Framework	7
II. POLICY FRAMEWORK	9
A. Legal Framework	9
1. National Laws	10
2. ADB Safeguards Policy Statement of 2009	12
3. Comparison Between Government Regulations and ADB SPS	12
4. Project Policies	21
B. Subproject Screening Criteria	22
III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES	25
A. Screening for Indigenous Peoples (<i>Masyarakat Hukum Adat</i>)	25
B. MHAs in Project Areas	25
C. Impact Assessment	29
IV. SOCIAL IMPACT ASSESSMENT AND STEPS FOR FORMULATING A MDP	33
A. Preliminary Screening	33
B. Social Impact Assessment	34
C. Project's benefits and Mitigation Measures	36
D. Masyarakat Hukum Adat Development Plan	36
V. CONSULTATION, PARTICIPATION, AND DISCLOSURE	40
A. Consultation and Participation	40
B. Disclosure	41
VI. GRIEVANCE REDRESS MECHANISM	42
VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS	45
A. Institutional Arrangements	45
B. Capacity Building	47
VIII. MONITORING AND REPORTING ARRANGEMENTS	48
IX. BUDGET AND FINANCING	50
APPENDIXES	
Appendix 1: List of Non-civil Works Project Component	51
Appendix 2: Outline of <i>Masyarakat Hukum Adat</i> Development Plan	55
Appendix 3: Indigenous Peoples Impact Screening Checklist	58
Appendix 4: Proposed Procedure for Grievances Resolution for IISAP	63
Appendix 5: Template Complaints/Grievance Form and Monthly Registered	67
Appendix 6: Social Impacts Assessment on Indigenous Peoples	69
Appendix 7: Outline for Internal Monitoring Report	70
Appendix 8: List of <i>Masyarakat Hukum Adat</i> Located in IISAP Project	75
Appendix 9: Template of Consultation Records	78
Appendix 10: Draft of Project Information Booklet	81

LIST OF TABLES

Table 1: Detailed Subproject Component Location in Each Output of IISAP Project (Output 1) .	4
Table 2: The Project Site of Output 2 and 3	4
Table 3: Comparison Between the Government Regulations and ADB SPS 2009	14
Table 4: Project Beneficiaries and Selection Criteria in IISAP Project	23
Table 5: List of Regional Regulation on Recognition of Indigenous Peoples in IISAP Project at Aceh Region	28
Table 6: Potential Impacts on Indigenous People and Mitigation Measures	31
Table 7: Classification of Impact Category on Indigenous Peoples Safeguard and its Required Document	34
Table 8: Monitoring Parameters and Suggested Indicators	49
Table 9: Cost Items for Indigenous Peoples Development Plan	50

LIST OF FIGURES

Figure 1: Infrastructure Improvement for Shrimp Aquaculture Project (IISAP)	6
Figure 2: The Detail Distribution of IISAP Site in MMAF land and Community Land.....	7
Figure 3: The location of BPBAP Ujung Batee in Neuheun Gampong, Mesjid Raya Subdistrict, Aceh Besar District	8
Figure 5: The Distribution of Indigenous Territories Map in Sinjai and Bulukumba District as Proposed Farmer Shrimp Pond Cluster.....	8
Figure 6: The MMAF Works in Several Indigenous Marine and Coastal Territories.....	25
Figure 7: The Distribution of MHAs in Small Islands and Coastal Zone based on AMAN Data (2020)	26
Figure 8: The Organization Structure in Pekon Governance System in Tanggamus District, Lampung.....	29
Figure 9: Community Development Workflow for IISAP	39
Figure 10: The Structure of Project Implementation Organization in IISAP.....	47

EXECUTIVE SUMMARY

1. The Improvement for Shrimp Aquaculture Project (IISAP - *the Project*) will help the Ministry of Marine Affairs and Fisheries (MMAF) to introduce sustainable shrimp aquaculture and improve transparency, and traceability processes toward increased productivity, quality, profitability, and environmental sustainability of smallholder shrimp farming in 26 districts across seven (7) provinces. The project will upgrade infrastructure facilities both on government land and community land.
2. Results of the indigenous peoples screening show that indigenous people groups - *Masyarakat Hukum Adat* (MHA) - are residing in eight (8) project districts who will be potentially affected and benefited from the project's interventions. The MHA groups in the project area include Mukim and Gampong that belongs to Acehese tribe; Pekon that belongs to Lampung Saibatin; Pakraman customary that belongs to Balinese tribe group; ; and Coastal Konjo or known as Kajang Pesisir people.
3. As Indigenous Peoples safeguard triggers, this Indigenous Peoples Planning Framework (IPPF) has been developed to govern indigenous peoples' planning, implementation, and monitoring of the subprojects. The IPPF provides detailed guidance for indigenous peoples (IP) screening, information disclosure, consultations, planning, implementation of IP development measures, monitoring, settlement of grievances and others - based on the provisions of the existing government laws and regulations and ADB's Safeguard Policy Statement (SPS, 2009). Subprojects with significant impacts on IPs (Category A) are not eligible for financing under the Project. Impacts on local IP communities will be avoided – if not possible to avoid, the project will mitigate impacts in close consultations with IP communities. Measures to mitigate the negative impacts and to enhance the positive impacts on the local MHA groups will be presented and analyzed in the Masyarakat Hukum Adat Development Plan (MDP).
4. The project level Grievance Redress Mechanism (GRM) has been established in consultation with MHA groups, local authorities, and relevant agencies. The village/customary leaders from various social units of MHA groups will be actively involved in receiving, settlement and responding to the complaints and or grievances from IPs, if any. The GRM will be reflected in the MDP and in the project information booklets to be delivered to IPs and posted in strategic locations in the MHA communities.
5. The Project Implementation Unit (PIU) will regularly monitor planning and Implementation of MDPs. The PIU will establish a semi-annual monitoring system involving related staff, the Regional Technical Implementation Unit (*Unit Pelaksana Teknis – UPT*), representatives of affected IP groups, and the local communities to ensure participatory monitoring arrangements. As the Project is categorized as Category B for Indigenous Peoples, external monitoring of MDP planning and implementation is not required.
6. The budget for screening, consultations, socioeconomic assessment, planning, implementation, and monitoring of MDP will be from the project. The Directorate General of Aquaculture, Ministry of Marine Affairs and Fisheries as the executing agency will be responsible for allocating the required budget to its PIUs.
7. This IPPF and the MDPs for the subprojects will be disclosed on the websites of ADB and the Project Executing Agency. A summary of the IPPF and MDPs will be provided to the IPs and posted in public places in the MHA communities.

I. INTRODUCTION

A. Project Description

1. Indonesia is among the top five shrimp producers in the world, together with Argentina, Ecuador, India, and Viet Nam, and had a global market share of 8.7% in 2020.¹ Global shrimp production is expected to grow by more than 5.2% annually.² Indonesia is a top exporter of frozen seawater shrimps, but lags behind its peers in exports of freshwater shrimps, and fresh, salted, or smoked shrimps.³ The main farmed shrimp species is the whiteleg shrimp (*Litopenaeus vannamei*) accounting for 80% of production, which is produced by large companies and around half of the smallholders.⁴ The other half of the smallholders cultivates the tiger shrimp (*Penaeus monodon*) in an extensive way.⁵ In 2020, Indonesia exported shrimp products equivalent to \$2.04 billion to the European Union, Japan, and United States.⁶ While the shrimp aquaculture potential is high, several barriers constrain its growth and sustainability. Smallholder farming profitability is constrained by the lack of economy of scale, limited access to finance, unsustainable farming infrastructure and practices, and low bargaining power with aggregators. The developed countries are increasingly monitoring the quality of shrimp imports for drug and chemical residues, environmental damage, and lack of transparency and traceability.⁷ Responsible production and sourcing in aquaculture is essential to reduce reliance on wild fish catch, provide sustainable supplies of protein, create jobs, and bring foreign exchange earnings.⁸

2. The Infrastructure Improvement for Shrimp Aquaculture Project (the project) will help the Ministry of Marine Affairs and Fisheries (MMAF) in introducing sustainable shrimp aquaculture and improving transparency and traceability processes towards increased productivity, quality, profitability, and environment sustainability of smallholder's shrimp farming. The project will deliver an integrated investment addressing inputs, production, and post harvest processes through infrastructure, capacity support, and value chain strengthening in selected locations across Bali, Banten, Central Java, East Java, Lampung, Nangro Aceh Darusalam, and South Sulawesi provinces.

3. The project will be aligned with the following impact: contribution of the fisheries sector to the national economy increased.⁹ The outcome is productivity, profitability, and environment sustainability of shrimp aquaculture increased.

4. **Output 1: Quality and sustainability of inputs production increased.** This output will finance the development of a modern broodstock center and two multiplication centers to provide small scale hatcheries access to affordable and quality whiteleg shrimp broodstock. The project

¹ D. Workman. 2021. [Big Export Sales for Frozen or Fresh Shrimps](#). *World's Top Export*. 15 July.

² *Globe Newswire*. 2019. [Shrimp: The Future of the \\$45+ Billion Market, 2019-2024](#). 13 June.

³ Mainly Asian tiger shrimp and whiteleg shrimp. Daniel Workman. [Big Export Sales for Frozen Shrimp](#). *World's Top Exports*.

⁴ Whiteleg shrimp production uses semi-intensive or intensive technologies with substantial feed from feed mills, water control with pumps and aerators, high stocking rates, and purchase post-larvae from hatcheries.

⁵ The conventional approach involves limited feed from feed mills and limited water control equipment, often cultivated together with milkfish; gets post-larvae from the ocean; and has low stocking rates.

⁶ Government of Indonesia. 2021. *Statistics Indonesia, 2021*. Jakarta

⁷ From 2012 to 2017, the segment of sustainably sourced seafood in European markets grew by about 12% while demand for other seafood segments declined. H. Rubel et al. Boston Consulting Group. 2019. [A Strategic Approach To Sustainable Shrimp Production in Indonesia: The Case for Improved Economics and Sustainability](#)

⁸ Indonesian aquaculture is expected to create 8.9 million jobs and be an industry of \$39.5 billion by 2030. M. Phillips et al. 2015. *Exploring Indonesian Aquaculture Futures*. Penang: WorldFish Program Report: 2015-39.

⁹ Government of Indonesia, Ministry of National Development Planning (BAPPENAS). 2020. *Rencana Pembangunan Jangka Menengah Nasional, 2020–2024* (National Medium-term Development Plan). Jakarta.

will facilitate transfer of knowledge from the Oceanic Institute of Hawaii to MMAF in producing high quality genetic shrimp fry. To control quality of broodstock and juveniles and water quality in production facilities, the project will finance construction, modernization, and climate and disaster proofing of seven laboratories under MMAF. Facilities financed under the project will incorporate gender responsive and inclusive features.¹⁰ The project will purchase equipment and train MMAF staff in operating and maintaining these facilities. This output will also help small and medium seed suppliers to comply with national broodstock breeding protocols, good hatchery practices, and biosecurity and environment monitoring. It will also strengthen farmers capacity in producing their own feed aligned with the national fish feed self-sufficiency program (Gerakan Pakan Mandiri or GERPARI).¹¹

5. Output 2: Sustainable aquaculture infrastructure and services developed. This output will support establishment and strengthening of farmers groups enabling smallholders, including women farmers, to consolidate their production facilities under a cluster approach. Local facilitators will support them in developing sustainable aquaculture development plans (SADPs) as the basis for investment in their respective clusters. The SADP will also help farmers to access credits and explore partnerships with the private sector. The project will upgrade traditional ponds introducing a sustainable aquaculture model. Selected MMAF production facilities will also be upgraded following this model as demonstration sites. The sustainable aquaculture model aims to increase production, while minimizing impact on the ecosystem. For each cluster, the project will (i) rehabilitate or upgrade associated infrastructure (canals, drains, production roads, inlet reservoir, wastewater treatment facility, and access to the electricity grid);¹² and (ii) purchase equipment towards semi-intensive aquaculture production.¹³ Farmers will plant and maintain mangrove trees in inlet and outlet canals and along the shoreline, to help improve water quality and reduce soil erosion. This output will support MMAF in establishing O&M guidelines and upgrade its infrastructure registry information system to a full asset management information system for infrastructure lifecycle management. The project will strengthen farmers technical capacity, including women farmers, to adhere to the INDOGAP guidelines for environmentally and economically sustainable shrimp production.¹⁴

6. Output 3: Shrimp aquaculture supply chain strengthened. This output will build men and women farmers' capacity in food safety, handling and cold chain management, transformation, and marketing. Towards improved transparency, the project will facilitate registration of broodstock and feed suppliers, farms, aggregators, and processors into the INDOGAP system and transactions in the MMAF's STELINA. Towards a harmonized regulatory framework, the project will assist MMAF in preparing quality standards, and in reviewing and rationalizing regulations and incentive systems for sustainable aquaculture.¹⁵

¹⁰ These include, but are not limited to, lactation rooms, separate male and female toilets, and separate male and female prayer rooms.

¹¹ A grant proposed for funding under the Global Environment Facility will complement those activities by engaging feed suppliers in diversifying feed raw material to reduce reliance on fish wild catch and imported raw material, and improve tracking of shrimp feed.

¹² The project will assess water balance and water quality to ensure a fair water allocation among water users and include climate and disaster proofing, and gender responsive and inclusive features. The project will exclude clusters requiring land acquisition and/or resettlement.

¹³ Equipment includes among others wastewater equipment, water pumping, paddle wheel, generator, liner, grower and finisher for shrimp feed, spiral and plastic hose, diluted oxygen and pH meters, refractor salinometer.

¹⁴ Training programs will cover pond water quality, wastewater management, cleaning technology, feed management, disease and biosecurity management, financial literacy, and mangrove management.

¹⁵ Under the proposed GEF grant, BAPPENAS will prepare a national action plan for shrimp aquaculture adopting an aquaculture management area approach including climate change mitigation and resiliency and conduct strategic coordination to institutionalize sustainable aquaculture development nationwide.

7. **Approach.** The project will apply a sector approach in selecting farmers subprojects that are outside MMAF land.¹⁶ To be financed under the project, these subprojects need to comply with the applicable selection criteria described in the Project Administration Manual (PAM) Section II. Implementation Plans (D. Selection and Approval of Subprojects). For each subproject, a sustainable aquaculture development plan (SADP) will be prepared following the template provided in the PAM. The project theory of change and approach and relevant technical guidelines are presented in the PAM.

8. **Implementation Arrangements.** MMAF through the Directorate General of Aquaculture (DGA) will be the executing agency. DGA will establish a central project management unit responsible for project implementation, monitoring, and reporting. MMAF national technical operating units (UPTs) will be implementing agencies and will establish project implementation units (PIUs). Project activities will be coordinated with District Fisheries Agencies. A national steering committee, including BAPPENAS and relevant sectoral ministries will provide strategic guidance.

9. **Strengthening community capacity in sustainable shrimp pond management.** In the preparatory phase beside the civil works subproject component, the project will provide capacity support to empower communities in sustainable shrimp aquaculture and improve productivity. Those non-civil works activities include (i) introducing good hatchery practices to shrimp farmers; (ii) support development of self-sufficient shrimp feed formula with using local ingredient to be applicable for local farmers; (iii) training program to farmers including HSRT (small scale hatchery/backyard) with low biosecurity system and potential to disease risk; (iv) support farmer-based enterprises in getting legally established and in preparing sustainable aquaculture development plans (SADP); (v) training on financial literacy, good aquaculture practices, silvo-aquaculture, mangrove management, coastal and mangrove management, small scale farmer group, and strengthening farmer institutional empowerment; (vi) preparation of proposals for farmer-based enterprises to access credits (KUR and rural banks); (vii) mangrove tree replanting; (viii) registration of brood stock and feed suppliers, farmers, aggregators, and processors into the INDOGAP system and transactions in the MMAF's STELINA.

B. Project Location

10. **Project locations.** The project sites are presented in the Tables 1 and 2. Figure 1 shows the locations of project sites on the map.

¹⁶ Including canals, water treatment and production facilities outside MMAF land. A subproject is defined as a cluster of farmers within a hydraulic unit or tertiary block.

Table 1: Detailed Subproject Component Location in Each Output of IISAP Project (Output 1)

UPT	UPT's Laboratory	UPT's Hatchery	Partial HSRT (Broodstock/Nauplius)	Brood Stock HSRT (Spawner)
BPBAP Ujung Batee	Aceh Besar, Aceh Province	Aceh Besar, ^b Aceh	Pidie, Pidie Jaya, and Bireun, Aceh Province	-
BBPBL Lampung	Pesawaran, Lampung Province	-	Lampung Selatan, Lampung Province	Lampung Selatan, Lampung Province
BPKIL Serang	Serang, Banten Province	-	-	-
BBPBAP Jepara	Jepara, Central Java Province	-	-	
BPBAP Situbondo	Situbondo, East Java Province	-	Situbondo, and Tuban, East Java Province	Situbondo, dan Tuban, East Java Province
BPIUUK Karangasem	Karangasem, Bali Province	Karangasem, ^a Bali Province	-	-
BPBAP Takalar	Takalar, Sulawesi Selatan Province	Takalar, ^b Sulawesi Selatan Province	Barru, Pinrang, and Takalar, Sulawesi Selatan Province	Barru, Pinrang, and Takalar, Sulawesi Selatan Province

^a Multiplication Center.

^b Broodstock Center.

Table 2: The Project Site of Output 2 and 3

UPT (Technical Implementation Unit at Regional Level)	Output 2				Output 3
	MMAF Clusters	Farmer Cluster	Irrigation Canal	Communal ^a WWTP and Pond Reconstruction ^b	Value Chain Strengthening
BPBAP Ujung Batee	-	Pidie (1 cluster), Bireun (1 cluster), Aceh Besar (1 cluster), Aceh Jaya (1 cluster), and Aceh Barat (1 cluster) in Aceh Province (@5 hectares per cluster)	Pidie, Bireun, Aceh Besar, Aceh Jaya, and Aceh Barat in Aceh Province (@22 km per district or irrigated areas for 220 hectare)	Pidie (2 packages), Bireun (2 packages), Aceh Besar (2 packages), Aceh Jaya (2 packages), and Aceh Barat (2 packages) in Aceh Province (@7 hectare per district)	Pidie (308 farmers), Bireun (630 farmers), Aceh Besar (105 farmers), Aceh Jaya (120 farmers), and Aceh Barat (160 farmers).
BBPBL Lampung	=	East Lampung (1 cluster), South Lampung (1 cluster), Tanggamus (1	East Lampung, South Lampung, Tanggamus (@22 km per	East Lampung (2 packages), South Lampung (2 packages), Tanggamus (2	Lampung Timur (278 farmers), Lampung Selatan (395 farmers),

UPT (Technical Implementation Unit at Regional Level)	Output 2				Output 3
	MMAF Clusters	Farmer Cluster	Irrigation Canal	Communal ^a WWTP and Pond Reconstruction ^b	Value Chain Strengthening
		cluster) in Lampung Province (@5 hectares per cluster)	district or irrigated areas for 220 hectare)	packages) (@7 hectare per district)	Tanggamus (60 farmers).
BPKIL Serang	Tangerang, Banten – 1 cluster (5 hectare)	Serang, Banten (1 cluster) (5 hectare)	Serang, Banten – 22 km (220 hectare)	Serang, Banten (2 packages) (7 hectare)	Serang, Banten (550 farmers)
BBPBAP Jepara	Jepara, Central Java – 1 cluster total 5 Ha.	Jepara (2 clusters) in Central Java Province (10 hectare).	Jepara, Central Java - 22 km (220 Ha)	Jepara, Central Java– 2 packages (7 Ha)	Jepara, Central Java (210 farmers)
BPBAP Situbondo	Pasuruan, East Java – 1 cluster total (5 hectare)	Situbondo (1 cluster), Gresik (1 cluster), and Sidoarjo (1 cluster) in East Java Province (@5 hectares per cluster)	Situbondo (1 cluster), Gresik (1 cluster), and Sidoarjo (1 cluster) in East Java Province (@22 km per district or irrigated areas for 220 hectare)	Situbondo (2 packages), Gresik (2 packages), and Sidoarjo (2 packages) in East Java Province (@7 hectare per district)	Situbondo (60 farmers), Gresik (3,200 farmers), and Sidoarjo (630 farmers)
BPIUUK Karangasem	-	Jembrana (1 cluster) in Bali Province (@5 hectare per cluster)	Jembrana (22 km per district or irrigated areas for 220 hectare)	Jembrana (2 packages) (@7 hectare)	Jembrana (40 farmers)
BPBAP Takalar	Takalar, Sulawesi Selatan – 1 cluster (5 Ha) Pinrang, South Sulawesi – 1 cluster total 5 Ha.	Bone (1 cluster), Pangkep (1 cluster), Pinrang (1 cluster), Sinjai (1 cluster), Bulukumba (1 cluster), Wajo (1 cluster), Luwu (1 cluster) in Sulawesi Selatan Province (@5	Bone, Pangkep, Pinrang, Sinjai, Bulukumba, Wajo, Luwu (@ 22 km per district or irrigated areas for 220 hectare)	Bone (2 packages), Pangkep (2 packages), Pinrang (2 packages), Sinjai (2 packages), Bulukumba (2 packages), Wajo (2 packages), Luwu (2 packages) (@7 hectare per district)	Bone (1,900 farmers), Pangkep (5,600 farmers), Pinrang (8,400 farmers), Sinjai (650 farmers), Bulukumba (1,000 farmers), Wajo (2,900 farmers), Luwu (2,370 farmers),

UPT (Technical Implementation Unit at Regional Level)	Output 2				Output 3
	MMAF Clusters	Farmer Cluster	Irrigation Canal	Communal ^a WWTP and Pond Reconstruction ^b	Value Chain Strengthening
		hectare per cluster)			
Total Areas and Beneficiaries		110 hectares	462 km (4,620 hectare)	294 hectares	29,566 farmers

^a The definition of communal in this concept refers to the a group of farmers who will use of the same WWTP, not related to community's land. The WWTP will be constructed on the land of the participating farmer on the voluntary bases.

^b WWTP Communal + Pond Reconstruction (HDPE 0,5 mm), water pump (6"), paddle wheel (4 units/ha), electricity networks.

Figure 1: Infrastructure Improvement for Shrimp Aquaculture Project (IISAP)

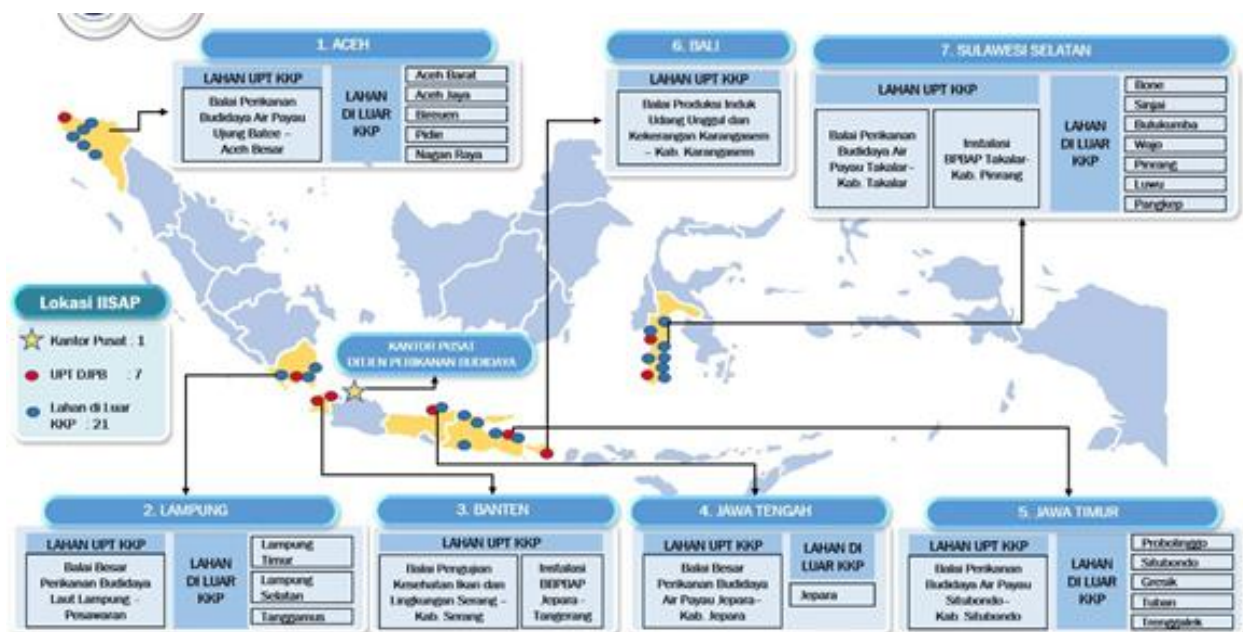


Source: TRTA ADB, 2022 consulted with MMAF; Red bullet point: in UPT's land/state land; and Blue Bullet point: in community land.

