

Detailed Safeguard Assessment and Program Action Plan

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INO: Integrated Participatory Development and Management of Irrigation Program

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1. This document is an appendix to the Program Safeguards System Assessment (PSSA) that examines the safeguards system of the program for irrigated agriculture of the Government of Indonesia (the Government). This appendix presents the detailed action plan for safeguards where significant gaps and weaknesses are found at both system and capacity levels. The PSSA aims to: (i) assess key gaps between written country laws, regulations, and procedures with ADB Safeguard Policy Statement (SPS 2009) principles to identify what incremental improvements are needed, should significant gaps be identified; and (ii) assess the implementation of written systems and capacities of the executing and implementing agencies and other key agencies in handling environmental and social safeguards, and identify what main improvements are needed. This appendix also presents the detailed gap analysis between ADB SPS 2009 and the government regulatory framework..

TABLE 1: PROGRAM ACTION PLAN FOR SAFEGUARDS

Key gap	Proposed Action	Indicator	Responsibility	Time frame	Budget source
Technical Aspects					
Environment					
Screening and criteria for categorization (AMDAL/UPL/UKL/SPPL) from the Minister of Public Work regulation 10/2008 needs improvement on the definition of impacts for rehabilitation of irrigation system. ¹	Update the MPWH regulation with guidance on categorizing irrigation rehabilitation projects to UKL/UPL or SPPL to develop and implement EMP commensurate to environmental impacts. The regulation will include (i) guidance on the environment audit of irrigation systems, (ii) negative checklist to ensure exclusion of environmentally critical projects, and (iii) SPPL revised format, (iv) EMP and monitoring requirements and format. Specific mitigation measures to address the identified environmental impacts are implemented.	New regulation in place including negative check list and disseminated	DGWR in consultation with MOEF	2017	DGWR
No or limited screening for irrigation Programs budgeted by provinces/districts		Environment screening included in the SETIP template and guidance	DGWR	2016	DGWR
Environmental impacts not fully assessed by district governments due to limited experience	Disseminate the new regulation and provide training to RBOs and WRAs staff on environment requirements for irrigation rehabilitation including screening, preparation of AMDAL, UPL/UKL, SPPL and EMP (RKL/RPL ²)	WRA staff trained on environment requirements (e.g. MOEF No. 05/2012), MPWH regulation, and on existing procedures and preparation of environment documents	DGWR, MOHA	2017-2018	DGWR, MOHA
		Updated standard bidding documents for work including EMP and monitoring requirements			

¹ Government regulation No. 27/2012 describes the mandate for each sector to develop or revise a technical regulation.

² RKL/RPL, as defined in the AMDAL Law (MOE No. 16/2012), refers to the environmental management plan and environmental monitoring plan.

Key gap	Proposed Action	Indicator	Responsibility	Time frame	Budget source
	Integrate the screening and categorization of impacts into the Social, Economic and Technical and Institutional Profile (SETIP)	Developed and implemented full RKL/RPL as per regulation requirement	DGWR	2016	DGWR
	Integrate EMP and monitoring requirements into standard bidding documents for work Develop and implement full RKL/RPL for each proposed subprojects if needed		RBOs, WRAs	2016 - 2021	RBOs, WRAs
Engineering design do not consider climate change variability	Integrate environmental aspects, ecological engineering for infrastructure, climate resilient infrastructure into MPWH design standard guidelines for irrigation (KP)	MPWH design standard guidelines for irrigation updated	DGWR	2016	DGWR
	Disseminate MPWH design standard guidelines for irrigation to WRAs	RBOs and WRAs staff briefed and trained on updated MPWH design standard guidelines for irrigation rehabilitation	DGWR	2017	DGWR
Communities use the irrigation canals for drainage and as disposal of garbage/ sewage. It is also contaminated with pesticide/fertilizer residue	Strengthen collaboration with local government (Provincial/District) with NGOs and communities on solid waste management.	Environment concerns and remedial actions reflected in SETP and IAMP	MOA	2016 - 2021	
Involuntary Resettlement and Negotiated land Acquisition					
Livelihood restoration programs are provided for Programs financed by multilateral agencies and state owned enterprises, and none for local government Programs ; physically and economically displaced persons are not provided with transitional support and development	For land acquisition using Law 2/2012 procedure (land to be acquired more than 5 hectares) (i). Strengthen the delivery of social/livelihood program for entitled parties considered vulnerable and severely affected persons ³ . The program can be covered by local government program (ii). Clarify and agree for physical relocation	Guidance on land acquisition and resettlement include identification of vulnerable and severely AHs and social action plan delivered to these groups prepared and implemented. MOU between agencies on arrangement and	RBOs, WRAs	2017 - 2020	RBOs, WRAs

³ Vulnerable groups are 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, and (iv) elderly household heads. Severely affected persons refer to the affected/ displaced Persons who will (i) lose 10% or more of their total productive assets, (ii) have to relocate, and/or (iii) lose 10% or more of their total income sources due to the project.