11. The project targets seven (7) provinces considered as priority under the Aquaculture Masterplan 2020-2024, MMAF. The proposed project sites are in Lampung (Pesawaran), Banten (Serang and Tangerang), Central Java (Jepara), East Java (Pasuruan and Situbondo), South Sulawesi (Takalar and Pinrang), Bali (Karangasem), and Nangro Aceh Darusalam (Aceh Besar) provinces (see Figure 1). Each of 9 locations owned by *Balai Pemeriksaan Kesehatan Ikan dan Lingkungan* (BPKIL or Center for Investigation Fish Health and Environment) in Jepara, *Balai Pengembangan Budidaya Air Payau* (BPBAP or Brackishwater Aquaculture Development Center) in Ujung Batee, Aceh Besar, BPBAP di Situbondo, BPBAP in Takalar, BPBAP in Lampung, *Balai Produksi Induk Udang Unggul & Kekeurangan* (BPIU2K or Broodstock Center for Shrimp and Mollusk) Karangasem, and *Loka Pemeriksaan Penyakit Ikan & Lingkungan* (LP2IL or Fishery Health and Environmental Laboratory) Banten. There are 15 infrastructure subprojects that will be developed, namely hatchery, laboratory, and ponds. All hatcheries (3) and ponds (5)

are going to be renovated. Some of the laboratories (7) will be renovated and some others will be built. In addition to the infrastructure build and rehabilitate on state land, the project will provide input on Community Shrimp Aquaculture Cluster in 26 proposed areas Aceh Province (Pidie, Bireun, Aceh Besar, Aceh Jaya and West Aceh Districts), Lampung Province (East Lampung, South Lampung, and Tanggamus Districts), East Java Province (Situbondo, Gresik and Sidoarjo Districts), Central Java Province (Jepara, 2 clusters), South Sulawesi (in Bone, Pangkep, Pinrang, Sinjai, Bulukumba, Wajo and Luwu Districts) (See Figure 2 for the distribution of IISAP Project site in MMAF and Community Land).

Figure 2: The Detail Distribution of IISAP Site in MMAF land and Community Land

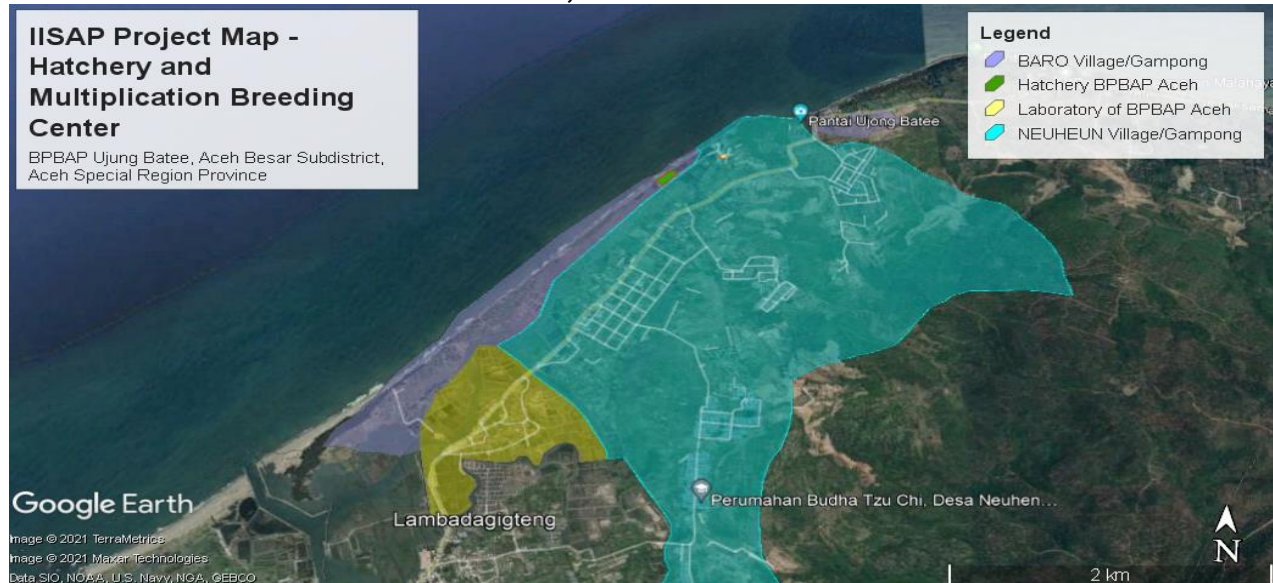


IISAP = Infrastructure Improvement for Shrimp Aquaculture Project, MMAF = Ministry of Marine Affairs and Fisheries, UPT = Unit Pelaksana Teknis (Regional Technical Implementation Unit)

C. The Rationale for an Indigenous Peoples Planning Framework

12. The IP screening during the preparatory phase confirmed that four subproject areas are located in Masyarakat *Hukum Adat* (MHAs) or indigenous peoples territories, particularly under the nomenclature of the customary village. The screening assessed the MHAs areas by considering the existence of a customary village in regional spatial planning in each subproject area. The IP screening shows the non-civil works component in the surrounding shrimp pond at BPBAP (Brackish Water Cultivation Fisheries Center) Ujung Batee as part of Gampong Neuheun, Mesjid Raya Subdistrict, Aceh Besar District, Aceh Special Region Province (see Figure 3). The BPBAP Ujung Batee was constructed on UPT's land nearby the *Gampong* Neuheun or equal to the traditional village lead by *Keuchik* or Village Chief. According to the studies on *Gampong* as a territory unit from the Faculty of Law, Syiah Kuala University at Banda Aceh (2016), the *Gampong* is identified as part of Indigenous Law Communities (*Masyarakat Hukum Adat*) or Indigenous Peoples following criteria such as (i) self-autonomous governance; (ii) self-management of the territory and its natural resources inside it; (iii) the rights to institutionalize the indigenous aspect; (iv) the rights to held the indigenous court (*peradilan adat*).

Figure 3: The location of BPBAP Ujung Batee in Neuheun Gampong, Mesjid Raya Subdistrict, Aceh Besar District



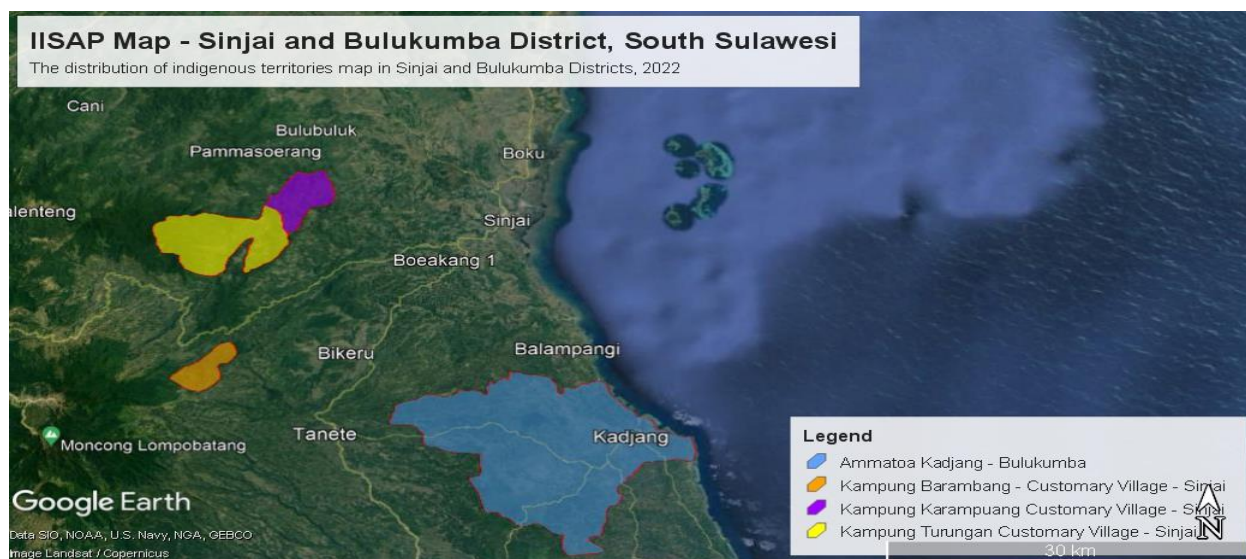
Source: Qanun [Provincial Regulation] of Aceh Special Region Number 4 of 2003 concerning the Mukim Governance; Qanun (Regional Regulation) of Aceh Besar District Number 4 of 2013 concerning the Regional Spatial Plan for 2012-2032

13. Subproject locations in BPIU2K Karangasem for the hatchery facility are nearby the *Pakraman* or Customary Village with the cultural heritage zone (*Kawasan Cagar Budaya*) (see Figure 4). The Bali provincial government has regulated the customary village in the Regional Regulation of Karangasem District Number 17 of 2012 concerning the Regional Spatial Planning of Karangasem District for 2012-2032. The regulation has legalized the shrimp hatchery in Bugbug Village, Karangasem Subdistrict, and Kubu Subdistrict. Several shrimp farmers Cluster, irrigation canals, pond construction and community WWTP might be located in *gampong* areas in Aceh (Pidie, Bireun, Aceh Besar, Aceh Jaya, and Aceh Barat Districts), *Pakraman* Villages in Jembrana District-Bali, *Pekon* (traditional village belongs to IP group) in Lampung Province (Tanggamus District), and indigenous in Bulukumba District, South Sulawesi Province. (see Figure 5 for the distribution of IP territories in South Sulawesi Province).

Figure 4: The Location of BPIU2K Karangasem in Bugbug Customary Village, Karangasem Subdistrict, Bali Province



Source: The Regional Regulation of Karangasem District Number 17 of 2012 concerning the Regional Spatial Planning of Karangasem District for 2012-2032.



Source: The BRWA Map, and Local Government Regional Regulation on Recognition of IP, 2022.

14. Indonesia has a population of around 272 million in June 2021. The government recognizes 156,512 households as *Komunitas Adat Terpencil* or Isolated Customary Communities (Ministry of Social Affairs, 2021). According to AMAN (the Indigenous Peoples Alliance of Archipelagos), they are approximately 50 to 70 million (IWGIA, 2021; AMAN).¹⁷ AMAN uses the term *masyarakat adat* to refer to indigenous peoples. The term used by the project is Indigenous Peoples that refers to *Masyarakat Hukum Adat* (MHA) in Indonesia National Law. The criteria of indigenous peoples combined between ADB SPS Indigenous Peoples Safeguards and Indonesia National Law, are (i) self-identify as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) have been inhabiting a certain territory for generations with collective attachment in their ancestral territories and the natural resources in these habitats and territories; (iii) they maintain their culture, including language, belief, production patterns, law, and social institutions; and (iv) face deprivation of rights, marginalization, and discrimination. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this definition.

15. As MHA groups will be directly affected and benefited from the project, this Indigenous Peoples Planning Framework (IPPF) has been developed to govern indigenous peoples' planning, implementation, and monitoring of the subprojects. The IPPF provides detailed guidance for indigenous peoples (IP) screening, information disclosure, consultations, IP planning, implementation of IP development measures, monitoring, settlement of grievances and others - based on the provisions of government laws and regulations and ADB's Safeguard Policy Statement (SPS, 2009). Subprojects with significant impacts on IPs (Category A) are not eligible to be financed under the Project. Impacts on local IP communities will be avoided – if not possible to avoid, to mitigate the impacts in close consultations with IP communities. Measures to mitigate the negative impacts and to enhance the positive impacts of the subprojects on the local MHA groups will be presented and analyzed in the Masyarakat Hukum Adat Development Plan (MDP).

II. POLICY FRAMEWORK

A. Legal Framework

¹⁷<https://www.iwgia.org/en/indonesia.html#:~:text=Indonesia%20is%20the%20home%20of,to%2070%20million%20Indigenous%20Peoples.>

1. National Laws

16. Indonesian Constitution (Article 18 B-2) recognizes and respects traditional communities and their customary rights where these exist and as long as these are in accordance with the societal development and principles of the state. Some laws on agrarian reform (Decree Number 9/2001), agrarian regulations (Law Number 5 of 1960) and human rights (Law Number 39 of 1999) give implicit, though conditional, recognition of some rights of “*masyarakat adat*” or *adat* law communities (*masyarakat hukum adat*). The *Masyarakat Hukum Adat* term has been adopted in various policies such as forest management under the Customary Forest scheme in Social Forestry at the Ministry of Environmental and Forestry, the Customary Village in Law Number 6 of 2016 on Village – with autonomous indigenous governance, and the communal certificate belongs to MHA group under the Land Administration Agency (KATR/BPN) Regulation.

17. Village Law Number 6 of 2014 (Article 107) states that, “the customary village governance will be implemented based on the origin and traditional rights at the village level”. These include the rights to manage customary land, and village land that belongs to the customary village, village office, village forest, water springs, and other assets. The origin rights (*hak asal usul*) are defined as the living rights embedded in the kinship and social organization of the MHA group, the institution, the customary law and other customs followed by the villagers. In this project, several subprojects are located in the customary village with the local term *Mukim* in Aceh Province, *Pakraman* Village in Bali Province, and *Pekon* in Tanggamus District, Lampung.

18. Relevant to fisheries is Law Number 27 of 2007 jo. Law Number 1 of 2014 concerning the Amendment of Law Number 27 of 2007 on the Management Coastal Areas and Small Islands which explains in Article 60 how to integrate the proposed indigenous marine zone within RZWP-3-K (*Rencana Zonasi Wilayah Pesisir dan Pulau-Pulau Kecil*, or the Zoning Plan for Coastal Areas and Small Islands). The law has been referred to generate the technical regulation from MMAF for the recognition and protection of indigenous people in coastal and small island areas (MMAF Regulation Number 20 of 2020 on MMAF Strategic Planning for 2020-2024; MMAF Regulation Number 40/2014 on the Roles of Community Development in Managing Coastal and Small Island Areas).

19. MHAs recognition has been incorporated in **MMAF Regulation Number 40/Permen-KP/2014 concerning the Roles of Community Development in Managing Coastal and Small Island Areas** which considers traditional and indigenous people fisheries areas during the formulation of RZWP-3-K (the Zoning Plan for Coastal Zone and Small Islands). In addition, the MMAF has prioritized protection of MHAs in coastal and small island areas as stated in MMAF Regulation Number 20 of 2020 concerning the Ministry of Marine Affairs and Fishery Strategic Planning for 2020-2024.

20. To ensure that MHAs actively participate in the preparation and implementation of aquaculture programs, the Directorate General of Aquaculture (DGA) enacted four regulations incorporating the *masyarakat hukum adat* (indigenous law communities) as beneficiaries. First, the Directorate General Aquaculture Regulation Number 31/PER-DJPB/2021 on Technical Guidance for Shrimp Aquaculture Cluster in 2021¹⁸ to increase the productivity of shrimp

¹⁸ The project will be using the DG Aquaculture Regulation concerning on Shrimp Aquaculture Cluster in addition to the MMAF Regulation Number 75/PERMEN-KP/2016 concerning the General Guidance for *Windu* Shrimp (*Penaeus Monodon*) and *Vaname* Shrimp (*Litopenaeus Vannamei*) as the legal reference to distribute input for shrimp farmers. This MMAF Regulation has regulated the implementation of sustainable shrimp pond management at the field level.

commodity through the implementation of semi-intensive technology. The DG regulation has identified criteria of beneficiaries to receive the Shrimp Cluster input are:

- (i) community groups that are already legal entities or registered with the Office.
- (ii) customary law community groups that have received stipulations in accordance with statutory provisions and carry out activities related to the preservation of local wisdom in coastal areas and small islands.
- (iii) non-governmental organizations that are already legal entities.
- (iv) an educational institution that has been registered with the ministry that administers government affairs in the field of education, the ministry that carries out government affairs in the field of religion, or the provincial or district/city service in charge of education.
- (v) a religious institution that is already a legal entity or registered with the ministry that carries out government affairs in the field of religion.
- (vi) have a deed of establishment.
- (vii) have Articles of Association / By laws.
- (viii) management (chairman, secretary and treasurer) not regional heads, village/kelurahan apparatus, ASN employees, TNI/POLRI, extension workers or members of the legislature.
- (ix) registered on page Satu Data.
- (x) have a smartphone for means of communication.

21. Second, the Directorate General Aquaculture Regulation Number 60/PER-DJPB/2020 concerning The Technical Guidance to Revitalization Hatchery Unit at Household Level in 2020, stipulates that UPTs (technical implementation unit) and fishery extension worker have significant roles in assessing, identification, and verification the proposed site and beneficiaries to meet with the criteria under the MMAF regulation. Beside community group, civil society organizations, education institution and religious institution, the indigenous people group or MHA identified as part of the target beneficiaries are entitled to receive the small-scale hatchery support.

22. Third, the Directorate General Aquaculture Regulation Number 201/PER-DJPB/2021 concerning The Technical Guidance for Distribution Government Input to Support Aquaculture Infrastructure and Facilities, provides the template to validate the distribution of Aquaculture facilities to beneficiaries from community groups, indigenous law communities (MHA, Masyarakat Hukum Adat), non-government organization, education institution, and religion institution. The MHA group should fulfill the requirement by documenting the existing aquaculture activity in their land.

23. Fourth, The Directorate General Aquaculture Regulation Number 14 of 2022 concerning the Technical Guidance for Participatory Shrimp Pond Irrigation Management (PITAP) in 2022, emphasizes the participation of shrimp farmers in each project cycle during preparation, rehabilitation, reconstruction, and implementation the operational and maintenance management. The verification and assessment will be implemented by technical facilitator and Management Consultant for PITAP. The PITAP approach has been implemented since 2013 until 2021 in 18 provinces and 77 districts. This component might bring positive impact by integrating the indigenous irrigation system within PITAP management. The PITAP will be construct in the existing shrimp pond areas to avoid any impact for expansion new pond and affect to land use change at field level.

24. If the subproject site will be located in indigenous territories and impact the MHA, the sustainable shrimp pond management and capacity building will consider MHA group as long as

having been recognized by the enactment of local regulation (*peraturan daerah*). Five project provinces are located nearby the customary villages in *Mukim* and *Gampong* across five districts (Pidie, Bireun, Aceh Besar, Aceh Jaya and West Aceh) in Aceh Province, *Pakraman* Village in Jembrana and Karangasem Districts, Bali Province, *Pekon* land (customary land) within the customary village in Tanggamus District, Lampung, and the customary territories and customary forest in Sinjai and Bulukumba Districts, South Sulawesi. According to Law Number 6 of 2016 concerning Village, those subproject sites above are identified as *Desa Adat* or Customary Village with autonomous government administration according to their origin, territory, customs, traditions and social structure. The local governments recognize five types of indigenous properties near the subproject sites as part of customary villages, indigenous territories, and customary forest.¹⁹

2. ADB Safeguards Policy Statement of 2009

25. ADB's Safeguards Policy Statement (2009) ensures equality of opportunity for indigenous peoples. Any subproject effects on indigenous peoples should be consistent with their needs and aspirations and compatible in substance and structure with affected MHAs culture and social and economic institutions. This IPPF recognizes MHAs' vulnerability, and it explicitly ensures that the implementing agencies will address those in project intervention, whether positive or adverse. Moreover, the MMAF will ensure that affected IPs have opportunities to actively participate and benefit equally from such project interventions.

26. ADB's SPS has three objectives on the indigenous peoples' safeguard to ensure they (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. The significance of impacts of an ADB-supported project on Indigenous Peoples is determined by assessing (i) the magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected Indigenous Peoples community. The level of detail and comprehensiveness of the MDP is commensurate with the significance of potential impacts on Indigenous Peoples.²⁰

3. Comparison Between Government Regulations and ADB SPS

27. The main principles of government policies, and local government related to the *Masyarakat Hukum Adat* (MHA) and consultation and social assessment have been reflected

¹⁹ Several local regulations have recognized the existence of MHAs and their territories, including the properties in the subproject site. In the Special Region of Aceh Province, the *Mukim* identified as part of indigenous governance at village level and constituted from few *Gampong* (traditional village) areas (Qanun [Provincial Regulation] of Aceh Special Region Number 4 of 2003 concerning the *Mukim* Governance. In addition, Qanun (Regional Regulation) of Aceh Besar District Number 4 of 2013 concerning the Regional Spatial Plan for 2012-2032 has recognized the Mukim of Neuheun of the location BPBAP Ujung Batee. In Bali Province, the Regional Regulation of Bali Province Number 4 in 2019 concerning the Customary Village in Bali recognizes the existence of a customary village in Bali Province with a strong connection on sacred site (*kahyangan tiga* or *kahyangan village*). The customary forest has its local authority in managing water-springs, farming activities including aquaculture, and cattle management. The Bugbug village has recognized as part of traditional village under *pakraman* village with the cultural heritage zone (*Kawasan cagar budaya*) in Pura Candi Dasa and Pura Gumang (Bukit Juru). In addition, the villages have been legalized as part of the centre for shrimp aquaculture (The Regional Regulation of Karangasem District Number 17 of 2012 concerning the Regional Spatial Planning from 2012 to 2032). Third, the Pekon Government system has been recognized under Bupati Tanggamus Regulation Number 11 of 2016 concerning the Guidance to Establish Organisation, the *Pekon* Governance System, and the Selection and Termination of Pekon Members in the village level. Fourth, the other indigenous properties have been legalized in the form of Customary Forest and Indigenous Territories of Ammatoa Kajang in Bulukumba District, South Sulawesi.

²⁰ ADB. 2006. *Operations Manual*. Section F3. Indigenous Peoples. Manila

under ADB SPS 2009. It is also noted that the term MHA finds its equivalence in usage with the term *Indigenous Peoples* in the ADB SPS 2009. As such, this document refers to IPs as MHA.

28. A comparison between ADB SPS 2009 and the government regulations is presented in table 2, along with gap-filling measures that have become integral to the project design by considering each IP principle in ADB SPS.

Table 3: Comparison Between the Government Regulations and ADB SPS 2009

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
Consultation and Participation	<p>Law Number 27 of 2007 jo. Law Number 1 of 2014 concerning the Amendment of Law Number 27 of 2007 on the Management Coastal Areas and Small Islands, article 63 ensures community involvement in empowering programs from central and local government. The level participation of the community included in the decision making, implementation of empowerment program, the partnership between community-business sector- and government, the developing national policy on environmental issue, preventive action to avoid the decreasing support factor for coastal and small islands, developing eco-friendly technology, and providing and disseminating information on the environmental issue.</p> <p>MMAF Regulation Number 17 of 2020 concerning the MMAF Strategic Plan in 2020-2024, the Ministry has prioritized community</p>	<p>Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender - inclusive capacity development. Establish a culturally appropriate and gender-inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>	<p>GOI upholds socialization in any developmental process on marine and coastal management. However, participation and meaningful consultation are two different concepts and definitions. Participation does not mean that there is meaningful consultation, while meaningful consultation requires full and effective participation or even collaboration.</p> <p>The ascertained consent of the affected IP group is not operational in both MMAF regulation and the national legal system.</p>	<p>The EA/IA will undertake meaningful consultation with affected MHA communities in each subproject component to ensure their informed participation and ascertain the consent of the affected MHA group towards project design and implementation.</p>

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
	<p>participation and increased their awareness in monitoring marine and fishery resources management. In addition, the regulation has incorporated the community participation in Gender Mainstreaming issues in each MMAF activity.</p> <p>The DGA at MMAF has incorporated the participation of beneficiaries within the preparation, implementation, and operational management for HSRT (DGA Regulation Number 60 of 2020), Shrimp Aquaculture Cluster Management (DGA Regulation Number 31 of 2021), and the Participatory Shrimp Pond Irrigation Management (DGA Regulation Number 14 of 2022)</p>			
Social Impact Assessment	<p>Several regulations at national, province and district level have regulated the requirement to undertake social impact assessment to affected customary communities.</p> <p>-Law Number 6 of 2014 concerning the Village, has put the government</p>	<p>Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples</p>	<p>The assessment has mentioned in mostly of GOI regulation, but it does not focus to assess the impact of certain project to indigenous peoples. Meanwhile, the ADB SPS on IP principle emphasized the need to conduct proper social impact assessment to assess its</p>	<p>The EA/PIU will conduct social impact assessment for potential impacts to the identified MHA</p> <p>Identify social and economic benefits for MHAs that are culturally appropriate and gender perspective</p>

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
	<p>responsibility to facilitate the assessment in identifying the category of MHA in the proposed customary village</p> <p>- Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Public Utilities Construction (Article 41) meaningful consultation in land acquisition above indigenous land</p> <p>-Minister of Home Affairs Regulation Number 52 of 2014 concerning the Guidance for Recognition and Protection of Indigenous Legal Communities. In Article 5, the regulation has mentioned the requirement to assess the existence of Indigenous people by focusing on few indicators such as: (i) the history of indigenous legal communities; (ii) customary law; (iii) indigenous territories; (iv) property and customary objects; and (v) indigenous institution or indigenous governance system</p> <p>Meanwhile, the MMAF implementation policies within Directorate General of</p>	<p>prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.</p>	<p>impact to Indigenous Peoples prior the project and during the implementation phase.</p> <p>Most recent regulation in DGA is only regulated the process for verification, validation and selection of proposed shrimp pond location and the beneficiaries. However, the MMAF as EA still not require the social impact assessment during project preparation phase.</p>	<p>Develop measures to avoid, minimize, and/or mitigate adverse impacts on MHAs. Ensuring the positive impact from the project through generating the beneficial measures within MDP document.</p>

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
	<p>Aquaculture (DGA Regulation Number 60/2020 on HSRT or Small-scale hatchery; DGA Regulation Number 31/2021 on Shrimp Aquaculture Cluster Management; DGA Regulation Number 14/2022 on Participatory Shrimp Pond Irrigation Management) are only focused on verification and the validation the proposed location and candidate beneficiaries for sustainable shrimp aquaculture cluster.</p>			
<p>IP Planning</p>	<p>According to Directorate General Aquaculture Regulation Number 31/PER-DJPB/2021 on Technical Guidance for Shrimp Aquaculture Cluster in 2021, the MHA group was identified as one of the key beneficiaries to get input from the government. The MMAF will establish a working group team to ensure the preparation of the program plan, while the MHA need to prepare a proposal that describes the profile location for shrimp cluster areas, the potency from the proposed shrimp pond areas within the cluster management and its business plan.</p>	<p>Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and</p>	<p>IP planning is largely documented merely as part of the consultation process with no framework and elements of action planning. Currently, there are no clear regulations requiring preparation of Indigenous Peoples Plan (IPP). However, potential project impacts will be carried out through Social Impact Assessment.</p> <p>Regarding GRM issue, there is no technical guidance of GRM.</p> <p>No explicit measures to ensure the GRM will be culturally applicable in IP or Indigenous Peoples. GRM is</p>	<p>If the screening and SIA indicate that the proposed project will have impacts, positive and/or negative, on MHAs. In that case, the EA/IA will prepare an IPP in the context of the SIA and through meaningful consultation with affected MHA communities. The IPP will be prepared in the form of MHAs Development Plan (MDP) due to the beneficial impact on strengthening the capacity of shrimp farmers from the MHAs group rather than the negative impact. MDP will have key elements that ensure MHAs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate,</p>

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
		includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures	not explicit on cultural sensitivity.	or compensate for any adverse project impacts; and include culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget time-bound actions for implementing the planned measures.
Information Disclosure	The MMAF emphasized the requirement for project to arrange the discussion within community to prepare the civil works design and the working plan before submitting the proposal to District Fishery Office.	Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final MDP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.	<p>Similar to ADB Principles Ascertain the consent of affected customary communities ensures the consensus building requiring the full participation of affected IP group.</p> <p>The GOI regulation on land acquisition and the MOEF regulation on utilizing the local wisdom in natural resources and environmental are very explicit to ensure the consent of affected IP group including resource utilization, management and development including to benefit from exploration and negotiate terms and conditions.</p>	The EA/IA will submit to ADB the following documents to disclose on ADB's website (a) a draft MDP and/or an IPPF, endorsed by the EA before appraisal; (b) a final MDP upon completion of detail design; (c) a new or updated MDP and a corrective action plan prepared during implementation, if any; and (d) monitoring reports. The summary of MDP in the form of Project Information Brochure in Bahasa Indonesia and local language will be disclosed to the impacted indigenous peoples and IP organizations. .
Grievance Redress Mechanism	If such land acquisition will be required, the Law No. 26/2007 on Spatial Planning Article 55 (5) need to be considered to provide opportunity for community in raising their complaints to Local Government.	Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the customary communities' concerns.	The MMAF has mandated to establish GRC or known as TPP (<i>Tim Penanganan Pengaduan/</i> Grievance Handling Team) at ministry level and UPT level in regional.	The EA/PIU will undertake meaningful consultation with affected customary communities to ensure their informed participation under the current TPP structure at UPT.

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
	<p>Law No. 12/2012 guarantees that any land acquisition for development project should provide GRM to accommodate complaints from affected communities.</p> <p>The complaint related to project implementation will refer to MMAF Regulation Number 56/PERMEN-KP/2020 concerning the Grievance Handling in the MMAF working areas. The ministry regulation has regulated to provide opportunity from community in raising their complaint related to the MMAF project development and activities.</p>		<p>This MMAF regulation (article 3) provided mechanism to report grievance through few ways: website in www.kkp.lapor.go.id or www.lapor.go.id, sending a SMS, sending email to pengaduan@kkp.go.id , sending WhatsApp message to +62811989011, sending letters to TPP leaders at ministry or UPT level in regional office at each district.</p> <p><i>No explicit measures to ensure the GRM will be culturally applicable in IP or MHA. GRM is not explicit on cultural sensitivity in the MMAF mechanism.</i></p>	<p>Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the affected IP's concerns or complaints/ grievances.</p> <p>Involve formal institutions related to traditional law in the implementation of project by including the indigenous institution at village level, subdistrict, and district level. The roles of <i>traditional or customary village</i> leaders invited during the consultation meeting prior the implementation of subproject component.</p> <p>Provide for culturally appropriate and gender inclusive capacity development.</p>
Monitoring and Reporting	<p>The MMAF has enacted the MMAF Regulation Number 29/PERMEN-KP/2018 concerning the Integrated Monitoring and Evaluation to the Implementation of Program and Activities on Development in Marine and Fisheries sector.</p> <p>In Appendix 2, the MMAF regulation highlighted the need to measure the impact</p>	Monitor implementation of the MDP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the MDP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of MDP monitoring. Disclose monitoring reports.	Currently, regular M&E does cover program impacts on community well-being at economic and institutional levels. The MMAF program impacts are defined as a multiplier effect in the financial condition within the community, the institutional development in the community, and the environment in the community (Appendix 2, in	<p>The EA/PIU to monitor the MDP implementation and project impacts on IPs in a timely manner.</p> <p>The indicator on the capacity building for the MHAs group will be incorporated as part of the unit indicator in the M&E report to implement social safeguards.</p>

ADB Requirements	GOI Laws and Regulations	ADB SPS 2009	Gaps Identified	Gap Filling/ Project Policy
	handling in the community (focused on economic, institutional, and environmental issues).		the M&E report template in MMAF) There is no specific monitoring of project outcome on the inclusion of customary communities and whether the objectives of MDP are achieved.	Disclose monitoring reports on each UPT and ADB website and make the reports available at the project site accessible to IPs.

ADB = Asian Development Bank, EA = executing agency, GOI = Government of Indonesia, HSRT = Hatchery Skala Rumah Tangga (Small Scale Hatchery/Backyard), IA = implementing agency, IP = indigenous people, MMAF = Ministry of Marine Affairs and Fisheries, M&E = monitoring and evaluation, SPS – Safeguards Policy Statement, UPT = Unit Pelaksana Teknis (Regional Technical Implementation Unit).

4. Project Policies

29. Under the guidance of the MMAF, the project shall uphold legal provisions of the government in harmony with ADB-SPS 2009 safeguard requirements applicable to MHAs. Based on the equivalence-gap matrix, the following principles will apply:

- (i) Screen subprojects to determine if MHAs are present and determine the likelihood of impacts on MHAs per project activities and per UPT or MMAF's and other government agency land, except the Village Government Land (i.e. *Mukim* land, *Pekon* land, or *Ulayat* land in Pakraman Village, or Customary Land both privately and collectively owned by MHA).
- (ii) Undertake culturally appropriate and gender-sensitive SIA to assess potential project impacts on MHAs.
- (iii) Conduct meaningful consultations with affected MHAs to solicit their participation across the project cycle to (a) avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; (b) develop project benefits for affected MHAs in a culturally appropriate manner; (c) provide culturally appropriate and gender-inclusive capacity development; and (d) establish a culturally appropriate and gender-inclusive GRM.
- (iv) Ensure consent and meaningful consultation with affected MHAs on project activities: (a) development of modern brood stock centers and two multiplication centers to provide smallholders access to affordable and quality shrimp brood stock; (b) support the establishment of farmer-based enterprises, (ii) developing farmer's cluster shrimp ponds and mangrove plantation to reduce erosion and improve water quality; (c) develop the value chain downstream processes for shrimp aquaculture, through training of postharvest and marketing, food handling, etc. The consent shall refer to a collective expression by the MHA, through individuals and/or their recognized representatives, of broad community support for project activities.
- (v) In full consultation with local IP communities, the zoning and mapping exercises will define the areas with customary rights of the local IP and reflect the issues in the MDP with actions to protect or compensate IP communities.
- (vi) Avoid any restricted access to and physical displacement from protected areas and natural resources to the maximum extent possible. Where avoidance is not possible, ensure that MHAs participate in the design, implementation, monitoring, and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vii) Prepare the MDP based on SIA including a framework for continued consultation with the MHAs during project implementation; specifies measures to ensure that they receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate GRM, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (viii) Disclose the draft MDP, including documentation of the consultation process and the results of the SIA in a timely manner, in an accessible place and in a form and language understandable to affected MHAs. The final MDP and its updates will also be disclosed to the MHA communities.
- (ix) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that

MHAs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

- (x) Monitor implementation of the MDP using qualified and experienced experts; adopt a participatory monitoring approach and assess whether MDP objectives and desired outcomes have been achieved, considering the baseline conditions and the results of MDP monitoring.
- (xi) Disclose monitoring reports. The objective of the above project policies is to design and implement projects in a way that fosters full respect for MHAs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by themselves so that they (a) receive culturally appropriate social and economic benefits, (b) do not suffer adverse impacts as a result of projects, and (c) should participate actively in projects that affect them.

30. The project approach is to improve development outcomes for MHAs through their informed participation and decision-making. Culturally sensitive social participation modalities are central to the project operations, building on peoples' knowledge and capacities in the process of transferring technology and extending access to opportunities.

B. Subproject Screening Criteria

31. The following criteria are used for selection of cluster areas to be included in the project:
- (i) The subproject site selection will not require any involuntary land acquisition to any communal land to avoid any land conflict with other parties. The land must be free of conflicts between MHA communities or MHAs and other parties.
 - (ii) The selected villages must be consistent with the Regional Spatial Development Plan and RZWP-3-K (the Zoning Plan for Coastal Zone and Small Islands) as legalized by the local authority at Regional Government at the province level.
 - (iii) The proposed areas must have a legal ownership document (clear and clean) with the evidence of land certificate, other land ownership document, the evidence to lease the land at least for five years and still valid during ongoing project period.
 - (iv) The selected village will not affect to land-use change to use local mangrove ecosystem in nucleus zone within conservation territories.
 - (v) The selected areas are not located in the culturally sensitive areas for the respected MHA.
 - (vi) The areas have good accessibility to outside market in the same regions.
 - (vii) Having good irrigation channels.
 - (viii) Supported by water supply for Shrimp Aquaculture.
 - (ix) Free from flood.

32. In addition to site selection criteria, the project developed four criteria for project beneficiaries through considering activities, project outputs, farmer's participation and their level involvement in each project cycle. In Table 4, the project identified shrimp farmers category based on the DGA regulation to be used in the preparation of MDP and selection of subproject site and its beneficiaries.

33. The project beneficiaries consist of core farmers and expansion farmers. **Core farmers** are the small-scale shrimp farmers who receive direct project provision, both in terms of infrastructure and facilities for cultivation as well as improving the capabilities and skills of shrimp

cultivators through training, outreach, and workshops. Meanwhile, the **expansion farmers** will benefit from capacity strengthening through field school activities, demonstrations, etc. by core farmers supported by facilitators.

Table 4: Project Beneficiaries and Selection Criteria in IISAP Project

Type	Project's Output and Component	Beneficiaries Farmers	Criteria	Implementation Requirement
1.	Output 1 – Household-Scale Hatchery (HSRT) in 9 districts	HSRT group that has been registered in the local village and/or has a Fisheries Business Registration Certificate (<i>Tanda Pencatatan Usaha Perikanan, TPUP</i>).	Meet administrative, Technical, location requirements. Preferably has a certificate of Good Fish Hatchery Practice (<i>Cara Pembenihan Ikan yang Baik, CPIB</i>) or is willing to apply CPIB	The consultant and facilitator will identify, select, and verify the proposal's farmer group to be shortlisted group. Next, the UPT and District Fisheries Agency will double check the shortlisted group. Proposed to be determined by PPK (Commitment-making officer) of the Directorate Production and Cultivation Business and approved by KPA (Proxy Budget User, <i>Kuasa Pengguna Anggaran</i>) of the DG Aquaculture.
2.	Output 2 – Farmer's Pond cluster in 22 districts (7 provinces)	Farmers' group (POKDAKAN) in the assigned project site and is listed in District Fisheries Agency and Satu Data Website.	Beneficiaries and location requirement. <ul style="list-style-type: none"> ▪ Registered farmer group ▪ Customary law community ▪ NGO ▪ Registered educational institution ▪ Registered religious organization. ▪ In accordance with district spatial plan. ▪ The status of land ownership is clear and clean. ▪ Free from legal disputes/problems and no compensation fees. ▪ Have accessibility, irrigation canals, and water source in the area. ▪ Free from flooding. 	The consultant and facilitator will identify, select, and verify the proposal's farmer group to be shortlisted group. Next, the UPT and District Fisheries Agency will double check the shortlisted group. Proposed to be determined by PPK and approved by KPA.
3.	Output 2 – Irrigation canal in	Group of farmers (POKLINA) located within the same	Location and beneficiary's requirement.	The consultant and facilitator will identify, select, and verify the

Type	Project's Output and Component	Beneficiaries Farmers	Criteria	Implementation Requirement
	22 districts (7 provinces)	irrigation tertiary block in the assigned areas and is listed in District Fisheries Agency and Satu Data Website.	<ul style="list-style-type: none"> ▪ The pond area is within a sub-district. ▪ Allotted for fish cultivation ▪ A maximum top width of 6 meters. ▪ Registered in district fisheries agency and Satu Data website ▪ Having Articles of Association and Bylaws. ▪ Willing to make and sign an integrity pact. 	proposal's farmer group to be shortlisted group. Next, the UPT and District Fisheries Agency will double check the shortlisted group. Proposed to be determined by PPK and approved by KPA.
4.	Output 2 – To be provided with pond rehabilitation/ reconstruction, communal wastewater treatment plant, and electricity in 22 districts (7 provinces),	Farmer group within the project's assigned irrigation tertiary block who agreed with the project requirements and is listed in District Fisheries Agency and Satu Data Website.	<p>Beneficiaries, administrative and location requirement.</p> <ul style="list-style-type: none"> ▪ Farmer group, MHA, NGO, educational institution, religious organization that are registers in Satu Data Website, has legal entity, and conducted fisheries sector activity. ▪ Make proposal and sign a statement letter of readiness to be prospective beneficiaries. ▪ Having land area for fish cultivation with 20.0000 m², land ownership with status is clear and clean, not in dispute, a source of water in sufficient quantity with good quality in accordance with the requirements of fish farming and not contaminated from food hazards, and transportation and communication accessibility. 	The consultant and facilitator will identify, select, and verify the proposal's farmer group to be shortlisted group. Next, the UPT and District Fisheries Agency will double check the shortlisted group. Proposed to be determined by PPK and approved by KPA.
5.	Output 3 – Skill improvement and value chain strengthening in 26 districts (7 provinces).	Direct beneficiaries (core farmer) and indirect beneficiaries (expansion farmer) or village community members located in the project areas who are invited and interest to attend trainings	The direct beneficiaries (core farmers) and indirect beneficiaries (expansion farmers), involving smallholder farmers, poor farmers, female daily workers, IP/MHA members, and youth groups.	Will be selected and facilitated by consultants and project's facilitators

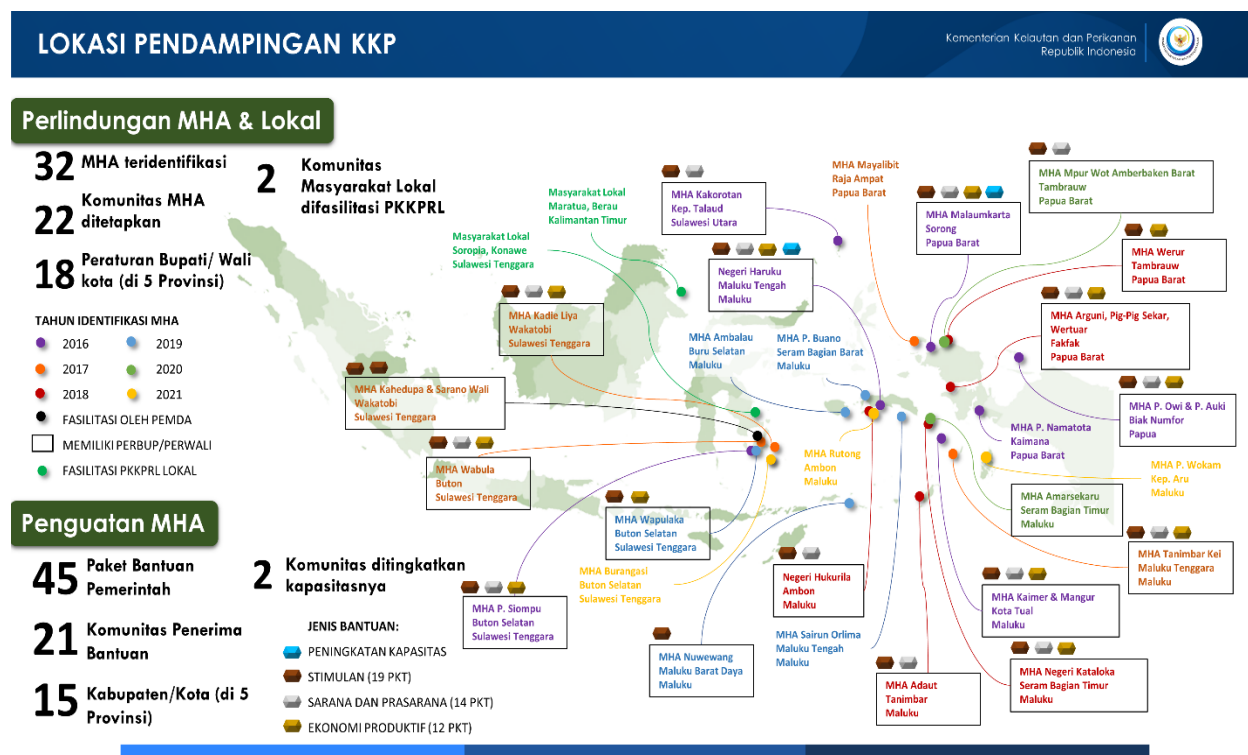
III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES

A. Screening for Indigenous Peoples (*Masyarakat Hukum Adat*)

34. The ADB SPS provides a checklist to assess who can be covered under the policy largely rooted in vulnerability and marginality. The Appendix 3 provides the screening checklist for MHA for the subprojects. The term used in this IPPF document has combined the term of *Masyarakat Hukum Adat* refer in Indonesia National Law and the criteria of indigenous people/customary communities in ADB SPS Indigenous People Safeguard, such as (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) have been inhabiting a certain territory for generations with collective attachment in their ancestral territories in the project area and the natural resources in these habitats and territories; (iii) they maintain their culture, including aspects of language, belief, production patterns, law, and social institutions; and (iv) face deprivation of rights, marginalization, and discrimination. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible under this definition. This project will use the term *Masyarakat Hukum Adat* rather than Indigenous Peoples to put them as a legal entity after being recognized by the local and central government.

B. MHAs in Project Areas

Figure 5: The MMAF Works in Several Indigenous Marine and Coastal Territories



Source: MMAF. 2020.

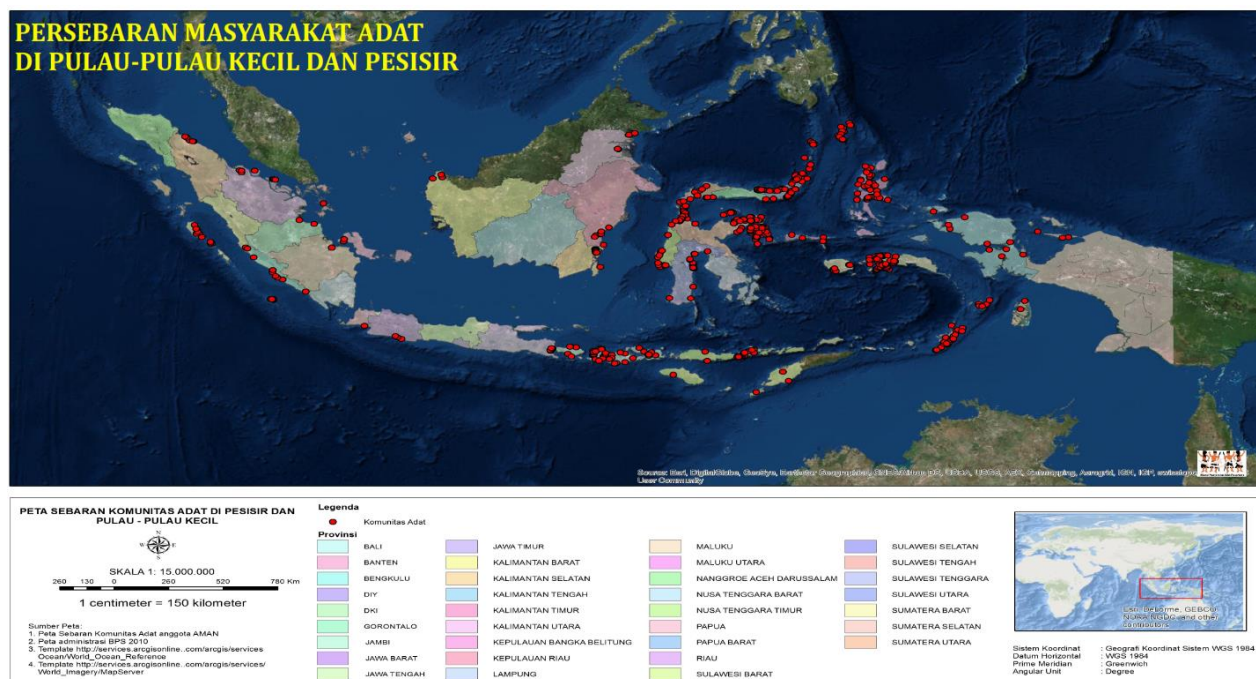
35. The MMAF recognizes MHAs' existence in managing coastal zones by enacting RZWP-3-K (the Zoning Plan for Coastal Zone and Small Islands) at the province level. The local government and the MMAF have recognized several indigenous peoples groups in coastal areas

and small islands to manage the conservation zone in marine and coastal areas. MMAF (2021) has identified 32 indigenous peoples groups in coastal areas and is recognizing the MHA in 22 locations (Figure 6). In 2022, there were three provinces that incorporated the indigenous marine and coastal zone within Regional Regulation (Perda, *Peraturan Daerah*) on RZWP3K in Aceh Province (*Panglima Laot* customary law and territories), Southeast Sulawesi (Kaombo, Kadie Laiya, and Siompu IP group), and West Papua (Doberai IP Group, Saireri indigenous territories).²¹

36. During the preparatory phase in 2021, the project has prepared a baseline survey. From 370 respondents, the survey shows that most respondents (50%) are classified as Javanese ethnic, 29% are Bugis, and the remaining respondents are from Makassar, Sunda Pendalungan, Madura and Java-Bugis. The baseline survey was conducted in East Java, South Sulawesi, and Lampung.

37. According to MMAF (2019), there are 2,2 million traditional fishermen, including those from MHA and the local community who rely on the coastal and marine zone as their living space (see Figure 7).²²

Figure 6: The Distribution of MHAs in Small Islands and Coastal Zone based on AMAN Data (2020)



Source: AMAN membership network, 2020

38. Four customary communities have been identified to be potentially affected by the development of sustainable shrimp ponds. The customary communities are located in (i) Bugbug customary village (*Desa adat*) in Karangasem District; and other potential districts (ii) Pakraman Village in community shrimp pond cluster in Jembrana and Karangasem District, Bali province;

²¹ MMAF and KIARA (People's Coalition for Fisheries Justice Indonesia), 2022. In AMAN report (2022).

²² Muhammad Arman. AMAN [Indigenous Peoples Alliance of Archipelago]. *Silang Sengkarut Pengaturan Ruang Hidup Masyarakat di Pesisir dan Pulau-Pulau Kecil: Peluang, Tantangan, dan Usulan Rekomendasi Kebijakan* [The Complexity of Living Space Management in Coastal and Small Islands: The opportunities, challenges, and recommendation].

(iii) Gampong and Mukim communities in Aceh Province and (iv) Konjo pesisir or coastal konjo indigenous people in Bulukumba District, South Sulawesi In Aceh Besar District, the BPBAP Ujung Batee areas located in Gampong Neuhuen and Gampong Baro, Mesjid Raya Subdistrict, the *Pekon* as the smallest of customary village unit in Tanggamus District, Lampung, and indigenous territories Bulukumba Districts. In Appendix 8, the document provides detailed list of MHAs in and nearby the project site.

39. In Aceh, the subdistrict areas are constituted under *gampong* (villages), which are composed of several related kin groups and led by religious authority (*teunku*) and a village head (*keuchik*); both are technically elected, but in fact, genealogically determined. Several villages comprise a *mukim*, which is spiritually and administratively headed by an *imam* (*imeum*). In the past, the *mukim* were parts of larger territorial units which were largely autonomous and tied with the *uleebalang* merchants. The *Gampong* has been transformed to govern the administrative village, and *mukim* was transformed to manage the subdistrict (*kecamatan*). In the subproject site, most population is the Acehnese tribe. As stated in two regional regulations in Aceh at Province and District level, *Mukim* and *Gampong* are recognized as part MHAs. According to *Qanun* (Provincial Regulation) of Aceh Special Region Number 4 of 2003 concerning the *Mukim* Governance, the regional government recognizes the *Mukim* as part of indigenous governance at the village level, and it is constituted from few *gampong* (traditional village) areas.

40. At the district level, the district governments in Aceh have enacted 17 regional regulations (or commonly known as *Qanun* for Aceh local government terms) on the recognition of Mukim as indigenous peoples. Under the project, five districts have legalized the Mukim and Gampong as part of MHA group (see table 5). The *Qanun* (Regional Regulation) of Aceh Besar District Number 4 of 2013 concerning the Regional Spatial Plan for 2012-2032 recognizes the Neuheun and Krueng Raya as part of *Mukim* areas. Besides the subproject in MMAF land, there will be five community shrimp clusters in Pidie, Bireun, Aceh Jaya, Aceh besar and West Aceh districts. These community shrimp clusters might use the *Gampong*, and *Mukim* land or private ownership of MHAs land belongs to Aneuk Jamee tribe in West Aceh and Aceh Jaya Districts, Gayo tribe in Aceh, Alas Tribe in Bireun District.²³ According to AMAN (2021) study on the Distribution of Indigenous Territories, there are thirteen MHAs groups recognized in West Aceh, Pidie, and Aceh Jaya Districts.²⁴ Meanwhile, the JKMA (the Aceh's Indigenous Community Network) has identified thirteen *mukim* indigenous territories legalized in four districts in Pidie District (Mukim Beungga, Mukim Kunyet and Mukim Paloh), Aceh Besar District (Mukim Lampanah, Mukim Gunung Biram, Mukim Leupung and Mukim Blang Mee), Aceh Jaya District (Mukim Krueng Sabe and Mukim Panga Pasie), and West Aceh District (Mukim Lango, Mukim Manjeng, Mukim Meuko and Mukim Tungkop). The legalized mukim territories cover 145,250.24 hectares.

²³ The distribution of traditional ethnic tribes in Aceh Province. See more on <https://kebudayaan.kemdikbud.go.id/bpcbaceh/provinsi-aceh-terdiri-dari-23-kabupaten-13-suku-dan-memiliki-11-bahasa-daerah/>

²⁴ Eight of MHAs group are distributed in Aceh Barat (4 MHAs group consisted Mukim Lango, Mukim Manjeng, Mukim Meuko, and Mukim Tungkop), Pidie (3 MHAs consist Mukim Paloh Indigenous Borders area, Mukim Kunyet Indigenous Territories, and Mukim Beungga), and Aceh Jaya Districts (the recognition of Mukim Customary Forest). See more on "the Distribution of Indigenous Territories Map: the Overview Recognition and Overlapped Condition of Indigenous Territories in Indoensia". Page 4-5.

Table 5: List of Regional Regulation on Recognition of Indigenous Peoples in IISAP Project at Aceh Region

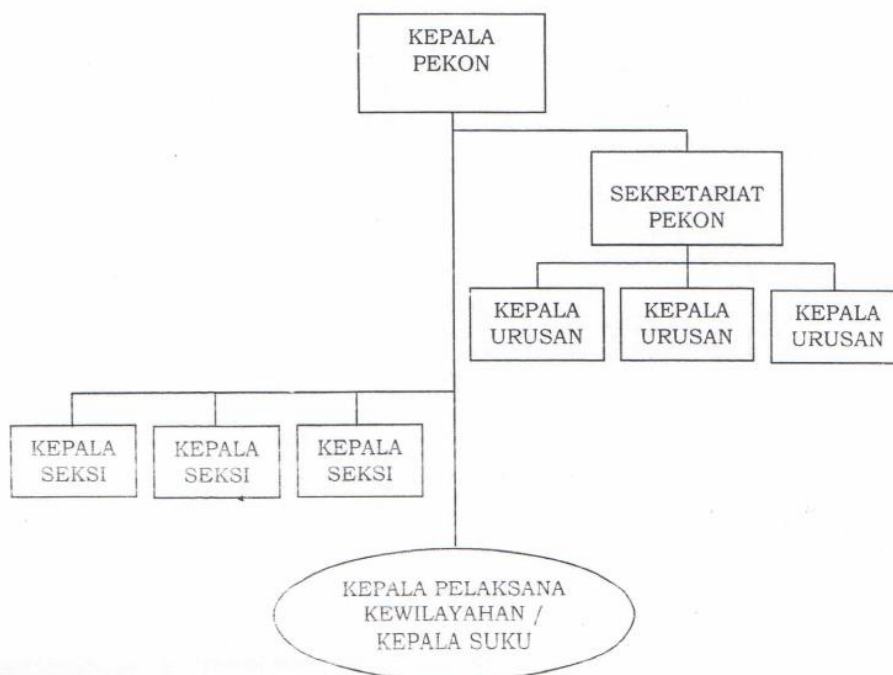
No	District	Regional Regulation	The IP Context on Regulation
1	Aceh Besar	Qanun Aceh Besar Number 8 of 2009	Mukim Governance
2		Qanun Aceh Besar Number 11 of 2009	Gampong Governance
3	Aceh Jaya	Qanun Aceh Jaya Number 5 of 2017	Mukim Customary Forest
4		Qanun Aceh Jaya Number 4 of 2011	Mukim Governance
5	Aceh Barat	Qanun Aceh Barat Number 3 of 2010	Mukim Governance
6	Pidie	Qanun Pidie Number 7 of 2011	Mukim Governance
7		Qanun Pidie Number 8 of 2011	Gampong Governance
8		Head of Pidie District Decree Number 140/343/KEP.02 of 2016	Legalization of the borders Mukim Kunyet, Padang Tiji Subdistrict
9		Head of Pidie District Decree Number 140/342/KEP.02 of 2016	Legalization of the borders Mukim Paloh, Padang Tiji Subdistrict
10		Head of Pidie District Decree Number 140/344/KEP.02 of 2016	Legalization of the borders Mukim Beungga, Padang Tiji Subdistrict
11	Bireuen	Qanun Bireuen Number 4 of 2012	Mukim Governance
12		Qanun Bireuen Number 3 of 2012	Gampong Governance
13		Qanun Bireuen Number 5 of 2017	Mukim Customary Forest
14	Pidie Jaya	Qanun Pidie Jaya Number 2 of 2018	Gampong Governance

41. The hatchery and laboratory of BPIU2K Karangasem is proposed in Bugbug Village, Karangasem Subdistrict. According to the **Regional Regulation of Karangasem District Number 17 of 2012 concerning the Regional Spatial Planning in 2012-2032**, the Bugbug village is recognized as a traditional village under *pakraman* village with the cultural heritage zone (*kawasan cagar budaya*) in Pura Candi Dasa and Pura Gumang (Bukit Juru). In addition, the village has been legalized as centre for shrimp aquaculture. As stated in the Regional Regulation of Bali Province Number 4 of 2019 concerning the Customary Village in Bali, the customary village has local authority in managing water-springs, farming activities including aquaculture, and cattle management. The Bugbug Pakraman Village was established based on the kinship relation associated with the similar sacred place (*pura*) and customary territories (*padruwen desa adat* or *ulayat* territories). The District Jembrana government has enacted the spatial planning regulation in Regional Regulation of Jembrana District Number 11 of 2012 concerning the Spatial Planning of Jembrana District from 2012 to 2032. Article 4 (6) on the Development Planning Areas, states that the Pakraman Village is the smallest administrative and cultural unit in the Jembrana Administrative District Areas.

42. The community shrimp cluster in three districts (Tanggamus District, Lampung province; Sinjai and Bulukumba Districts, South Sulawesi Province) might positively impact the MHAs. In Tanggamus District, the District Government has enacted the Bupati Tanggamus Regulation Number 11 of 2016 concerning the Guidance to Establish Organization, the *Pekon* Governance System, and the Selection and Termination of *Pekon* Members at village level. The *pekon* is identified as part of the customary village and territorialization concept based on traditional and origin rights (*hak asal usul*) in Tanggamus District. The Lampung Tribe is dominated in

Tanggamus District, and there were 300 *pekons* institutionalized in the early legalization of Tanggamus as a District administrative area under the Lampung Province. At the moment, *Pekon* is organized by the Head of *pekon* and divided into several *Suku* (tribe) areas (see Figure 8).

Figure 7: The Organization Structure in Pekon Governance System in Tanggamus District, Lampung



Source: Bupati Tanggamus District Number 11 of 2016 concerning the Guidance to Establish Organization, Pekon Governance, and the Selection of Pekon Member

43. Community shrimp clusters will also be located in Bulukumba District, South Sulawesi Province. Although, the Sinjai District Government has recognized several MHA groups through Sinjai Regional Regulation Number 1 of 2019 on the Recognition of MHAs, recognizes three *kampongs* in (i) Barambang; (ii) Karampuang; and (iii) Turungan Villages. The indigenous territories in Sinjai are located quite far from proposed shrimp cluster areas. The Bulukumba District Governance recognizes the Ammatoa Kajang indigenous territories in forest areas. Kajang people are also known as Konjo people, and they live in coastal regions or *Konjo Pesisir* (Coastal Konjo). Konjo Pesisir or also known as Tiro live in the subdistricts of Kajang, Herlang, Bonto Tiro, and Bonto Bahari in the eastern Bulukumba District. In Bulukumba Regional Regulation Number 9 of 2015 concerning the recognition of MHAs Ammatoa Kajang, the *pasang ri kajang* in Kajang people are recognized as the core value in managing social, cultural, governance, belief, the relation between human and environment (specifically in marine and forest management issues).

C. Impact Assessment

44. Although several subproject sites are located nearby customary villages, the project activities will not cause any potential negative impacts on land acquisition in customary land or indigenous territories. Most of the subproject impact will potentially affect positive consequences

on increasing local shrimp farmers to adopt sustainable shrimp pond management and institutionalizing sustainable aquaculture in community shrimp ponds and mangrove community groups. In **Table 6**, the IPPF highlights the detailed potential positive impact to project beneficiaries from Indigenous Peoples that impact assessment must consider.

Table 6: Potential Impacts on Indigenous People and Mitigation Measures

Component	Potential impact (Positive/negative)	Percentage of MHAs targeted as project beneficiaries	Measures
1.1 Broodstock and multiplication centers capacity increased	Two subproject areas in Aceh and Bali will be targeted to receive input <u>on broodstock breeding protocol and improve Good Hatchery practices to local farmers</u> in two <i>Gampong</i> , and one <i>Pakraman</i> Village. Both of these local concepts are identified as the customary village. The subproject will increase the Good hatchery practices in local shrimp farmers' capacity.	<p>Total population of <i>Gampong</i> Neuheun is 11.650 habitant, and <i>Gampong</i> Baro is 173 inhabitants. With mostly pre-prosperous families located in Gampong Neuheun, there are about 295 families from the total 783 pre-prosperous families in Mesjid Raya Subdistrict.</p> <p>Meanwhile, the population of Bugbug village is 13,310 inhabitants. According to the list of certified CBIB (Good Aquaculture Practices), four enterprises units existed in Aceh Besar District and one enterprise unit in Karangasem, Bali.</p> <p>According to the Readiness report in IISAP, in Aceh, there are 39,380 shrimp farmers (60% of them classified as traditional shrimp farmers. Meanwhile, there are 58 shrimp farmers in Bali Province, 10% of them classified as traditional shrimp farmers.</p> <p>The project will target at least 10% of MHAs from total beneficiaries in the subproject component.</p>	<p>The beneficial measures will ensure the targeted shrimp farmers to the local community, including the vulnerable group from indigenous peoples members from Acehnese tribe in Gampong Neuheun, Gampong Baru; and Balinese tribe in Bugbug Customary Village.</p> <p>In addition, one of the subproject components on 1.2 Sustainable Feed Capacity Increased will ensure the seed feed and shrimp seed that must not be harmful to indigenous species in the project provinces (see Loan Agreement Sch 5, Para 10).</p>
2.1 Farmer-based enterprise development and strengthening	The local farmers will be strengthened by several non-civil works components such as (i) support legally-established the farmer-based enterprise; (ii) training on mangrove management, small-scale farmer group strengthening and farmer institutional empowerment; (iii) training on the silvo-aquaculture ponds and irrigation canals; (iv) train	The number of local farmers registered in <i>Gampong</i> areas in five clusters of Aceh Province (Pidie, Bireun, Aceh Besar, Aceh Jaya, and West Aceh), <i>Pekon</i> areas in Tanggamus District, and the MHAs in Sinjai and Bulukumba District of South Sulawesi Province will be prioritized as a targeted group in this project	The meaningful consultation must be held in the early stage of project preparation and before the implementation of the project. According to several regional regulations on spatial planning, the customary village areas in <i>Gampong</i> and <i>Mukim</i> within five clusters in Pidie, Bireun, Aceh Besar,

Component	Potential impact (Positive/negative)	Percentage of MHAs targeted as project beneficiaries	Measures
	<p>small-scale farmers on pond water quality and wastewater management; (v) the formation and empowerment of mangrove community groups</p> <p>Project components on institutionalizing sustainable shrimp pond management to local farmers, and the location of the formation mangrove community groups will be determined during the project preparation program.</p> <p>There is 24 community shrimp cluster targeted as the project site, and eight of them are located in and nearby the MHAs territories. These eight shrimp clusters are distributed in five Shrimp clusters in Aceh (Pidie, Bireun, Aceh Besar, Aceh Jaya, and West Aceh), one shrimp cluster in Lampung (Tanggamus), and one shrimp cluster in South Sulawesi (Bulukumba District).</p>	<p>component to strengthening the sustainable shrimp pond farming practices.</p> <p>Detailed number of shrimp farmers in those eight clusters are included:</p> <ol style="list-style-type: none"> 1. Aceh Province: 39,380 shrimp farmers (60% of them classified as traditional shrimp) 2. Lampung Province: 15,993 shrimp farmers (25,6% of them are traditional farmers) 3. South Sulawesi Province: 147,136 shrimp farmers (90% of them are traditional farmers) <p>The project will target at least 25% of MHAs from total beneficiaries in the subproject component.</p>	<p>Aceh Jaya, and West Aceh); <i>Pekon</i> areas in Tanggamus District and indigenous territories in Sinjai and Bulukumba Districts have been legalized in the regional spatial planning.</p> <p>Thus, the customary leaders and actors such as <i>Gampong</i> and <i>Mukim</i> Leaders, <i>Laot</i> of customary law to manage coastal areas, and the <i>Kepala Pekon</i> village government and other indigenous institutions will be actively involved during meaningful consultation and participate in project preparation and implementation.</p> <p>Social Impact Assessment will be conducted to detail the impact on MHA group members and formulate the action plan in the MDP document. The SIA will assess the characteristic and typology of natural resource management and land tenure system in indigenous territories or customary village.</p>
3. Shrimp Aquaculture value chain strengthened	<p>Non-civil works subproject component will be bridging local farmers to get access in registration into INDOGAP and MMAF's STELINA and establish the MOU between farmer-based enterprises with the private sector.</p> <p>Increased knowledge for smallholders in trading and selling their production commodity to a broader market</p>	<p>The number of local farmers in the customary villages triggered by the project will receive access registration into INDOGAP and MMAF's STELINA.</p> <p>The project will target at least 25% of MHAs from total beneficiaries in the subproject component.</p>	<p>The project will document the meaningful consultation meeting <u>with consultation records (see Appendix 9 for the template of consultation records)</u> to identify list of project beneficiaries from local farmers and prioritizing the vulnerable group farmers in customary village to be registered into INDOGAP and MMAF's STELINA</p>

CBIB = Good Aquaculture Practices (*Cara Budidaya Ikan yang Baik*), INDOGAP = Indonesian Good Agriculture Practices, MDP = MHAs Development Plan, STELINA = *Sistem Telusur dan Logistik Ikan Nasional* (National Fish Traceability and Logistic System).

IV. SOCIAL IMPACT ASSESSMENT AND STEPS FOR FORMULATING A MDP

45. The IPPF seeks to ensure that MHAs are informed, consulted, and mobilized to participate in the sub-projects during MDP preparation. Their participation can either provide them with benefits or mitigate them from potential adverse impacts of the sub-project.

A. Preliminary Screening

46. The DGA as the Executing Agency will be responsible for the overall project management, while the Technical Implementation Unit (UPT) will establish project implementation unit (PIU). Both of them will study all IP groups and villages within and in the vicinity of the proposed sub-project area. The PIU will arrange meaningful consultation at MHA groups to provide information on the proposed sub-project. During these meetings, community leaders, including MHA group leaders and other participants from the vulnerable group, will be given an opportunity to present their views and concerns towards project design.

47. An initial screening will cover the following:

- (i) Name(s) of IP community or MHA group(s) in the area;
- (ii) Total number of beneficiaries classified as IP group members in the area;
- (iii) Percentage of IP group population in the subproject site compared with the total population;
- (iv) Number and percentage of IP households to be affected by the sub-project; and
- (v) potential impact both positive, negative, direct, and indirect from subproject to affected IP group.

48. The subprojects will be screened and categorized for IP according to the significance of impacts on MHA communities. The significance of subproject impacts can be determined by the type, location, scale, nature, and magnitude of potential impacts. The project will not finance any activities that will have significant impacts to the MHA communities. All subproject activities that categorized as "A" will be excluded. The potential category of impacts on Indigenous Peoples classified in Table 7.

Table 7: Classification of Impact Category on Indigenous Peoples Safeguard and its Required Document

Required Documents	Disclosure
<p>Category A: if it is likely to have significant impacts on Indigenous Peoples or MHAs^a</p> <p>This project will exclude any subproject with category A for IP impacts.</p>	<p>Under the IISAP, subproject(s) will be excluded and not be financed under the Project.</p>
<p>Category B: if it is likely to have limited impacts on Indigenous Peoples</p> <p>Required document Indigenous peoples plan including assessment of social impacts, is required to be prepared.</p> <p>New/updated MDP during project implementation if new impacts identified</p>	<p>Draft indigenous peoples plan disclosed before project appraisal (if no mission for appraisal is required, it is disclosed before the MRM or the first SRM)</p> <p>Final indigenous peoples plan disclosed upon receipt (if no revision is made to the draft indigenous peoples plan, it is treated as final document)</p> <p>Timely disclose all the MDP document in an accessible place and in a form language that understandable by MHA</p>
<p>Category C: if it is not expected to have impacts on Indigenous Peoples. No further action is required</p>	<p>Due diligence report (DDR) will be prepared to confirm the categorization.</p>
<p>An indigenous peoples planning framework is required for a sector loan, multitranches financing facility, emergency assistance loan, or a project where its subprojects and components are prepared after Board approval.</p>	<p>Indigenous peoples planning framework disclosed before project appraisal</p>

^a A subproject is likely to have significant impact (Category A) when: (i) acquires a huge land area or forest that makes villagers unable to continue their existing traditional livelihood system; (ii) changes the status of IP communities from self-subsistence farmers and forest products gatherers to factory workers; (iii) results in physically displacing a subcommunity far away from its wider community of origin; (iv) causes contamination of the major communal water sources resulting in water borne diseases of the IP community; (v) only promotes the use of the national language of instruction in primary education, causing loss of fluency in the use of local language; (vi) restricts forest-dependent IP community from accessing the forest area where for generations they used to hunt boars and collect rattan, wild fruits and other forest products; (vii) undermines the existing traditional irrigating system and the associated institutional arrangement for water distribution. Determination of category A shall be made in close consultation with ADB.

49. Any proposed subproject with category A either for involuntary resettlement or Indigenous People will not be selected under the project. The project component with minimal to no impact on MHA communities, or those with purely positive impacts will be eligible for financing.

50. An IP assessment checklist will be prepared. If the results of preliminary screening show that there are IP households in the proposed sub-project, a social impact assessment (SIA) will be conducted to capture IP issues and development opportunities that exist in the area. A checklist format for IP screening and categorization impact form is attached in Appendix 3.

B. Social Impact Assessment

51. The process of initial social assessment includes specific consideration of indigenous peoples as a potentially affected population. If the initial social assessment identifies indigenous peoples living in the project areas, it is required that an MHA's development plan is prepared by the project proponent. The SIA will gather relevant information on demographic data; social, cultural, and economic situations; and both positive and negative social, cultural and economic impacts. The baseline data on affected MHA communities should also be disaggregated by gender. One of the critical issue in SIA implementation is assessing the MHA's access to basic social, economic, community services, and previous MMAF's program or other related aquaculture issue, including the previous government and/or non-state organization program that affected land, resource use and land tenure system.

52. The expert with anthropology/sociology background having experience of working with indigenous peoples or customary communities and familiar with SIA and ADB procedures will collect the required qualitative and quantitative data through questionnaires, checklists, focus group discussion, formal and informal discussions, and meetings with IPs and other stakeholders.²⁵ Information will be gathered through separate consultation meetings within the IP community – with IP representatives; IP men and women, especially those who live in the zone of influence of the proposed sub-project. Discussions will focus on the proposed measures to mitigate the identified potential adverse impacts and measures to enhance the identified potential positive impacts of the subproject. The discussion needs to be documented and reflected in the MDP. The PIUs and consultants will prepare the SIA, and the PIU will be responsible for analyzing the SIA and preparation of an action plan with the support of IP community leaders. If the SIA indicates that the potential impact of the proposed sub-project will be significantly adverse-threatening the cultural practices and IP sources of livelihood, or that the IP community rejects the sub-project-the PIU will consider other design options to minimize such adverse impacts. If IP communities support the sub-project, an MDP will be formulated. The draft MDP will be forwarded to ADB for review and approval.

53. Particularly to the Project, the social impact assessment will focus on the following elements:

- (i) A review of the legal and institutional framework applicable to MHA in the project context.
- (ii) Identification and confirmation of the presence of MHA in the project area and project impact zone.
- (iii) Baseline socioeconomic profile of the MHA groups in the project area and project impact zone.
- (iv) Assessment of their access to basic social, economic, and community services, including their land and resource use and land tenure system. It is important for the project to conduct social impact assessment through comparative cases for identifying shrimp farming practices in Java and non-Java areas.
- (v) Assessment of the short- and long-term, direct and indirect, and positive and negative impacts of the project on each group's social, cultural and economic status and differential impacts of the project on their livelihood systems, culture and socioeconomic status.
- (vi) Assessment and validation of vulnerability of MHA groups.
- (vii) Gender-sensitive assessment of the perceptions among affected MHA of project impacts on them.

²⁵ It is emphasized that the expert designated to arrange the methodology for SIA, IP planning, its implementation and monitoring

- (viii) Report on meaningful consultation with affected MHA communities on the conduct of the SIA and recommendations for culturally appropriate consultation approaches during project implementation.
- (ix) Recommendations for culturally appropriate methods to proportionally include MHA in receiving project benefits.
- (x) Recommendations for culturally appropriate mitigations plans, if negative effects are unavoidable, including measures to avoid impacts on indigenous lands and natural resources in indigenous lands.
- (xi) Recommendations for resource requirements and culturally appropriate institutional arrangements to address the various project-related concerns and issues.
- (xii) Identification of culturally appropriate indicators for monitoring project activities.

54. Based on the screening, a field-based SIA will be conducted to provide a baseline socioeconomic profile of the indigenous groups in the project area and project impact zone; assess their access to and opportunities to avail themselves of basic social and economic services; assess the short- and long-term, direct, and indirect, and positive and negative impacts of the project on each group's social, cultural, and economic status; assess and validate which Indigenous groups will trigger the Indigenous Peoples policy principles, and assess the subsequent approaches and resource requirements for addressing the various concerns and issues of projects that affect them (see Appendix 6 on Social Impact Assessment on IP Group).

C. Project's benefits and Mitigation Measures

55. Where impacts on indigenous households are potentially positive, measures will be undertaken to ensure that project's benefits are equally shared between the IP and non-IP communities. This will be through ensuring indigenous peoples as stakeholders take part during all stages of the Project. Where impacts are potentially harmful, all affected indigenous households will be provided with assistance, which would help them to improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to receive special services to restore and improve their income and livelihood and maintain their distinct cultural identity. Specific targets for the indigenous communities are in the annex 1 of this document.

56. Temporary impacts during the construction activities are expected to be limited/minimum. Rehabilitation/ reconstruction of farmers' ponds are not envisaged to have impacts on crops or trees. The participating farmers are required to have existing ponds to work on and impacts on trees are limited to the existing trees, if any. These trees are mostly for shade. The IP farmers will be fully informed by the project's facilitator on the requirements and consequences when participating in the project activities. Thus, their participation will be voluntary.

57. As indigenous peoples, they are likely to have traditional land rights, the rights to run the indigenous governance based on the customary land tenure system; these will be honored, and the absence of land titles will not be a bar for receiving compensation and alternate land. Their compensation entitlements will be the same that is listed in the CDF. The CDF defines IPs as vulnerable people/ households.

D. Masyarakat Hukum Adat Development Plan

58. The MDP is time-bound, with an adequate budget for its implementation. An acceptable MDP focus on the (i) aspirations, needs, and preferred options of the affected indigenous peoples; (ii) local social organization, cultural beliefs, ancestral territory, and resource use patterns among

the affected indigenous peoples; (iii) potential positive and negative impacts on indigenous peoples; (iv) measures to avoid, mitigate, or compensate for the adverse project effects; (v) measures to ensure project benefits will accrue to indigenous peoples; (vi) measures to strengthen social, legal, and technical capabilities of government institutions to address indigenous peoples issues; (vii) the possibility of involving local organizations and non-governmental organizations with expertise in indigenous peoples issues; (viii) budget allocation; and (ix) monitoring. The outline of the MDP document is attached in **Appendix 2**. Where there is land acquisition in IP communities, the project will ensure their indigenous rights will not be violated and that they are compensated for using any part of their land in a culturally acceptable manner to the affected IPs. The MDP will include:

- (i) **Project Description.** The subproject description will cover civil works and non-civil works that may bring impacts on MHAs to be highlighted in the section of **Description of Project**. The list and the screening of overlaid project map and indigenous territories map will be showed to identify project impact areas.
- (ii) **Legal and Institutional Framework Analysis on Indigenous Peoples in project context.** This part will assess national and regional regulations on the recognition and empowerment of MHAs in the project context. The gap analysis will be provided to show the legal gap between the national regulation and ADB SPS principle on IP safeguard (see section on Social Impact Assessment in the Appendix 2).
- (iii) **Baseline data from social impact assessment.** Baseline data will be collected both from the primary and secondary sources. The Government of Indonesia has incorporated the IP issue in various policies such as customary village, indigenous marine and coastal areas, local wisdom (i.e. irrigation traditional system), customary forest, or indigenous belief system. The Social Impact Assessment (SIA) will be designed to collect the baseline data on their socio-economic and cultural aspect which will help in identifying the intensity of impact on indigenous people. The baseline information focuses on demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend (see section on Social Impact Assessment in the Appendix 2).
- (iv) **Land tenure information.** Land holding among the IP groups is very less compared to other section of mainstreamed people. IP groups in Indonesia are mostly located in forest and conservation areas, and they collectively manage certain use the public land and forest land. Therefore, details on the land tenure and customary usage will be collected to measure the dependency of IP group on the land, traditional irrigation system, marine and coastal zone (see section on Social Impact Assessment in the Appendix 2).
- (v) **Identified impacts on MHA.** This is the crucial section of the MHA. The section will present in detailed the identified impacts of the subproject on the MHA (describing the impacts, degree of impacts, etc) for both negative and positive impacts.
- (vi) **Local participation.** The plan will be developed in a participatory approach with due consultation with the local IP communities. The views of the IP will be recorded and will be incorporated in the plan. The meaningful consultation will be conducted with the affected Indigenous Peoples communities, considering the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular

circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, and national level (see section on Information Disclosure, Consultation, and Participation; and section Monitoring, Reporting and Evaluation in the Appendix 2).

- (vii) **Technical identification of development enhancement or mitigation activities.** This section should be consistent with what have been presented in the section on Identified Impacts on MHA. Mitigative measure(s) will be presented and analyzed for each identified negative impact for all the identified negative impacts - and enhancement/beneficial measures should be indicated and analyzed for each identified positive impacts (see section on Beneficial and Mitigative Measures in the Appendix 2).
- (viii) **Capacity Building.** The detailed of capacity building to PIU and project beneficiaries will be conducted to strengthen the social, legal and technical capabilities in (a) addressing IP issues by the government institutions (national and regional) in the project area; and (b) enable the MHAs group in the project area to represent the IP group more effectively (see section on Capacity Building in the Appendix 2).
- (ix) **Grievance Redress Mechanism.** The procedures are to redress grievances by all parties, beneficiaries from vulnerable group including the MHAs. The section also explains the mechanism to ensure inclusion of MHAs in GRM process, and culturally appropriate and gender-sensitive (see Grievance Redress Mechanism in Appendix 2).
- (x) **Monitoring and evaluation.** The MDP will be monitored both internally and externally. Details are given in the following sections (see the section on Monitoring, Reporting and Evaluation in Appendix 2).
- (xi) **Institutional arrangement.** The detailed institutional arrangements will be prepared as per the details given in CDF (see section on Institutional Arrangement in the Appendix 2).
- (xii) **Cost estimate and financing plan.** Based on the impacts, a budget will be prepared for the implementation of MDP and the EA will be responsible for providing the budget.
- (xiii) **Implementation schedule.** The implementation schedule will be consistent with the overall project implementation schedule and all the compensation and mitigations will be done prior to the civil work (see the section on Implementation Schedule in Appendix 2).

59. Where warranted, the MDP will be formulated for the relevant subproject by the DGA through its PIU, consultants and with technical assistance from other team members, as required. The MDP will be endorsed by the affected MHA groups and the revised MDP, if required, will be submitted to ADB for review and approval. The draft MDP will be updated upon the completion of project detailed engineering design/ final project design to reconfirm the impacts and development plan. The MDP policy and measures must comply with ADB's SPS, 2009. An outline of MDP is given in Appendix 2.

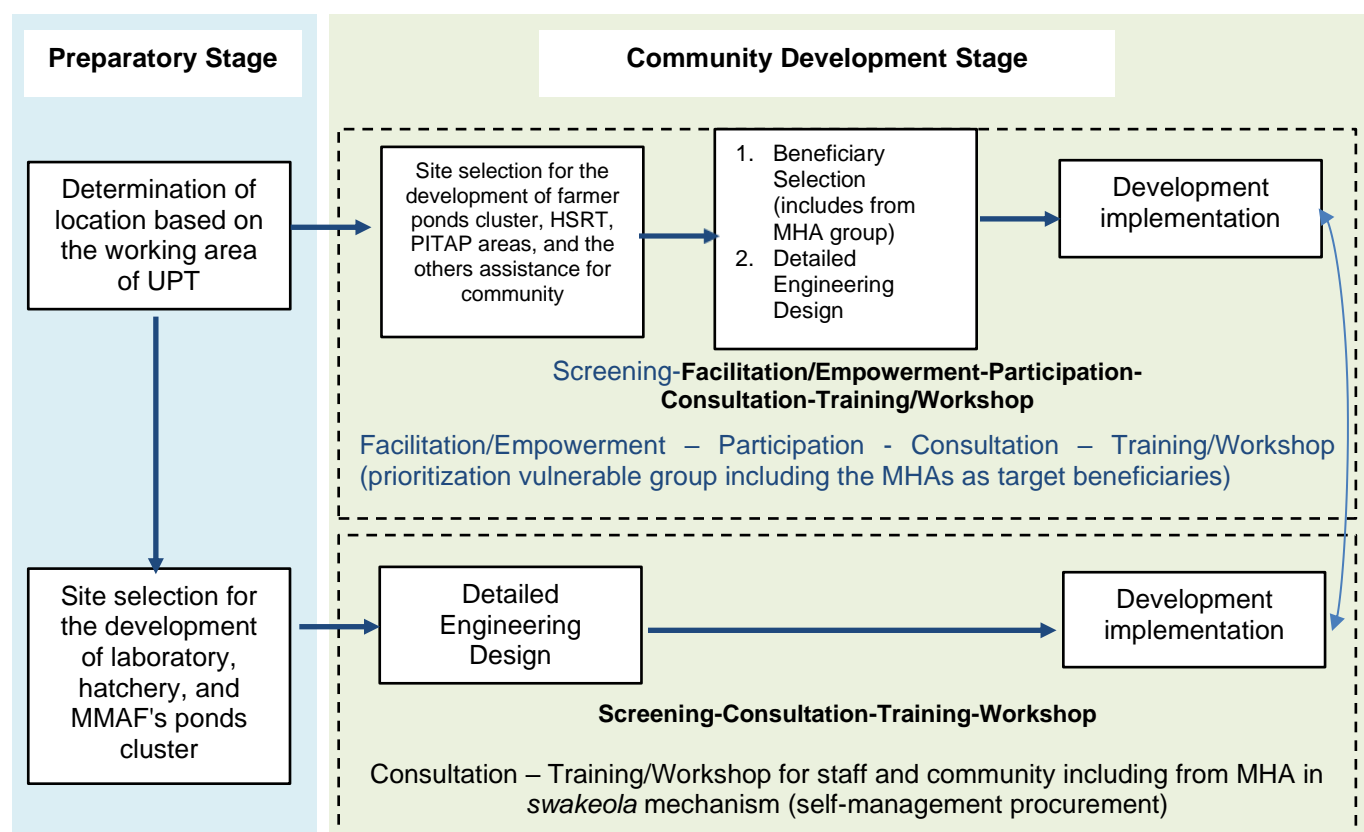
60. The implementation of MDP will follow the mechanism as designed in the Community Development Workflow for the project (see Figure 9).

61. One of the important objectives of implementing the community development plan and *Masyarakat Hukum Adat* Development Plan is to protect powerless people, including the households of vulnerable farmers, especially farmers who are not pond owners like pond workers

and seasonal workers. The participation of vulnerable people does not mean that they participate in the implementation of the development of cluster ponds with substandard wages. The project encourages high participation of farmers. This is in line with constructing a farmer's cluster where each pond owner will jointly use part of his pond land to support cluster infrastructures such as canals, reservoirs, and wastewater treatment plants. The land pooling criteria will be arranged and discussed by internal members of the aquaculture farmer group.

62. As the consideration to ensure the inclusion of local community and MHA group in community shrimp pond cluster in Java region and other Java, the project will differentiate the inclusion strategy through determination the social organization (farmer shrimp pond group) in Java, and utilization family-kinship relation between shrimp pond owner in one cluster areas in outside Java region. These two forms of inclusion will ensure the sustainability of the community shrimp pond cluster during project implementation.

Figure 8: Community Development Workflow for IISAP



V. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

63. Each MDP will be prepared in consultation with the affected MHA. The mitigation measures and strategies will be presented to them by the PIUs at various locations, which will be easily accessible to them. Inputs from the IPs through consultation will be considered in the subproject design and the final MDP. The UPT, as the PIUs of the project, will be involved in implementing the MDP and resolution of any dispute arising out of the implementation process.

64. Meaningful consultation should be conducted to ensure issues, concerns, voices and potential of MHA are incorporated in the project preparation, implementation, monitoring and reporting. The following elements should be included:

- (i) Begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;
- (ii) Provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;
- (iii) Is undertaken in an atmosphere free of intimidation or coercion;
- (iv) Is gender inclusive and responsive, tailored to the needs of disadvantaged and vulnerable groups;
- (v) Enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues; and
- (vi) Meaningful consultation is built upon the ascertain of the consent IP group principles which addresses the right of community to be informed, consulted and to exercise their right to accept or refuse initiatives offered to them by outsiders. In case that a development plan was initiated by community and developed based on their needs and proposal, FPIC would have been an agreement between community and other stakeholders of related development project.

65. Consultation and participation will be implemented to ensure full and open disclosure with MHA groups. All communication concerning the Project will take place in a timely and appropriate manner – in the language of the MHA groups and in a culturally appropriate way. Meaningful consultation will be arranged in villages, using the participatory methodology and MHA groups' language(s). In meaningful consultation, the PIU will share and discuss the project and subproject designs, anticipated positive impacts and negative impacts on the MHA groups, beneficial and mitigation measures, grievance redress mechanism, and the action plan of IP safeguard in the form of IPP document.

66. During the meaningful consultation process, the PIU and facilitators of fishery extension workers will distribute Project Information Brochure with the potential affected MHA group including beneficial sharing and mitigation measures. The meeting will be arranged in the daily language of MHA community. Thus, the strategy of MDP would be to promote the participation of the IPs, initiating and identifying MHAs' needs, priorities, and preferences through participatory approaches. Consultations with and participation of IP communities, their leaders and representatives of EA will be an integral part of the overall MDP. The documentation during meaningful consultation will be using the consultation records template as attached in Appendix 9.

67. The EA will ensure that adequate funds will be made available for consultation and facilitation. Indigenous Peoples may be particularly vulnerable when project activities include

(i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. In deciding whether to proceed with a project involving such project activities, the borrower/client will seek the consent of affected MHA communities (regardless of whether the project is category A or B). Consent will be in form of broad community support. When the project entails any of the four types of project activities requiring consent of affected MHA communities, the project should carry out an engagement process by conducting meaningful consultation and good faith negotiations that lead to broad community support. The process and outcomes of such engagement should be documented and submitted to ADB.

68. Farmer community engagement will be carried out by facilitators or extension workers to be recruited by UPT/fishery agency and supporting consultant in all the 23 districts. Activities are carried out in the farmer community engagement include: (i) how to plan and manage pond cluster; (ii) training to farmers who get aids for improving the capacity of farmers; (iii) developing a base understanding of pond cluster and types of cooperation between the farmers; (iv) collect formal consent from communities and households to participate in the project; and (v) form and strengthen Fish Cultivator Group or *Kelompok Pembudidaya Ikan (POKDATAN)* to give a decision-making entity. All engagements should be documented, including minutes of meetings including any community concerns about the program as well as participant lists disaggregated by gender. The developed engagement strategy embodies the principles of meaningful consultation, transparency, participation, and inclusiveness that ensures affected and marginalized groups such as women and the poor are given equal opportunities to participate in the design of the project – which is in accordance with the requirements ADB’s SPS (2009).

69. The broad community support (BCS) is required if the project activities will introduce: (a) commercial development of cultural resources; (b) physical displacement of IP; and (c) commercial development of natural resources.²⁶ The broad community support is required, if the following conditions are met:

- (i) The majority of recognized representatives of the affected IP communities formally express their support.
- (ii) A considerable majority of affected IP communities’ members, and particularly those most severely affected, provides their support either through formal agreements or other informal means.
- (iii) Any significant opposition or major disagreement has been resolved through a good faith negotiation (GFN) process.

B. Disclosure

70. The EA is required under SPS 2009 to provide information to and consult with the affected MHA and other stakeholders in a manner appropriate for the anticipated project impacts. This requirement is intended to facilitate engagement to establish and maintain constructive relationships over the life of the project.

71. MHA communities should be provided relevant project information in a language(s) and manner suitable to them. The information materials include graphics so that women and men with limited literacy will be able to understand. Separate FGDs will be held with MHA and women groups to assess these groups’ project impacts and benefits. Accordingly, the project plans,

²⁶ See the ADB Safeguard Policy Statement (2009). Page 34-36.

including MDP, can be prepared in consultation with MHA communities. Outcomes of social assessment and programs/measures for MHA communities will be presented in community workshops/meetings.

72. The following are required to be disclosed: (i) draft MDP, as endorsed by MMAF; (ii) final MDP; (iii) new or updated MDP if any; and (iv) monitoring reports. These documents will be generated in a timely manner, and posted in both ADB and project websites, and at any locally accessible place (i.e. Village or Community Hall, Village Government Office, Shrimp Farmers Group Building, and the Balai office where regularly visited by Shrimp Farmers) in a form and language understandable to the affected communities and other stakeholders. The project information will be made available to affected customary communities as leaflets or brochure in Bahasa Indonesia or the prevailing community local language, whichever is applicable for greater customary community comprehension. The EA shall also post the summaries of approved documents on the ADB website. During project implementation, the EA will prepare monitoring reports on IPDP implementation and submit them to ADB for review.

73. The ADB SPS 2009, ADB Public Communication Policy 2011 as well as government issuances will serve as guides. The documents listed above will be uploaded in the project management information system as well as in ADB website.

VI. GRIEVANCE REDRESS MECHANISM

74. A project level grievance is defined as an actual or perceived project-related problem that gives ground for complaint by an affected person. As a general policy, the PIUs will work proactively to prevent grievances through the implementation of impact mitigation measures and community liaison activities that anticipate and address potential issues before they become grievances. Nonetheless, it is possible that unanticipated impacts may occur if the mitigation measures are not properly implemented, or unforeseen issues occur. To address complaints, a project level grievance redress mechanism (GRM) is developed in accordance with ADB requirements and the Government procedures. The GRM is a systematic process for receiving, recording, evaluating, and addressing an affected person's (beneficiaries) project-related grievances transparently and in a reasonable period.

75. An effective GRM should integrate community development, resettlement, environment, and technical issues into a single structure. The structure considers the Government's laws and provisions for complaint handling as well as nuances of the operating environment and cultural attitudes toward lodging complaints. Specifically, the structure enables the GRM to:

- (i) Provide a predictable, transparent, and credible process to all parties, resulting in outcomes that are seen as fair, effective, and lasting.
- (ii) Build trust as an integral component of broader community relations activities.
- (iii) Enable a systematic identification of issues or problems, facilitating corrective actions and pre-emptive engagement.

76. For the project the GRM will include the following elements:

- (i) A grievance receipt and registration system to provide ways for community members to register complaints and confirm they have been received.
- (ii) Grievance eligibility assessment to determine if the issues raised in the complaint fall within the mandate of the GRM and if the complaints are legitimate.

- (iii) Grievance assessment and investigation to clarify concerns raised in the complaint, to gather information on the situation, and to identify how the issues might be resolved.
- (iv) Joint problem-solving, in which all relevant project stakeholders engage in a dialogue and action planning to resolve the problem.
- (v) Grievance tracking, including maintenance of written records of grievances, monitoring, public information disclosure and reporting to the affected person; and
- (vi) Grievance closure, including community feedback and confirmation of resolution of the problem.

77. All affected persons will be made fully aware of their rights, and the detailed procedures for filing grievances, and the appeal process. Affected persons are entitled to lodge complaints on any aspect of the affected environment, community development, such as noise, pollution, entitlements, income restoration programs, etc. The affected persons will not have to pay any fee for his/her case (official or unofficial). Affected persons will be encouraged to use the above GRM. However, the GRM does not impede access to the country's judicial or administrative remedies by affected person, at any stage, if they so wish.

78. At the project level, the PIUs will redress the grievances from affected communities in the first place. At the district level, a Grievance Redress Committee (GRC) will be formed to deal with the disputes and grievances of DPs and facilitate timely implementation of the project. This GRM consists of a GRC and its composition, procedure, process, responsibilities, etc. will be the same as given in the CDF (see Appendix 4 on Proposed GRM).

79. For the project, the MMAF has developed a Grievance Redress Committee (GRC) or TPP (*Tim Penanganan Pengaduan – Grievance Handling Team*)²⁷ at UPT level. The composition of the sub-district GRC will include the below members. Depending on the type of complaint, the GRC may also ask representatives of the relevant technical divisions of sub-district to be present for the meetings.

- (i) Representative of sub-district (Chair)
- (ii) Representative from the project villages
- (iii) Representative from the village CEC (Community Engagement Council)
- (iv) Representative from shrimp farmer associations and other CBO/CSO
- (v) Representative from PIU
- (vi) Representative from the construction contractors engaged by the PIU
- (vii) Representative from the *Masyarakat Hukum Adat* or Indigenous Peoples Group, if any from subproject site²⁸.
- (viii) Representative from local women association, if any.

80. The roles and responsibilities of the GRC include (i) receiving complaints from affected persons seeking access to the GRM; (ii) registering the complaints; (iii) determining complaint

²⁷ TPP or *Grievance Handling Team* has been regulated by the MMAF Regulation Number 56/PERMEN-KKP/2020 concerning the Grievance Handling in MMAF areas.

²⁸ In several subproject site, the roles of indigenous governance in customary village system are quite significant to solve any dispute, complaint during the preparation and implementation of project activities. In Aceh, the roles of *teunku* (religious authority), *keuchik* (a village head) are significantly important to organize the properties and land within the *Gampong* (villages) areas. Meanwhile, the head of *pekon* (villages) as the official customary village administrative system in Tanggamus District (Lampung), head of *kampong* (villages) in Sinjai District, and *Pasang ri kajang* value (customary value) in Ammatoa Kajang in Bulukumba District, South Sulawesi Provinces, are used to be refers to solve any conflict and issue related the complaint from daily life of MHAs and the various project development initiative at village level.

eligibility; (iv) investigating the complaint and identifying corrective actions that are within the mandate of GRC; (v) informing affected person about the proposed corrective action; (vi) managing and supervising the implementation of the plan; and (vii) maintaining a complaint registration, tracking and monitoring system. The GRC will assign one GRC member to be the contact person to receive the grievances, to organize the meetings of the GRCs on the received cases, to organize the investigations, to implement the actions, to respond to the affected and to maintain the grievance system.

81. Formalized GRC will define roles and responsibilities, procedure and process, and contact details of each contact persons in different *Balai* or UPT (phone number, email address, fax, office address, etc.). The information on GRM mechanism procedure will be delivered to local people and posted in accessible locations such as community halls, village office, or other public facilities regularly visited by villagers. The information on GRM might be included in the Project Information Brochure (PIB) (see Appendix 10) and translated into the language used by MHA communities and be delivered to MHA people living in the subproject areas

82. Members of Fish Cultivator Group in the project villages will facilitate affected persons to submit complaints, to coordinate with the contact person of GRCs for grievances settlement, and to maintain complaint registration and settlement.

83. The PIU will designate a community liaison officer. Affected MHA communities should be free to express their grievances orally in their own language, which will be recorded and documented with the help of the community liaison officer.

84. The GRM stages are presented in the **Appendix 4**. The proposed GRM will be consulted in the public consultation meetings with residents, authorities, and relevant agencies by PIU and will be finalized before detailed engineering design. The DGA and PIUs will prepare and conduct a capacity building program to all levels of the GRM to ensure that it is functional and effective in resolving of grievances of residents to the project related issues.

85. The GRC of TPP will record each complaint from community and parties during grievance resolution and in monthly regular basis. In **Appendix 5**, the template complaints or grievance form has been prepared to be filled by the community or other parties, and the TPP has to list monthly register complaints to identify each complaint status. The PIU supported by CPMU and PMC will report the monthly register complaints status in every six months within the Semi-Annual Social Safeguard Report.

86. If efforts to resolve disputes using the project level grievance procedures remain unresolved or unsatisfactory, as a last resort, complainants can directly send their concerns or problems to the ADB to settle following ADB's Accountability Mechanism.²⁹

²⁹ Complainants can send their concerns to the Office of the Special Project Facilitator using the information at: <http://www.adb.org/accountability-mechanism>.

VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

A. Institutional Arrangements

87. The parties involved in the Project are the Ministry of Marine Affairs and Fisheries, the Planning and Development Agency, and the Ministry of Finance. The Directorate General of Aquaculture as Executing Agency (EA) and the Secretariat of the Directorate General of Aquaculture as the Central Project Management Unit (CPMU). Technical Implementation Units will establish Project Implementation Units (PIU). Project Management Consultants (PMC) will support CPMU activities and regional technical consultants (RTCs) will support PIUs. The project will involve the local government, cultivator groups and community institutions as direct beneficiaries for empowerment and assistance for sustainable shrimp farming. In addition, cultivators also receive benefits related to marketing management to improve the quality of products that meet export standards.

88. The CPMU has the role of implementing management support and preparing project reports. The PIU carries out technical activities in the field. Local governments play a role in preparing regulations on sustainable management of fisheries resources and farmers can receive direct benefits through training activities.

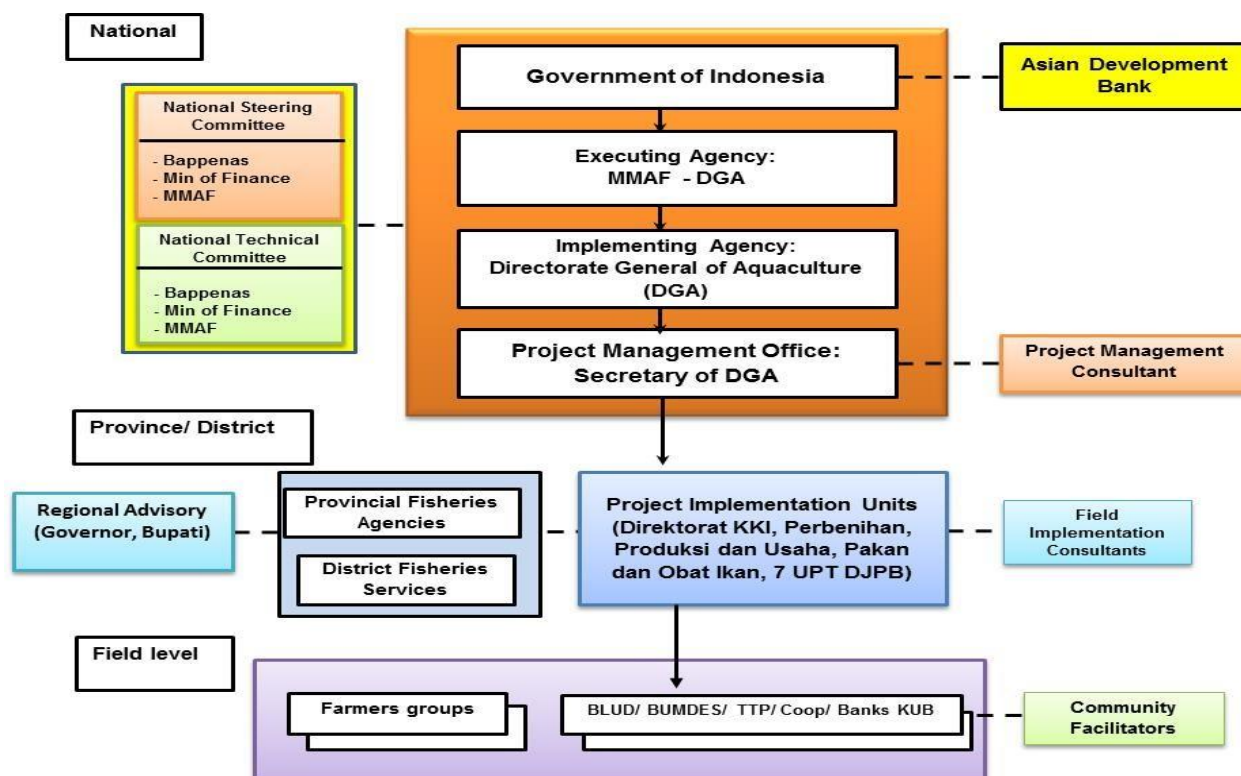
89. Since IP issues are sensitive, the EA will ensure that PIUs prepare, implement, and monitor the MDP. The consultants will have educational background and experience in working with IP groups, who would be overall responsible in providing technical inputs for the planning and implementation of MDPs.

90. The specific roles and responsibilities of relevant agencies in the project planning and implementation, and management implementation of project GRM are as below (see also Figure 9 on the organization of relevant parties and agencies in IISAP project):

- (i) **Ministry of Marine Affairs and Fisheries (EA):** The Directorate General of Aquaculture under MMAF will assign a Project Implementing Unit (PIU). The PIU is responsible for (a) overall project management and implementation and ensuring that the project is implemented in accordance with project documents; (b) submission the MDP to MMAF for review and endorsement before the plans are forwarded to ADB for review and approval; (c) coordinating with other agencies to secure the budget the implementation of MDP, CDP, and if any resettlement plan; (d) supervision the work of PIU, (e) overall project monitoring and reporting, including monitoring of MDP implementation, as applicable; (f) implementation and supervision of capacity development and dissemination activities; (g) providing guidance and other technical and management support to PIU, consultant team and community members; (h) procurement of the independent third party to verify the voluntary land sharing/pooling for the project activities; and (i) manage and monitor of the GRM operation. At regional level, the DGA will be supported by the roles of UPT or *Balai* to identify, validation, and selection potential proposed shrimp aquaculture cluster and beneficiaries. Meanwhile, the project consultant on social safeguard specialist will be recruited at national and regional level to support the performance of PIU at field and regional level in the implementation of CDF, SACDP, IPPF and MHADP documents.
- (ii) **The Project Implementation Units (PIUs):** Each project PIU will have dedicated safeguards officer/focal persons. With support from the Social Safeguard Specialist and Indigenous Peoples Specialists and supporting Consultant, the PIU will perform the following tasks: (a) conducting of socioeconomic survey on

- local residents and social impact assessment of the project; (b) disclosure of information to the project community and organizing of public consultation meetings; (c) preparation and implementation the MDP; (d) carrying out screening on land acquisition and resettlement impacts by the project; (e) coordinating with local authorities and affected households to conduct IOL and SES and Social Impact Assessment; (f) preparation and updating of MHA Development Plan; (g) implementation the updated MDP; (h) maintaining the database and documents of the project in PIU office; (i) preparation of reports on progress and issues of MDP implementation, to be included in the semiannual safeguard monitoring report to MMAF, ADB and relevant agencies; (j) providing support, guidance and supervision to community groups; (k) supporting EA in capacity development and dissemination activities; and (l) manage and monitor of project's GRM operation.
- (iii) PIU's Social safeguard teams at PIU in Balai or UPT, supported by the consultant, will: (a) facilitate community engagement process; (b) assist PIU in conducting of public consultation meetings and social impact assessment (c) support PIU in MDP preparation and implementation; (d) coordinate/supervise the community groups; and (e) facilitate the preparation and implementation of capacity development activities for PIU and community members.
- (iv) The Social Safeguards Team of RTC and Social and Gender Expert consultant will assist the PIU in performing of socioeconomic survey on farmer and social impact assessment; information disclosure to the community and organizing of public consultation meetings; preparing community development plan; carrying out screening on land acquisition and resettlement impacts by the project; carrying out screening on indigenous peoples impacts by the project; preparing and updating MDP; and implementing the updated MDP, in addition to CDP document.
- (v) **Field level project implementation unit:** fishery extension worker will provide intensive communication and facilitation to shrimp farmer groups in one cluster areas in the preparation, implementation, and monitoring and evaluation stage within project cycle.
- (vi) **Local authorities (provincial and district fisheries offices, village and sub-district governments):** Local authorities will work with the project to facilitate coordination process, notify on the community development plan and in addition to MDP document; initial location identification on the community development plan; facilitate public information meetings and consultations with local resident and affected households, coordinate with PIU in carrying out the socioeconomic survey, social impact assessment (SIA), and assist the management and monitoring of project's GRM, as well as the implementation of safeguard documents. Community groups also the IP groups (if any) will be the focal point and representatives for communities for public consultation and social engagement.
- (vii) Beneficiaries Institution at field level. The project has defined the five categories of beneficiaries for Shrimp Cluster input: (a) the community group legalized under legal entity or registered under the *Dinas* or Agency level; (b) the adat law communities (*Masyarakat Hukum Adat*) with legal recognition based on the current regulation; (c) non-government organization with legal entity; (d) education institution which registered under ministry; and (e) religious institution with legal entity. In this case, farmers groups and BUMDes (Village-owned enterprise) might be selected as beneficiaries at project field level.

Figure 9: The Structure of Project Implementation Organization in IISAP



Source: Readiness Criteria for IISAP Project, MMAF 2022.

B. Capacity Building

91. **Capacity Building.** Capacity building for the PIU is recommended particularly on social impact assessment, preparation, and implementation of MHA Development Plan, in addition to community development plan and resettlement plan. Capacity building plan for PIU will be provided between 2023 until early of 2027.

92. Several capacity building activities will be carried out to ensure the implementation of IPPF in the preparation, implementation, and each project cycle. The proposed training will include several topics on the implementation IP safeguard principles such as:

- (i) Implementation of the Social Impact Assessment activities and reporting;
- (ii) Preparation and finalizing the Screening and Categorization form on IP and IR Safeguard Impacts;
- (iii) Implementation of IPPF action plan in each project cycle;
- (iv) Preparation and implementation of *Masyarakat Hukum Adat* Development Plan (MDP), including requirements of social impact assessment, establishment of functional GRM, consultation, communication disclosure requirements, monitoring and reporting on the MDP implementation, including monitoring methods and tools, etc.

93. Capacity building will be conducted either to staff and social safeguard consultant who will prepare and implement social safeguards plans, on preparation team established by MMAF/

Regional government in managing MHA groups development to improve their technical and institutional capacity to implement the social safeguard.

94. Capacity building assessment on project and social safeguards (involuntary resettlement and indigenous peoples) of the implementing agencies will be included in safeguard plans. Capacity assessment will include, among others: (i) the knowledge on Indonesian policies and procedures on social safeguards and ADB social safeguard policies; (ii) the capacity of project implementing agencies in implementing social safeguards; and (iii) needs for capacity building. The project implementation consultants will do the capacity assessment and its results will be included in the capacity building consultant's workplan.

95. Existing MHA institutions, CBOs and NGOs working on MHAs' issues should be also involved in orientation and training programs on ADB, and government safeguards polices related to MHAs, monitoring, reporting and disclosure requirements, roles of different stakeholders in implementation of the agreed measures in the final MDP and project related grievance redress. It is expected that such training and orientation will enable MHAs' organizations in the subproject area to represent the MHA groups more effectively and will ensure that they are aware of the GRM and know how to register complaints - if any, and follow up the complaints. This will also help in resolution of disputes or grievances arising during the implementation of the subproject.

VIII. MONITORING AND REPORTING ARRANGEMENTS

96. Implementation of an MDP will be monitored regularly by PIU. The PIU will establish a semi-annual monitoring system involving related staff, UPT, representatives of affected IP groups, and the local community to ensure participatory monitoring arrangements. A set of monitoring indicators will be determined during MDP implementation. The PIU will also prepare appropriate monitoring formats for effective internal and external monitoring and reporting requirements. Monitoring will be carried out twice a year during project implementation. These reports will be submitted to ADB for review. The EA, through the PIU will be responsible for determining if any follow-up actions are necessary and ensuring any necessary actions are taken regarding the implementation of MDPs.

97. The PIUs will implement the MDP and carry out the monitoring activities as prescribed in this section. The MMAF and UPT staff will be trained in carrying out these activities. MDP implementation will be closely monitored to provide the PIU with an effective basis for assessing resettlement progress and identifying potential difficulties and problem areas. The internal monitoring will involve the following tasks: (i) report on the progress of all activities under the MDP; (ii) track the engagement of MHA groups in the various stages of the project cycle; (iii) report on any unforeseen changes or impacts on MHA caused by the subprojects; (iv) determine whether IPPF was followed; (v) ensure that the agreed MDP is implemented as designed and approved; and (vi) record and report on all grievances and their resolution and ensure that complaints are dealt with in timely manner with special emphasis placed on traditional conflict resolution practices.

98. Data from the baseline socio-economic surveys undertaken during the project preparation stage will provide the benchmark for the monitoring process to assess the progress and success of the MDP project. The prevalent customs and traditions of the IPs will also be recorded and will be monitored during the implementation. The detailed monitoring parameters are in Table 8.

Table 8: Monitoring Parameters and Suggested Indicators

Monitoring Parameters	Suggested Indicators
Demographic Baseline	<ul style="list-style-type: none"> ▪ The number of affected members of customary communities by category of impact, gender, age, habitat (village etc.), income, status and position ▪ Number of households with handicapped, elderly or invalid members ▪ Number of female-headed households ▪ Number of vulnerable households (poor, elderly) ▪ Number of households by ethnic group ▪ Number of births and deaths
Consultation and Participation	<ul style="list-style-type: none"> ▪ Number of consultation and participation activities that occur -meetings, information dissemination, brochures; flyers, training ▪ Percentage of women members of customary communities as participants; number of meetings exclusively with women members of customary communities ▪ Percentage of vulnerable members of customary communities represented / attending meetings; number of meetings exclusively with vulnerable customary communities ▪ Languages used at meetings ▪ Good faith negotiations—recording of process, participants, locations, correspondence ▪ Broad community support—record of processes, participants, locations and agreement obtained ▪ Consultation and participation progress against plan and budget
Mitigative and Beneficial Measures	<ul style="list-style-type: none"> ▪ Mitigative Measures: ▪ Number of customary ceremonies performed prior the civil works activities ▪ Ascertain the consent of indigenous peoples through the number of meaningful consultation records in formally and written form from MHAs ▪ If the project required the land acquisition, disbursement of compensation amount and all assistances to MHAs. ▪ Progress of implementation of mitigation / beneficial measures against plan ▪ Number of activities that occur/completed—such as construction, livelihood restoration, disbursements, training⁽¹⁾_{SEP} ▪ Percentage progress against timelines and budget ▪ Beneficial Measures ▪ Number of training and capacity building from non-civil works component targeted to MHAs ▪ Number of shrimp farmers group from MHAs as targeted beneficiaries in non-civil works component of the IISAP project ▪ Number of Customary Village targeted as community shrimp cluster areas ▪ Percentage of increasing the productivity of beneficiaries including from MHAs after the input from IISAP project ▪ Number of seed and shrimp feed provided to shrimp farmers group from MHAs
Grievance Redress	<ul style="list-style-type: none"> ▪ Total number of people/groups using the grievance redress procedure. ▪ Number of distinct people/groups. Any IP group with significantly more grievances? ▪ How many times has a household submitted the same grievance? ▪ Number of grievances resolved. ▪ Length of time taken to be resolved. ▪ Types of grievance categories and prevalence
Implementation Problems	<ul style="list-style-type: none"> ▪ Identified delays—(days, cost) due to personnel, capacity, insufficient funds, etc. ▪ Number of times implementation schedule revised

Source: ADB Source Book on A Planning and Implementation Good Practices on Involuntary Resettlement and Indigenous Peoples Safeguards, 2013; RCCDF INO: Proposed Emergency Assistance for Rehabilitation and Reconstruction, 2020.

99. Monitoring will also cover the physical progress of the implementation of MDP. This will include the implementation of beneficial measures and mitigation measures to the Affected Households (AHs) and affected MHAs. Internal Monitoring Indicators are as follows: (i) Process Indicators – Indicating project inputs, expenditure, staff deployment, etc. (ii) Output Indicators – Indicating results in terms of numbers of affected indigenous people received the input and beneficial sharing mechanism from the project, training imparted, input from Cluster disbursed, etc.

100. **Reporting and disclosure.** PIU is responsible to prepare the semi-annual safeguard monitoring report. A semi-annual monitoring reports template which describes methodology and parameter is attached in Appendix 7. These reports will be submitted to ADB for review and comments. In addition, each MDP will be submitted by EA to ADB for review and approval. Both documents on MDP and semi-annual safeguard monitoring report will also be posted on project's website.

IX. BUDGET AND FINANCING

101. The EA will provide sufficient resources to formulate an MDP for each sub-project that will have impacts on IPs. A detailed budget will be prepared by the PIU considering all activities associated with the formulation and implementation of the MDP. The typical budget will be included in the MDP to ensure the implementation of safeguard action plan, mitigative measures to MHAs. The typical budget is divided into categories: (i) impact assessment; (ii) mitigation measures; (iii) training and assistance; (iv) consultation and GRM implementation; and (v) monitoring, reporting and disclosure. The EA will be responsible for making the budget available in advance to its PIU for implementation of MDP.

102. For the reference of IPPF implementation, the budget is prepared at the preparation of MDP stage with reference to the applicable laws and regulations. Table 9 below provides the indicative budget items for Indigenous Peoples Development Plan or *MHA* Development Plan.

Table 9: Cost Items for Indigenous Peoples Development Plan

Category	Cost Item
MHA Development Plan preparation	<ul style="list-style-type: none"> ▪ Cost of socioeconomic survey of affected MHA groups ▪ Cost of Social Impact Assessment ▪ Cost for meaningful consultation meetings (twice, first during the consultation about subproject design, second is during the consultation of MDP documents)
Implementation MDP	<ul style="list-style-type: none"> ▪ Cost of customary ceremony (if required) ▪ Cost of implementation meaningful consultation by contractor prior to the start of civil works activities ▪ Cost for institutionalization capacity of sustainable shrimp aquaculture within existing MHA groups actively involved in shrimp pond management.
Administrative/Services cost	<ul style="list-style-type: none"> ▪ Physical facilities (office space, staff housing, etc.) ▪ Transport/vehicles, materials ▪ Operation staff (managerial, technical), and support staff ▪ Staff training for capacity development and monitoring ▪ Information disclosure, consultations, and grievance redress mechanism ▪ NGO services for SACDP and MDP implementation
Monitoring and Reporting	<ul style="list-style-type: none"> ▪ Cost of monitoring the SACDP and MDP implementation ▪ Verification of monitoring by qualified and experienced external experts or qualified NGOs for projects with significant involuntary resettlement impacts ▪ Evaluation of SACDP and MDP implementation and reporting

Appendix 1: List of Non-civil Works Project Component

Output	Output/Sub-Outputs/Activities	Non-Civil Works Project Component	Indigenous Peoples Targeting
1.1	Broodstock and Multiplication centers capacity increased		The project will target at least 10% of MHAs from total beneficiaries in the subproject
Activities 1.1.16		Socialize (i) the broodstock breeding protocols to small and medium seed suppliers, (ii) the broodstock breeding protocols to small and medium hatchery, (iii) Good Hatchery Practice (CPIB) to farmers	
1.2	Sustainable Feed Capacity Increased		
Activity 1.2.3		Seeking viable feed alternatives to reduce reliance on fish catch and on imported raw material	
Activity 1.2.4		Support development of self-sufficient shrimp feed formula with using local ingredient and reducing dependency of fishmeal but good quality, applicable for shrimp farming and affordable and good seed feed (algae and plankton) for HSRT	
1.3	Disease and environment control enhanced		
Activities 1.3.15		Roll out the training programs to (i) MMAF staff (Training of trainers); (ii) UPT and UPTD on laboratory management and operations, and disease surveillance and monitoring; (iii) farmers including HSRT (small scale hatchery /backyard) with low biosecurity system and potential to disease risk on disease sampling and handling for shrimp, biosecurity and biosafety, and monitoring water quality, disease, and residue;	
Activities 1.3.16		Conduct workshops on (i) harmonization of testing methodology to UPT and UPTD; (ii) Validation / verification of test methods to UPT and UPTD; (iii) AMR control to UPT and UPTD; (iv) Shrimp breeding bioinformatics to UPT	

Output	Output/Sub-Outputs/Activities	Non-Civil Works Project Component	Indigenous Peoples Targeting
Output 2	Sustainable aquaculture infrastructure and services developed	2.1. Farmer-based enterprise development and strengthening	<p>Eight of 24 Community Shrimp Cluster is located in and nearby the MHAs territories. These eight shrimp clusters are distributed in five Shrimp Cluster in Aceh (Pidie, Bireun, Aceh Besar, Aceh Jaya, and West Aceh), one shrimp cluster in Lampung (Tanggamus), and two shrimp cluster in South Sulawesi (Sinjai and Bulukumba Districts). They will be prioritized as targeted group in this project component to strengthening the sustainable shrimp pond farming practices.</p> <p>Detail number of shrimp farmers in those eight clusters includes: 1. Aceh Province: 39,380 of shrimp farmers (60% of them classified as traditional shrimp 2. Lampung Province: 15,993 shrimp farmers (25,6% of them are traditional farmers) 3. South Sulawesi Province: 147,136 shrimp farmers (90% of them are traditional farmers</p> <p>The project will target at least 25% of MHAs from total beneficiaries in the subproject component</p>
Activities 2.1.3		Trainings for facilitators	
Activities 2.1.4		Support farmer-based enterprises in getting legally established and in preparing business plans	
Activities 2.1.5		Prepare and roll out a training program to farmers and extension workers	
Activities 2.1.6		Covering financial literacy, good aquaculture practices, social and environment safeguards;	

Output	Output/Sub-Outputs/Activities	Non-Civil Works Project Component	Indigenous Peoples Targeting
		sylo aquaculture, mangrove management, Coastal and mangrove management; smallscale farmer group strengthening and farmer institutional empowerment	
2.2	Sustainable aquaculture production facilities developed		
Activities 2.2.11		Conduct trainings for farmers and extension workers for sylo aquaculture ponds and irrigation canals, drains and road as well as pond equipment	
2.3	Sustainable aquaculture production practices introduced		
Activities 2.3.3		Train smallscale famers on (i) pond water quality and wastewater management and cleaning technology; (ii) feed management (iii) Disease and biosecurity; (iv) mangrove management and replanting;	
Activities 2.3.5		Replant xxx ha of mangrove	
Activities 2.3.6		The formation of mangrove community groups	
Activities 2.3.7		Accompaniment and empowerment of mangrove community groups	
Output 3.	Shrimp aquaculture value chain strengthened		Number of local farmers in the customary villages triggered by the project will receive access registration into INDOGAP and MMAF's STELINA The project will target at least 25% of MHAs from total beneficiaries in the subproject component
Activities 3.1.3		Facilitate registration of broodstock and feed suppliers, farmers, aggregators, and processors into the INDOGAP system and transactions in the MMAF's STELINA, rationalize regulation and incentive (i.e. Hatchery with CPIB for seed, INDOGAP consist of CBIB (farmer), CPIB (hatchery) and CPPIB (Feed) only).	

Output	Output/Sub-Outputs/Activities	Non-Civil Works Project Component	Indigenous Peoples Targeting
Activities 3.1.5		Facilitate MOU between farmers-based enterprises with private sector (contract farming, technology provider etc.)	

Appendix 2: Outline of *Masyarakat Hukum Adat* Development Plan

1. This outline is part of the Safeguard Requirements 3. An Indigenous Peoples plan (MDP) is required for all projects with impacts on Indigenous Peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on Indigenous Peoples. The substantive aspects of this outline will guide the preparation of MDPs, although not necessarily in the order shown.

A. Executive Summary of the Indigenous Peoples Plan

2. This section concisely describes the critical facts, significant findings, and recommended actions.

B. Description of the Project

3. This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

C. Social Impact Assessment

4. This section:

- (i) Reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
- (ii) Provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) Identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
- (iv) Assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) Includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) Identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

5. This section:

- (i) Describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;
- (ii) Summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- (iii) In the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) Describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
- (v) Confirms disclosure of the draft and final MDP to the affected Indigenous Peoples communities.

E. Beneficial Measures

6. This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigative Measures

7. This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

G. Capacity Building

8. This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

H. Grievance Redress Mechanism

9. This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

I. Monitoring, Reporting and Evaluation

10. This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the MDP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

J. Institutional Arrangement

11. This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the MDP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the MDP.

K. Budget and Financing

12. This section provides an itemized budget for all activities described in the MDP.

L. Implementation Schedule

13. This section describes the detailed MDP activities, and it has to be aligned with the overall project implementation schedule and all the compensation and mitigations will be done prior to the civil work.

Appendix 3: Indigenous Peoples Impact Screening Checklist

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?	X			The Acehese tribe in <i>Gampong</i> (customary) village; the <i>pakraman</i> customary village in Balinese tribe territories; <i>Pekon</i> traditional village belongs to villagers in Tanggamus District, Lampung Province; and indigenous territories in <i>kampung</i> areas in Sinjai and Bulukumba Districts, South Sulawesi. There are 16 potential indigenous ethnic group triggered positively by the IISAP project
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?	X			
3. Do such groups self-identify as being part of a distinct social and cultural group?	X			
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?	X			
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?		X		
6. Do such groups speak a distinct language or dialect?	X			
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?		X		
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?		X		
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?	X			The project might indirectly benefit to indigenous people group. The indigenous people rely on fisheries and shrimp farming in coastal zone.

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		X		The proposed project will help smallholders shrimp farmers to improve productivity and profitability of shrimp aquaculture.
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)	X			Customary community members might receive positive impact from the improvement of shrimp aquaculture in certain areas i.e. Aceh, Bali, and South Sulawesi. The project might provide job opportunities for IP group members during the construction activities. Furthermore, the training on capacity building on various issues such as i) climate resilient and sustainable aquaculture for the business entities; (ii) broodstock management, disease management, and food safety might benefit IP group members
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?	X			Yes, the shrimp aquaculture cluster will be located in the MHAs group member's land within customary village (i.e. <i>gampong</i> in Aceh, <i>Pakraman</i> village in Bali, <i>Pekon</i> in Tanggamus-Lampung, indigenous <i>kampong</i> areas in Sinjai and Bulukumba, South Sulawesi. However, the project will not require any land acquisition in community land.
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		X		The project will introduce modern shrimp aquaculture technology.
14. Physical displacement from traditional or customary lands?		X		The project will use the MMAF land for the development of sustainable shrimp ponds and associated facilities. The IP groups are not expected to be affected by any physical displacement impact from project activities.
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or		X		The project will not support commercial development of natural resources.

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		X		The project will build facilities on MMAF land.
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		X		The project will build facilities on MMAF land.

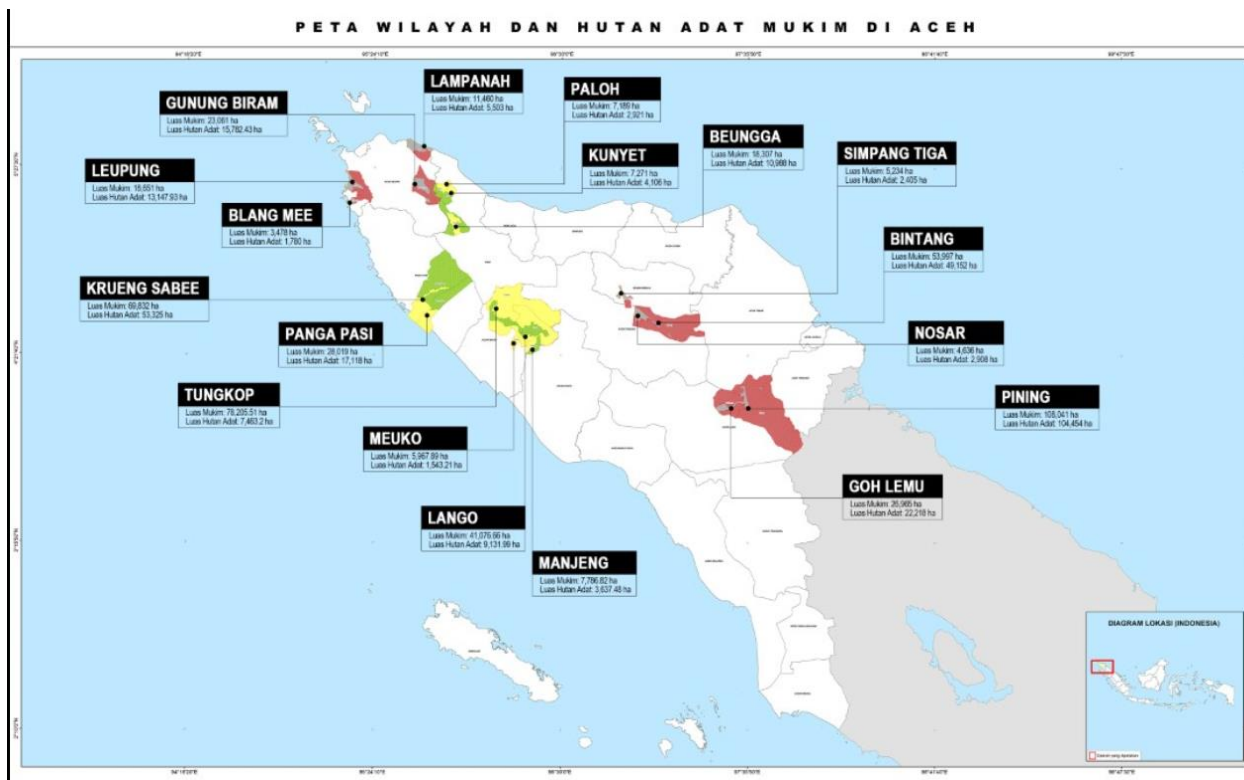
Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1. Output 1: Quality and sustainability of inputs production increased	Institutionalize and establish the small-scale hatchery at community level	None
2. Output 2: Sustainable aquaculture infrastructure and services developed	IP community members may participate in the project activities on voluntary bases. Job opportunities for local people Improved access to shrimp aquaculture laboratory services Institutionalized the community-based mangrove management within Sustainable Shrimp Aquaculture Cluster management.	None
3. Output 3: Shrimp aquaculture value chain strengthened	IP communities will be part of the beneficiaries for training and capacity building activities conducted in output 3. Increased access to affordable inputs for shrimp aquaculture	None

Note: The project team may attach additional information on the project, as necessary.

C. Additional Notes: (Sketch Map or Pictures)

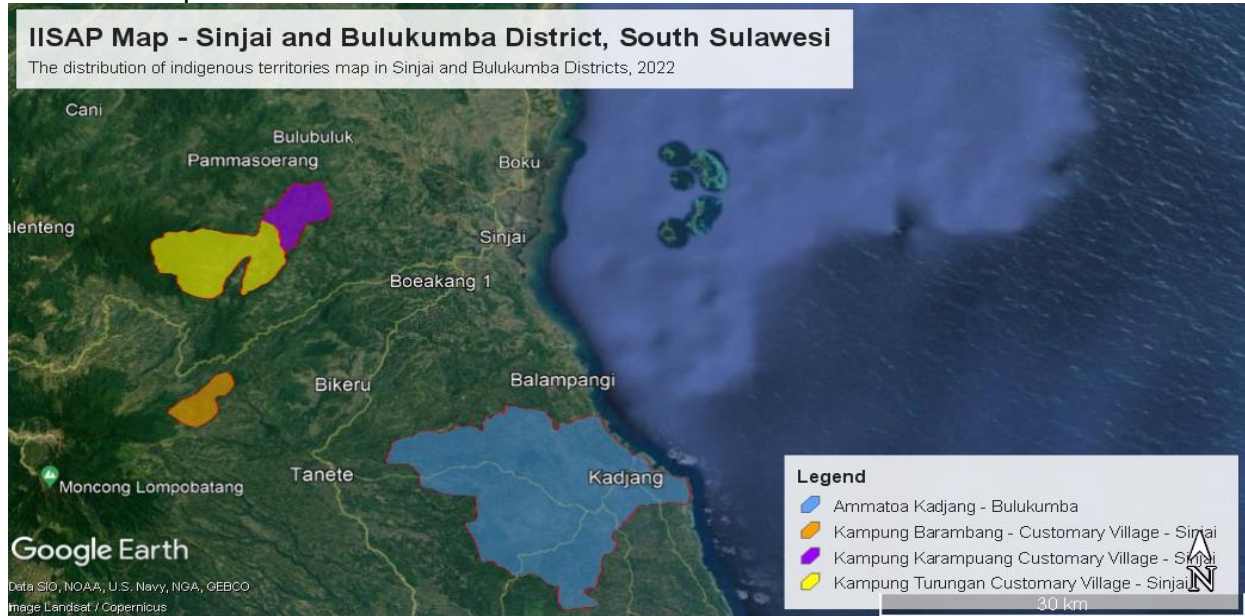
The distribution of indigenous territories in Aceh Region:



The location of BPIU2K Karangasem in Bugbug Customary Village, Karangasem Subdistrict, Bali Province



The Distribution of Indigenous Territories Map in Sinjai and Bulukumba District as proposed Farmer Shrimp Pond Cluster



Source: the BRWA Map, and Local Government Regional Regulation on Recognition of IP, 2022.

Appendix 4: Proposed Procedure for Grievances Resolution for IISAP

Stage 1: Submission of complaint

- a. The affected person submits a written complaint to the GRC (contact details of the contact person of the GRC will be indicated in the PIB that will be delivered to residents in the public consultation meetings after the GRC is established) each UPT location, or as letter, or email (with attached signed letter). Member of CECs or a registered and legally recognized civil society organization (CSO) with valid representation authorization may file a complaint on behalf of an affected person through the GRC.
- b. Complaints can also be sent directly to the construction contractor (during construction through a hotline number that will be posted for construction-related matters (such as noise, dust, access to property and other matters) which require immediate action. Construction contractors are required to register the complaint, and report to the sub-district GRC (as representatives of the constructors engaged by the PIU present in the sub-district GRC) on complaints received and actions taken.

Stage 2: Registration, Eligibility Assessment, and Confirmation of Eligibility [max. 3 working days]

- a. The sub-district GRC registers the complaint in a grievance registry and identifies whether the complaint is eligible for the GRM or not. If the complaint is deemed ineligible, the complainant is informed of the decision and the reasons for ineligibility.
- b. If the complaint is deemed eligible, the GRC identifies how the complaints should be investigated and addressed and who will be responsible for these actions and informs the relevant parties accordingly. Options include: (i) the construction contractors; (ii) the PIU; (iii) the village leaders; (iv) Social Safeguards team of IISAP, and (v) others.
- c. The sub-district GRC sends a confirmation of eligibility to the complainant. The letter provides information on when a decision will be made regarding the complaint, and the main agency in charge of addressing the complaint.

Stage 3: Assessment and Identification of Action [max. 10 working days]

- a. If the complaint is eligible, the entity identified under Stage 2(b) conducts an assessment and gathers information about the complaint to determine how it might be resolved. If outside experts or technical information is needed, the entity identified under Stage 2(b) may seek such guidance and may request all parties concerned (including the complainant, as relevant) to participate in the grievance redress process. The identified entity after the assessment will send the assessment letter including time-bound action plan to the complainant. The sub-district GRC is copied in the letter.

Stage 4: Confirmation by affected person, or First Appeal [max. 10 working days]

- a. The complainant confirms in writing consent with the proposed action plan to execute immediately the action plan.
- b. The complainant may submit an appeal to each Balai GRC in the following cases: (i) no response is provided within 10 days after acknowledgement of the complaint; (ii) the complainant disagrees with the decision under Stage 3.

Stage 5: Review, Eligibility Assessment and Confirmation of Appeal by each Balai GRC [max. 3 working days]

- a. GRC in Situbondo, Jepara, South Lampung, Karangasem, Takalar, Aceh Besar, and Serang informs the sub-district GRC that the complainant appealed the decision, and requests all relevant documents and issued decisions from sub-district GRC. Each Balai

GRC determines whether the appeal is eligible or not. If the appeal is deemed ineligible, the complainant is informed of the decision and the reasons for ineligibility.

- b. If the appeal is deemed eligible, the municipal or district level GRC identifies who and how the complaint should be investigated and addressed and informs the relevant parties accordingly.
- c. The district level GRC sends a confirmation of eligibility to the complainant with copy to the sub-district GRC for registration. The letter provides information on when a decision will be made regarding the complaint, and the main agency in charge of addressing the complaint.

Stage 6: Assessment and Identification of Action by each Balai GRC [max 10 working days]

- a. If the complaint is eligible, the entity identified under Stage 5 (b) conducts an assessment and gathers information about the appeal to determine how it might be resolved. If outside experts or technical information is needed, the entity identified under Stage 5 (b) may seek such guidance and may request all parties concerned (including the complainant, as relevant) to participate in the grievance redress process.
- b. The entity identified under Stage 5 (b), in consultation with the sub-district GRC, sends the assessment letter including time-bound action plan to the complainant. The sub-district and the district level GRCs are copied in the letter.

Stage 7: Confirmation by Affected Person, or Second Appeal [max 10 working days]

- a. The complainant confirms agreement in writing with the decision and the proposed action plan.
- b. The complainant may appeal to the local court in the following cases: (i) no response is provided within the 10 days after acknowledgement of the appeal; (ii) the complainant disagrees with the decision in Stage 6. In fact, at any time in the GRM the affected person may appeal to the local court system if they so choose.

Stage 8: Implementation of Action, Monitoring, Reporting [duration: as defined in the Decision and time-bound action plan]

- a. Implementation of the Decision and action plan commences, with close collaboration of relevant project stakeholders depending on the type of complaint.
- b. The sub-district GRC monitors the implementation of actions and records findings, to be filed through the grievance administration system. As part of the monitoring process, the sub-district GRC consults the relevant project stakeholders, as needed.

Stage 9: Closure of Complaint

- a. When the decision/actions are implemented and when monitoring is completed, the District GRC prepares a final report which is shared with the complainant, PIU, district level GRC and filed.
- b. The complainant confirms completion of the actions and agrees to the closure of the complaint. The grievance dossier is closed and filed in the project archive.

Figure 1. The Flowchart of Grievance Redress Mechanism at Project Level

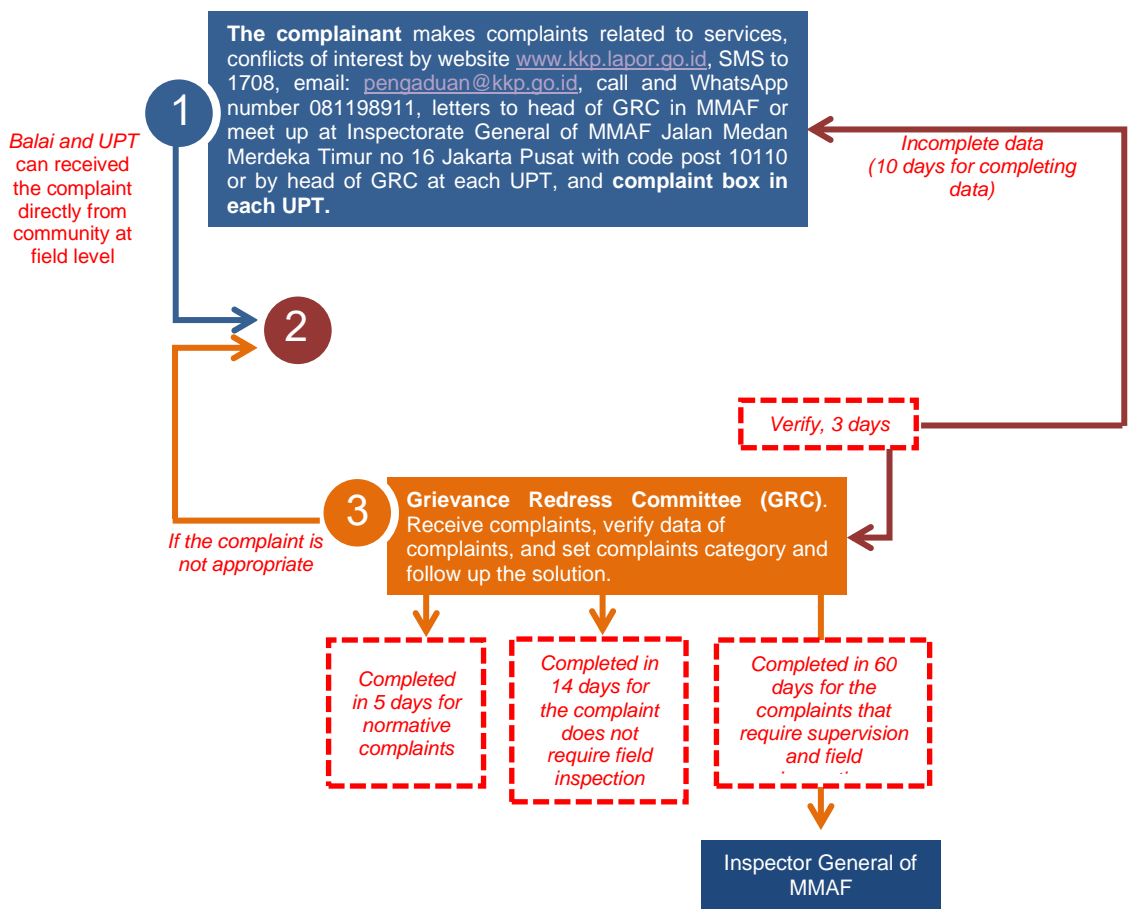
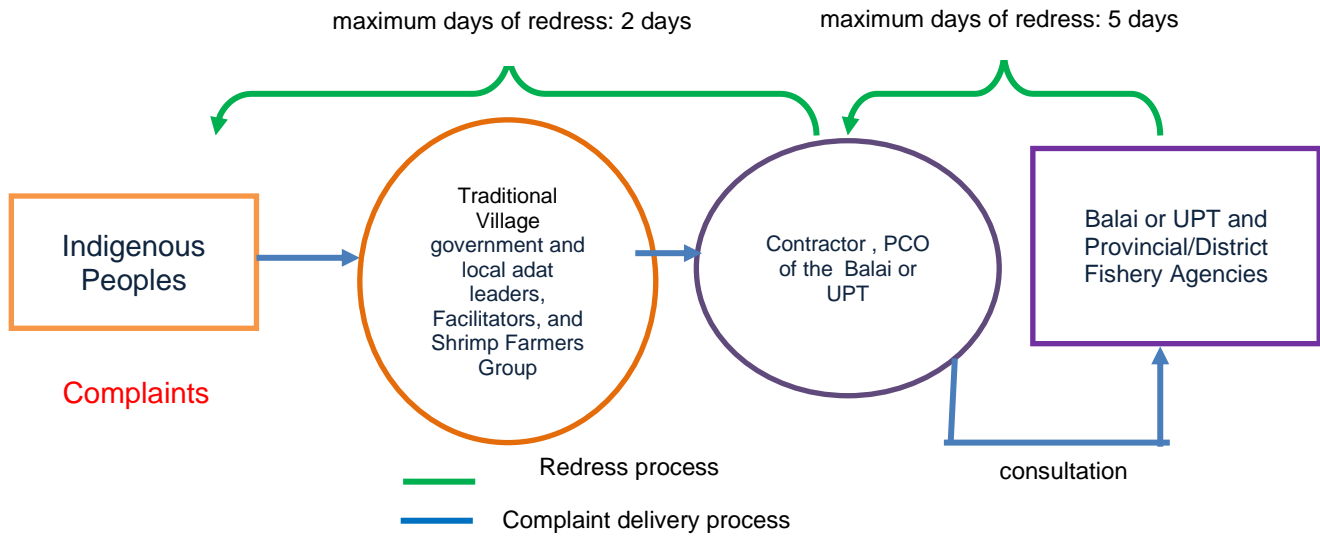


Figure 2. The Subproject Level of Flowchart on GRM



Appendix 5: Template Complaints/Grievance Form and Monthly Registered

Register Complaint / Grievance No	:	
Date and Time	:	
Media	:	SMS / Phone / email/ Letter / visit / others
Complainant's Data		
Name	:	
Gender	:	
ID Number	:	
Address	:	
Phone/FAX//email	:	
Affiliation	:	<input type="checkbox"/> Affected Persons <input type="checkbox"/> Community Surrounding Project <input type="checkbox"/> Institution <input type="checkbox"/> Worker (including part-time and 3 rd party worker)
Name of represented	:	
ID Number	:	
Address	:	
Phone/FAX/email	:	
Type of Complaint	:	<input type="checkbox"/> Inventory of community shrimp aquaculture cluster <input type="checkbox"/> Non land damages (structures/trees/plant) cause by construction activities <input type="checkbox"/> Public facilities/infrastructures damages cause by construction activities <input type="checkbox"/> Air pollution <input type="checkbox"/> Vibration <input type="checkbox"/> Water Pollution <input type="checkbox"/> Noise <input type="checkbox"/> Traffic disruption <input type="checkbox"/> Labour standards (e.g. discrimination) <input type="checkbox"/> Occupational health and safety <input type="checkbox"/> Other (Describe).....
Location of the impact		RT/RW/Kampung/Hamlet/Village/Construction Site
Description of the complaint: <i>The description should be as specific as possible and focused on the facts surrounding the complaint.</i>		
Name and signature of complainant		
Name and signature of Focal Point, who received the complaint		

Monthly Register of Complaints / Grievances

Period: to

Subproject:

No	Complaint / Grievance	Category of Complaint	Date that Complaint was Received	Location of Impact	Name of Aggrieved	Address	Status of Complaint
1							

Please provide a narrative summary of grievance cases by type of issue and location.

Appendix 6: Social Impacts Assessment on Indigenous Peoples

1. Where screening indicates potential project impacts on customary communities, the SPS requires a field-based social assessment. The SIA is conducted in a gender-sensitive manner and in consultation with customary communities. The assessment has the following elements:

- (i) A review of the legal and institutional framework applicable to customary communities in the IISAP context;
- (ii) Identification and confirmation of the presence of customary communities in the IISAP area and project impact zone;
- (iii) Baseline socioeconomic profile of the customary communities in the project area and project impact zone;
- (iv) Assessment of their access to basic social, economic, and community services, including their land and resource use and land tenure system;
- (v) Assessment of the short- and long-term, direct and indirect, and positive and negative impacts of the IISAP on each group's social, cultural and economic status and differential impacts of the IISAP on their livelihood systems, culture and socioeconomic status;
- (vi) Assessment and validation of vulnerability among customary communities;
- (vii) Gender-sensitive assessment of the perceptions among affected customary communities of project impacts on them;
- (viii) Report on meaningful consultation with affected customary communities on the conduct of the social assessment and recommendations for culturally appropriate consultation approaches during project implementation;
- (ix) Recommendations for culturally appropriate methods to proportionally include customary communities in receiving project benefits;
- (x) Recommendations for culturally appropriate mitigations plans, if negative effects are unavoidable, including measures to avoid impacts on customary lands, sacred sites, cultural-valued artifacts, and natural resources in customary lands;
- (xi) Recommendations for resource requirements and culturally appropriate institutional arrangements to address the various project-related concerns and issues; and
- (xii) Identification of culturally appropriate indicators for monitoring project activities.

103. Risk and vulnerability profile will identify the most vulnerable groups, major risks affecting these groups; and opportunities to reduce risks or mitigate their impact on vulnerable groups through available or new mechanisms. Vulnerability of customary communities range from economic, social, and political to cultural aspects that need serious protection and assistance from other stakeholders. Involvement in decision making related to natural resources management is a very important aspect in addressing vulnerability and empowerment of customary communities.

Appendix 7: Outline for Internal Monitoring Report
Suggested Outline for the Internal Monitoring Report
(Date of Monitoring Period)

I. GENERAL INFORMATION ABOUT THE PROJECT

A. Project Objectives

State the project objectives as consistently as possible. Refer to stipulations in both the PAM and the CDF, and MDPF.

B. Project Components

Again, with reference to the PAM and CDF, and MDPF, enumerate and briefly describe the subproject components.

C. Scope of Project Impacts

Present impacts by loss per subproject as applicable, discuss each and should there be changes through each monitoring period.

- Per IOL/DMS – Losses (land, structure, trees, and crops)
- Impact on customary community (Group and number of AHs)
- By severity (Number of AHs)
- Permanent/Temporary (Number of AHs)
- By vulnerability (Number of AHs)

II. OBJECTIVES AND SCOPE OF SOCIAL SAFEGUARDS INTERNAL MONITORING

A. Objectives of Internal Monitoring

Refer to CDF and MDPF Chapter on monitoring. Always remember to balance involuntary resettlement (IR) and indigenous peoples (IP) safeguards under the ADB SPS 2009:

B. Scope of Internal Monitoring: Required Social Safeguards Documents

Table 1: Status of Required Social Safeguards Documents as of (Date, Month, Year)

Subproject	Social Safeguards Document	Remarks
Subproject??		
Subproject??		
Subproject??		
Subproject??		

III. DETAILED SOCIAL SAFEGUARDS IMPLEMENTATION PROGRESS

There are 5 key areas of concern as regards social safeguards implementation and these are:

- (i) Consultation and participation of customary communities, where applicable
- (ii) Public information, disclosure and consultation
- (iii) Payment of compensation, allowances, and assistance viz civil works
- (iv) Livelihood restoration/project benefit to the AHs and communities around the project area
- (v) Grievance redress

A. Consultation and Participation of Customary Communities and AHs

B. Public Information Disclosure and Consultation

1. Disclosure

Provide text for Table 2.

Table 2: Disclosure on Social Safeguards Planning Documents and Related Activities as of (Date, Month, Year)

Subproject	Safeguards Document	Information Disseminated	Date	Method of Dissemination	Key Issues

2. Consultations

Provide text for Table 3 that summarizes the Public Consultation and Participation activities and outcomes during the monitoring period. Attendance will be disaggregated by gender and ethnicity – member of customary community (CC) or not as indicated in the screening guide of the CDF and MDPF

Table 3: Consultation / Meetings Conducted as of (Date, Month, Year)

ATTENDANCE LIST

NAME OF EVENT:

ORGANIZER:

DATE:

LOCATION: VILLAGE..... SUBDISTRICT.....DISTRICT

No	Name	Address (Checklist one of villages)		Age	Sex (M/L)	Name of Customary Community or your organization	Position	Contact	Signature/Finger Stamp

C. Grievance Redress

When grievances surface, provide a narrative summary of grievance cases by type of issue and location. How grievances are resolved must be documented as these happen. Refer to Table 7 to present this section in text form.

Table 4: Status of Grievance Redress as of (Date, Month, Year)

Subproject	Safeguards Document	Grievance			Elevated to Court: # of complaints
		Grievance Topic	# of complaints	# of satisfied AHs	
Subproject??					
Subproject??					
Subproject??					
Total					

IV. INSTITUTIONAL SUPPORT TO SOCIAL SAFEGUARDS**A. Staff Support to Ensure Compliance**

This section presents the involvement of social safeguards-related staff within PIU and Project Implementation Consultant. All focal persons will be listed along with contact details. Include any issues specifically addressed by management when engaging at the site level.

B. Funding Allocation and Disbursement

Funds disbursement refers to handing over payments from the IAs-Pusat down to APs per stipulated social safeguard document budget allocation. Discuss Table 5.

Table 5: Disbursement of Funds as of (Date, Month, Year)

Subproject	Safeguards Document	Social Safeguards Budget	Funds Disbursed this Monitoring Period	Comment/s
Subproject??				
Subproject??				
Subproject??				
Subproject??				
Total				

V. OVERALL STATUS, ISSUES, CONCERNS, AND PROPOSED ACTIONS

Under this section, provide information on identified issues impacting the implementation of social safeguards compliance. You may choose to divide this section by crosscutting issues or by social safeguard document type. These may include resource constraints, changes in scope of impacts, etc.

For succeeding internal monitoring reports, it is imperative to include resolution of issues cited in previous internal monitoring reports as well as those that may be cited during independent evaluation from ADB Headquarters. With Table 6 below, indicate the estimated percentage of work accomplished eventually through time reflecting cumulative achievements per subproject up to the point of the current monitoring period.

Table 6. Social Safeguards Implementation Progress as of (Date, Month, Year)

Social Safeguards Activities	Subproject	Subproject	Subproject	Subproject	Subproject	Subproject
Activities mentioned in CDF:						
Activities 1						
Activities 2						
Etc.						
Activities mentioned in MDPF:						

Activities 1						
Activities 2						
Etc.						

For Table 7, indicate the issues and concerns per subproject as indicated in the headings and the way forward to overcome issues and concerns.

**Table 7: Social Safeguards Issues, Concerns and Proposed Actions
as of (Date, Month, Year)**

Subproject	Safeguards Document	Issues and Concerns		Proposed Action/s
		New/Current	Pending issues from previous monitoring report	
Subproject??				
Subproject??				
Subproject??				
Subproject??				

Attachment 1. Minutes of Consultations Conducted as of (Date, Month, Year)
Attachment 2. Photo-documentation for the Monitoring Period

Appendix 8: List of Masyarakat Hukum Adat Located in IISAP Project

Number	Name of MHAs	Regional Legal Product Recognized the MHA	Location			Project Component
			Village	District	Province	
1	Gampong Neuheun and Gampong Baro Community	Qanun (Regional Regulation) of Aceh Besar District Number 4 of 2013 concerning the Regional Spatial Plan for 2012-2032	Gampong Neuheun Gampong Baro	Mesjid Raya, Aceh Besar	Aceh Special Region	Good Hatchery Practices to local farmers
2	Bugbug Customary Village Community	Regional Regulation of Karangasem District Number 17 of 2012 concerning the Regional Spatial Planning in the period of 2012-2032	Bugbug	Karangasem	Bali	
3	Mukim Dalam	Qanun Aceh Barat District Number 5 of 2015 Concerning the Establishment Mukim Dalam	TBD	Aceh Barat	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
4	MHA Mukim Lango	Bupati of Aceh Besar Decree Number 22a of 2018 concerning the recognition of MHA Mukim Lango	TBD	Aceh Barat	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
5	MHA Mukim Manjeng	Bupati of Aceh Besar Decree Number 22b of 2018 concerning the recognition of MHA Mukim Manjeng	TBD	Aceh Barat	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
6	MHA Mukim Meuko	Bupati of Aceh Besar Decree Number 22c of 2018 concerning the recognition of MHA Mukim Meuko	TBD	Aceh Barat	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
7	MHA Mukim Tungkop	Bupati of Aceh Besar Decree Number 22d of 2018 concerning the	TBD	Aceh Barat	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster

Number	Name of MHAs	Regional Legal Product Recognized the MHA	Location			Project Component
			Village	District	Province	
		recognition of MHA Mukim Tungkop				
8	MHA Mukim Paloh	Bupati of Pidie Decree Number 140/342 of 2016 concerning the legalization of Mukim Paloh Borders Area	TBD	Pidie	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
9	MHA Mukim Kunyet	Bupati of Pidie Decree Number 140/343 of 2016 concerning the legalization of Mukim Kunyet in Padang Tiji Subdistrict	TBD	Pidei	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
10	MHA Mukim Beungga	Head of Pidie District Decree Number 140/344/KEP.02 of 2016	TBD	Pidei	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
11	MHA and Customary Forest of Mukim	Qanun of Aceh Jaya District Number 5 of 2017 concerning the recognition of Mukim Customary Forest	TBD	Aceh Jaya	Aceh	Sustainable Shrimp Pond; Farmers Shrimp Cluster
12	<i>Pekon</i> (Customary Villages) in Tanggamus District	the Bupati Tanggamus Regulation Number 11 of 2016 concerning the Guidance to Establish Organization, the <i>Pekon</i> Governance System, and the Selection and Termination of <i>Pekon</i> Members at village level.	TBD	Tanggamus	Lampung	Sustainable Shrimp Pond; Farmers Shrimp Cluster
13	MHA Kampong Barambang	Sinjai Regional Regulation Number 1 of 2019 on the Recognition of MHAs	TBD	Sinjai	South Sulawesi	Sustainable Shrimp Pond; Farmers Shrimp Cluster
14	MHA Kampong Karampuang		TBD	Sinjai	South Sulawesi	Sustainable Shrimp Pond;

Number	Name of MHAs	Regional Legal Product Recognized the MHA	Location			Project Component
			Village	District	Province	
		See Figure 5 from BRWA Map				Farmers Shrimp Cluster
15	MHA Kampong Turungan		TBD	Sinjai	South Sulawesi	Sustainable Shrimp Pond; Farmers Shrimp Cluster
16	MHA Ammatoa Kajang	Bulukumba Regional Regulation Number 9 of 2015 concerning the recognition of MHAs Ammatoa Kajang See Figure 5 from BRWA Map	TBD	Bulukumba	South Sulawesi	Sustainable Shrimp Pond; Farmers Shrimp Cluster

TBD = to be decided by project selection areas by MMAF, ADB, and Local Government.

Appendix 9: Template of Consultation Records

MINUTES OF CONSULTATIONS

In this days....., date....., months....., year....., we are the undersigned

1. *Name*.....representative of the District LG
2. *Name*.....representative of the Subdistrict LG
3. *Name*representative of the Village LG
4. *Name*..... representative of the Project Proponent G
5. *Name*.....representative from the Affected Household
6. *Name*representative of the community
7. *Name*representative of the customary community leader
8. *Name*.....customary leader (if any)
9. *Name*representative of IP institution
10. *Others* (listed necessary participants)

have carried out a consultation for rehabilitation of tertiary canal or opportunity for work in the project or taken over of rehabilitation works by the main contractor.*(choose the relevant topic)*.....located in (Subdistrict, District and Province).

The public consultation attended by relevant institutions from District LG (specify....), head of Subdistrict, Head of Village, Customary Community, Customary Leader, Community from villages surrounding project and other stakeholders (specify.....) (attendance list are attached).

Summary of the discussions:

Topics <i>(listed relevant topic)</i>	Opinion and Suggestion
GENERAL	
Knowledge and information about rehabilitation	<i>Are they aware about the rehabilitation plan What information they have? How did they get information?</i>
Mechanism of information distribution??	<i>Including socialization hold during land acquisition and resettlement</i>
Grievance Redress mechanism	<i>Do they have information on the GRM mechanism</i>
Etc.....	
Project Impacts	
Potential negative impacts	<ul style="list-style-type: none"> - <i>Environmental : increasing of dust, noise etc</i> - <i>Asset affected by construction activities</i> - <i>Customary issues (</i> - <i>Opportunity to work in project</i> - <i>Gender.....</i> - <i>Health.....</i>

Topics <i>(listed relevant topic)</i>	Opinion and Suggestion
Potential positive impacts	<ul style="list-style-type: none"> - Opportunity work in the project - Road safety - Livelihood - Gender..... - Health..... -

Conclusions or Recommendations

Mechanism of information distribution	<p>Suggestions on ensuring community surrounding project area are informed about the project.</p> <p>Example: Socialization during village meeting, brochure put in the village office...etc</p>
Grievance redress mechanism	Suggested Procedures for Addressing Grievances
Potential Negative	How to minimize or avoid negative impact during and after road construction
Etc.....	

<i>Name</i>	<i>Institutions/Stakeholder</i>	Signature
	<i>Province Local Government</i>	
	<i>District LG</i>	
	<i>Representative of Sub District LG</i>	
	<i>Village LG</i>	
	<i>Representative Customary community</i>	
	<i>Customary Leader</i>	
	<i>Representatives of Customary Institution</i>	
	<i>Representative of Community</i>	
	<i>Etc</i>	

Photograph of related stakeholder consultations

Photo 1	Photo 2
----------------	----------------

Appendix 10: Draft of Project Information Booklet





Sumber: MEDIA INDONESIA, 2022

GAMBARAN UMUM PERIKANAN BUDIDAYA

Arah dan kebijakan Kementerian Kelautan dan Perikanan (KKP) yang telah dan akan ditempuh pada tahun 2020-2024 adalah mengoptimalkan dan memperkuat perikanan budidaya.

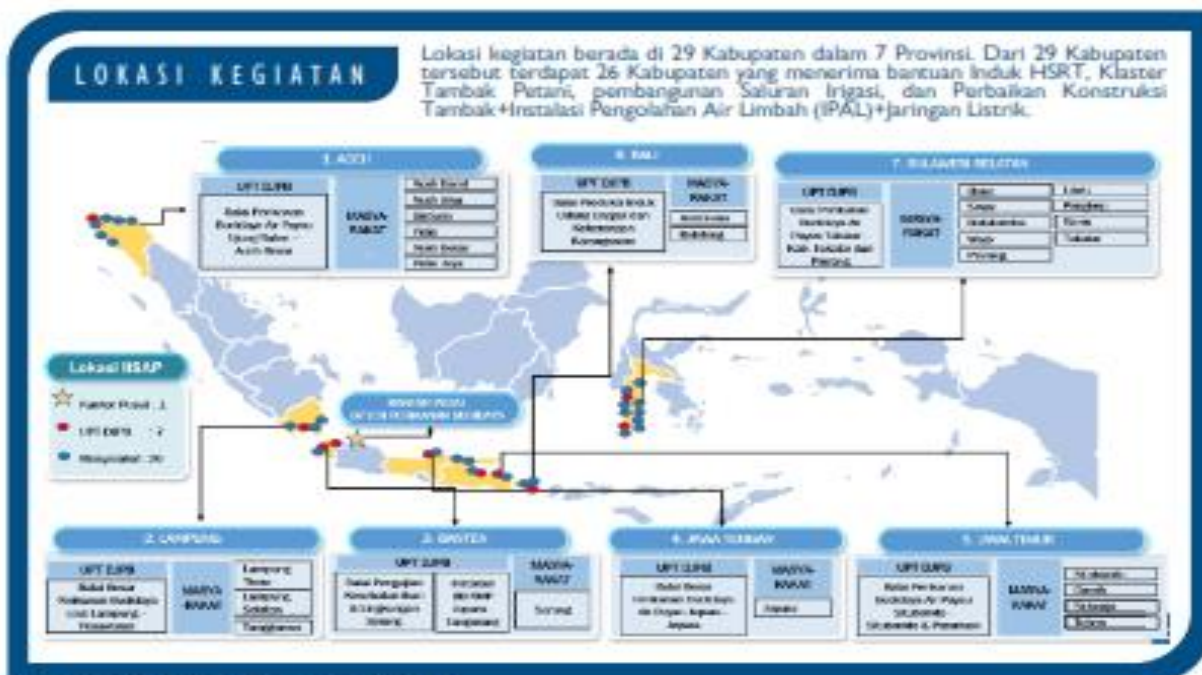
Sesuai dengan amanat RPJMN 2020-2024, perikanan budidaya diharapkan dapat memberi kontribusi besar dalam menunjang perekonomian nasional. Terkait dengan amanat tersebut, KKP dalam hal ini Direktorat Jenderal Perikanan Budidaya berupaya untuk:

- Meningkatkan produksi perikanan budidaya menjadi 10,32 Juta ton (termasuk di dalamnya udang sebesar 1,52 juta ton) pada tahun 2024 atau tumbuh 8,5 persen per tahun;
- Meningkatkan pertumbuhan volume ekspor udang 8 persen per tahun dan pertumbuhan nilai ekspor udang sebesar 250% dari tahun 2019 hingga tahun 2024.

Pada tahun 2019 produksi udang Indonesia mencapai 881 ribu ton, dimana kontribusi udang vaname sebesar 677 ribu ton atau 11,3% dari produksi dunia yang mencapai 5,4 juta ton. Produksi udang vaname Indonesia, berada di urutan ketiga produsen terbesar, setelah China dan India.

STRATEGI UTAMA IISAP

Strategi utama yang digunakan untuk peningkatan produksi dan produktivitas budidaya udang, salah satunya adalah dengan melakukan penataan kawasan budidaya / areal pertambakan, perbaikan saluran irigasi tambak yang memadai dengan menerapkan pengelolaan intensifikasi lahan tambak yang terintegrasi dan dilakukan secara kolektif, berupa kluster tambak udang berkelanjutan dan ramah lingkungan. Sehingga memiliki daya ungkit tinggi untuk mencapai sasaran prioritas pembangunan.



KENDALA BUDIDAYA UDANG DI INDONESIA

- Belum Tertata**, Kawasan budidaya udang yang belum tertata dengan baik.
- Lokasi Tersebar**, Indonesia memiliki kegiatan budidaya udang hampir di seluruh provinsi, tetapi lokasi tambak tersebut tersebar di berbagai tempat dan belum dikelola dengan baik.
- Benih**, Kualitas dan kuantitas benih dan induk udang belum memadai.
- Infrastruktur Budidaya**, Sarana dan prasarana pendukung tambak udang masih terbatas.
- Kesehatan**, Pelayanan kesehatan ikan masih terbatas dan belum memenuhi standar.
- Cold Storage**, Jumlah cold storage yang masih terbatas di sekitar sentra-sentra budidaya udang.
- Petugas Penyuluh**, Kapasitas pembudidaya udang dan petugas penyuluh perikanan masih perlu ditingkatkan.
- Teknologi**, Fasilitas dan fungsi Unit Pelaksana Teknis (UPT) lingkup Ditjen Perikanan Budidaya dalam menghasilkan dan mendesiminasikan model atau percontohan budidaya udang yang berkelanjutan sesuai teknologi anjuran masih terbatas.





PERLINDUNGAN LINGKUNGAN

Budidaya Tambak Udang Berkelanjutan Sistem Klaster

Pengembangan dan revitalisasi/rehabilitasi tambak akan menggunakan konsep tambak berkelanjutan (*sustainable aquaculture*) dengan *syvo-aquaculture*, yang ramah lingkungan. Dengan konsep tersebut pengembangan budidaya udang akan dipadukan dengan perlindungan terhadap kawasan bakau (mangrove) melalui program restorasi bakau pada saluran air tambak.

SOURCE: STEPHEN K.

PEMILIHAN LOKASI

Kriteria perlindungan lingkungan sesuai dengan peraturan dan perundang-undangan, antara lain:

JENIS KEGIATAN TAMBAK DAN PEMBENIHAN

- Sesuai dengan tata ruang wilayah (RTRW) dan Zonasi Wilayah Pesisir Dan Pulau-Pulau Kecil (RZWP-3-K) dan peraturan tata ruang terkait lainnya;
- Adanya sumber air, air pemeliharaan dan lahan yang memadai dan sesuai;
- Tidak berada dalam kawasan bakau atau kawasan lindung/konservasi lainnya dengan jarak sekurang-kurangnya 100 m dari batas terluar;
- Lokasi bebas dari banjir berkala (untuk kala ulang dua puluh lima tahun atau Q25) dan dampak pencemaran atau pencemar/bahaya lainnya untuk keamanan pangan;
- Tambak udang berada di belakang sempadan pantai sekurang-kurangnya 100 m dan sekurang-kurangnya 100 m dari sempadan sungai sungai besar dan sekurang-kurangnya 50 m dari sungai kecil;

Tekstur tanah dari lokasi tersebut memenuhi spesifikasi yang mendukung pertumbuhan pakan alami, kualitas air yang cocok untuk budidaya udang, dan mampu menahan volume air tambak dengan kebocoran yang dapat diabaikan (<10 % perminggu).

JENIS KEGIATAN JALAN PRODUKSI DAN PRASARANA PENDUKUNG

Sesuai dengan rencana tata ruang wilayah (RTRW) dan peraturan terkait lainnya;

- Tidak berada dalam atau pada batas kawasan bakau atau kawasan lindung/konservasi lainnya;
- Berada di luar daerah milik sungai/semipadan sungai: sekurang-kurangnya 5 (lima) meter dari kaki sungai bertanggul di daerah permukiman; sekurang-kurangnya 100 (seratus) meter dari tepi sungai besar tanpa tanggul atau sekurang-kurangnya 50 (lima) meter dari tepi sungai untuk anak sungai tanpa tanggul di luar permukiman.

PENGOLAHAN AIR LIMBAH DAN SAMPAH

Prinsip pengolahan air limbah adalah melakukan perbaikan mutu air limbah (dengan cara teknis maupun alami) agar saat dibuang tidak mencemari lingkungan (perairan umum). Perbaikan mutu air limbah dilakukan dengan cara:

- a. Memisahkan dan mengelola padatan (sampah) dan air buangan (air limbah);
- b. Mengurangi bahan pencemar dari air limbah sehingga air hasil pengolahan IPAL memenuhi baku mutu yang ditetapkan dalam peraturan atau setidaknya tidak lebih buruk dari lingkungan sekitar.



KRITERIA SELEKSI PENERIMA BANTUAN KLASTER BUDIDAYA UDANG



Diagram. Alur mekanisme usulan, penetapan dan penyaluran Bantuan Pemerintah

Keterangan Diagram:

- 1a = Calon penerima mengajukan usulan secara online melalui www.satudata.kkp.go.id
- 1b = Calon penerima menyampaikan surat usulan secara manual kepada Direktorat Jenderal Perikanan Budidaya melalui Dinas Kabupaten/Kota.
- 1c = Surat usulan kemudian ditransmisikan oleh Dinas Kabupaten/Kota kepada Direktorat Jenderal Perikanan Budidaya dan Dinas Provinsi sebagai laporan.
- 1d = Direktorat Jenderal Perikanan Budidaya dan/atau Dinas melakukan identifikasi, seleksi dan verifikasi calon penerima dan calon lokasi.
- 2 = Hasil identifikasi di input ke dalam laman www.satudata.kkp.go.id melalui operator yang ditugaskan.
- 3 = Calon penerima yang memenuhi kriteria kemudian diusulkan untuk ditetapkan oleh PPK dan disahkan oleh KPA.
- 4 = PPK melakukan kontrak pengadaan barang/jasa dengan Penyedia.
- 5a = Penyedia melaksanakan pengadaan barang/jasa sesuai kontrak dan menyalurkan Bantuan Pemerintah langsung kepada penerima Bantuan Pemerintah.
- 5b = Serah terima barang dari satker kepada penerima Bantuan Pemerintah.



RENCANA PEMBANGUNAN KOMUNITAS

Proyek ini menggunakan cara kerja Rencana Pembangunan Komunitas (*Community Development Plan*) karena banyaknya komponen kegiatan berupa bantuan kepada komunitas petani tambak. Salah satu tujuan penting pelaksanaan Rencana Pembangunan Komunitas adalah bagaimana melindungi masyarakat yang tidak berdaya, termasuk rumah tangga petani rentan, terutama petani yang bukan pemilik tambak seperti buruh tambak dan buruh musiman.

FASILITATOR, PARTISIPASI & PEMBERDAYAAN

Proyek ini menggunakan pendekatan pengembangan masyarakat di setiap tahap kegiatan setelah tahap persiapan. Selain tidak berdampak perlunya pengadaan tanah, dua dari 3 output IISAP akan berhubungan langsung dengan pembudidaya udang dan petani tambak lainnya, baik secara kelompok maupun individu.

Rendahnya kapasitas sumberdaya manusia pembudidaya dan kurangnya penguasaan teknologi budidaya udang yang direkomendasikan mengakibatkan tidak terkelolanya kawasan budidaya udang. Pendekatan pengembangan masyarakat ini membutuhkan partisipasi petani pembudidaya dan pemberdayaan petani pembudidaya.

Fungsi fasilitator sebagai petugas dari UPT yang memfasilitasi dan memediasi kegiatan IISAP dengan para penerima manfaat, baik kelompok tani maupun individu tani.



Mereka berfungsi sebagai teknisi, manajer, dan pekerja lingkungan dan sosial. Tugas umum fasilitator adalah mengikuti pelatihan, menerapkan prinsip-prinsip pengaman sosial dan lingkungan, melakukan penyuluhan dan peningkatan kapasitas petambak udang, berkoordinasi dengan instansi terkait, melakukan pemantauan internal, dan membuat laporan. Tiap lokasi proyek di masing-masing kabupaten penerima bantuan akan didampingi oleh 3 (tiga) fasilitator.

PERLINDUNGAN SOSIAL

KETERBUKAAN INFORMASI DAN KONSULTASI YANG BERMAKNA

Tujuan keterbukaan informasi, konsultasi publik dan partisipasi meliputi:

- i. Menyebarluaskan semua informasi dan kegiatan yang terkait dengan proyek kepada masyarakat petani;
- ii. Mengumpulkan ide, saran, keprihatinan, kebutuhan atau prioritas komunitas petani pada proyek dan intervensinya;
- iii. Memastikan partisipasi masyarakat lokal dan pemangku kepentingan selama desain, persiapan dan pengambilan keputusan untuk proyek; dan
- iv. Memastikan bahwa masyarakat lokal berpartisipasi dan diberitahu tentang semua keputusan yang terkait langsung dengan pendapatan, mata pencaharian, dan standar hidup mereka.



PEMANTAUAN INTERNAL & EKSTERNAL



Pemantauan internal akan dilakukan selama proses pembangunan fisik hatchery, laboratorium, dan klaster tambak UPT yang akan dimulai pada tahun 2023 hingga selesai. Pembangunan 15 infrastruktur tersebut akan menggunakan konsultan supervisi yang pemilihannya adalah bersamaan dengan kontraktor lelang. Pemantauan internal akan mengawasi kegiatan kontraktor dan konsultan supervisi di setiap UPT. Laporan pemantauan internal harus diserahkan kepada ADB setiap enam bulan setelah pembangunan fisik dimulai.

Pemantauan eksternal terhadap pembangunan masyarakat diperlukan oleh Proyek. Direktorat Jenderal Perikanan Budidaya bertanggung jawab atas pemantauan eksternal dan sesuai dengan tahap persiapan dan pelaksanaan CDP dan MDP (Rencana Pemberdayaan Masyarakat Hukum Adat) untuk memastikan bahwa proses dan tahapan dilakukan sesuai dengan prinsip-prinsip kebijakan perlindungan lingkungan dan sosial.

Laporan pemantauan eksternal harus diserahkan ke ADB setiap enam bulan, dan dimulai setelah kelompok petani yang masuk daftar panjang diketahui. Laporan tersebut akan disiapkan oleh pihak ketiga yang independen (Konsultan Monitoring Eksternal) di beberapa daerah, antara lain: i) Aceh; ii) Lampung dan Banten; iii) Jawa Tengah, Jawa Timur dan Bali; iv) Sulawesi Selatan.

ADB

PENINGKATAN INFRASTRUKTUR

UNTUK PROYEK BUDIDAYA UDANG BERKELANJUTAN



INFRASTRUCTURE IMPROVEMENT FOR SHRIMP AQUACULTURE PROJECT (IISAP)

PENANGANAN KELUHAN

Proyek ini telah menyiapkan tata cara penanganan pengaduan masyarakat. Sebagaimana telah diatur oleh Peraturan Menteri Kelautan dan Perikanan Nomor 56/Permen-KP/2020, di masing-masing UPT atau Balai telah dibentuk Tim Penanganan Keluhan (TPP). TPP di masing-masing UPT/Balai mempunyai tugas melakukan koordinasi penanganan, memberi respon awal terhadap penyelesaian pengaduan, memantau tindak lanjut penyelesaian pengaduan, melakukan komunikasi dan memberikan informasi penyelesaian pengaduan.

Mekanisme pengaduan dari masyarakat dapat disampaikan melalui saluran resmi meliputi:

- Website dengan laman www.kkp.lapor.go.id atau www.lapor.go.id
- Pesan singkat elektronik (SMS) dengan format: **KKP (spasi) isi aduan, kirim ke nomor 1708**
- Surat elektronik dengan alamat pengaduan@kkp.go.id
- Telepon dan whatsapp dengan nomor **0811989011**
- Surat nonelektronik ditujukan kepada Ketua TPP Kementerian Kelautan dan Perikanan dan Pengaduan secara langsung (tatap muka) dengan alamat **Inspektorat V Inspektorat Jenderal KKP Jalan Medan Merdeka Timur Nomor 16 Jakarta Pusat Kode Pos 10110**, atau kepada Ketua TPP di masing-masing UPT di lingkungan KKKP; dan/atau
- Kotak Pengaduan yang disediakan di Kantor Pusat dan UPT di lingkungan KKP.

KEMENTERIAN KELAUTAN DAN PERIKANAN
JL. Medan Merdeka Timur No.16 Jakarta Pusat
Telp. (021) 3519070 EXT. 7433 – Fax. (021) 3864293
Email: humas.kkp@kkp.go.id Call Center KKP: 141