Key gap	Proposed Action	Indicator	Responsibility	Time frame	Budget source
assistance	to include transitional allowance , if needed	implementation of SAP prepared Compensation for emotional loss <i>Solatium</i> ⁴ provided to cover transitional allowance of affected building			
Compensation provided for affected assets owned by non-land rights holders are varying, from providing with <i>uang kerohiman</i> and no compensation at all.	For Non-Land Right Holders (squatters) provide compensation and its delivery for non- land assets at replacement cost along the irrigation channel	Compensation at replacement and assistance delivered as per regulations ⁵ or exclusion of sub projects with significant impact from the program	RBOs, WRAs	2017 - 2020	RBOs, WRAs
Weak monitoring and protection of ROW along rehabilitated canals that encourage encroachment and squatters	Protect and manage ROW to prevent return of affected persons and new encroachers	ROW protection and management included in official detailed engineering design guidelines.	DGWR	2017	DGWR
	Legalize land assets	ROW management plans developed DGWR's land assets registration legalized	RBOs, WRAs	2017 - 2020	RBOs, WRAs
Indigenous People/Masyarakat Adat					
Screening is weak in determining impact on indigenous people	Prepare guidance on screening check lists, impact assessment of program to indigenous people including culturally appropriate GRM, and meaningful consultation ⁶ ,	Guidance prepared and disseminated WRA and BAPPEDA staff trained on indigenous peoples screening, social impact assessment (SIA) and consultation	DGWR in collaboration with Ministry of Social, AMAN and support by ADB	2017	DGWR

⁴ The 2013 Indonesia valuation Standard (Standar Penilaian Indonesia) of MAPPI indicates that the *solatium* will be ranging 10% - 30% of the total affected assets rate depending on the people's attachment to the assets.

⁵ The law and regulations include KUH Perdata, Law No. 39 of 1999 on Human Rights, article 29 stating that every person is entitled of protection of their property rights. Article 36 stipulates that property rights cannot be taken without due process and against the law.

⁶ The identification of indigenous people will refer to the indigenous peoples maps either published by government (Ministry of Social), World Bank, or AMAN.

Key gap	Proposed Action	Indicator	Responsibility	Time frame	Budget source
	Indigenous people is included in the SETIP	Capacity building on guidance conducted.	MOHA	2017	MOHA
		Indigenous people's socio economic situation and Program potential impact included in the SETIP	MOHA	2017 - 2021	MOHA
Institutional Capacity					
Insufficient organizational capacities and human resources of agencies for social and environment safeguards	Establish and/or strengthen dedicated units for both environment and social safeguards in RBOs and WRAs including generic terms of reference	Generic TOR for environment and social safeguards units developed	DGWR	2017	DGWR
	Assign and train focal persons for social and environment safeguards in RBOs and WRAs	Dedicated units in RBOs and WRAs for both environment and social safeguards established (by 2021: 100%)	DGWR	2017	DGWR
	Hire safeguards expert to ensure the smooth implementation of the program	Focal persons for social and environment safeguards assigned and trained	RBOs, WRAs	2017 – 2020	RBOs, WRAs
	Training orientation across levels (executing and implementing agencies, participating agencies, and contractors) on Country Systems with key concerns for environment, involuntary resettlement and indigenous peoples, safeguards and PSSA Action plan, including guidance on screening checklist and how to use it.	Safeguards specialists is hired	RBOs, WRAs	2017	RBOs, WRAs
		Guidance on how to use the screening checklist	RBOs, WRAs	2017 – 2020	RBOs, WRAs
		Trained staff across levels	RBOs, WRAs	2017	RBOs, WRAs
	Awareness raising and capacity development for WRAs to assure that the EMP implementation is carried out. DADU-online.com is used as basis for monitoring/ reporting of compliance to environmental regulations.				
Grievance redress mechanisms (GRM) lack of standard timeline	Develop guidance for GRM with clear role and responsibility, timeline, and record covering social, environment and other issues	Guidance for GRM developed or upgraded	DGWR, MOHA	2017	DGWR, MOHA

Key gap	Proposed Action	Indicator	Responsibility	Time frame	Budget source
GRM institutionalization not optimal	Ensure that GRM are made available through various ways (field staff, phone lines, websites, newspaper, radio) and recorded.	Functioning communication platform for GRM	RBOs, WRAs, BAPPEDAs	2017 – 2019	RBOs, WRAs, BAPPEDAs
	Strengthen public relation units in RBOs and WRAs to handle complaints	Trained public relation units staff in RBOs and WRAs to handle complaints	RBOs, WRAs, BAPPEDAs	2017 – 2019	RBOs, WRAs, BAPPEDAs
	Public announcement within 7 days after receiving complaint	Registry system for complaints established	RBOs, WRAs, BAPPEDAs	2017 - 2019	RBOs, WRAs, BAPPEDAs
Reporting and Monitoring					
Public disclosure For environmental assessment documents of irrigation Programs at the district level, there is no public disclosure of the findings Local governments follow law requirements, but interested parties sometimes not invited to consultations	Socialize the requirements of the MOE regulation 17/2012 on public disclosure of environment documents	MOE regulation 17/2012 requirements socialized to RBO, WRAs and BAPPEDAs	DGWR, MOHA	2017	DGWR, MOHA
	Adopt the official MOEF online system (DADU-online.com) for public disclosure	Environment report uploaded into the official MOEF online system (DADU-online.com) 2017: 5%, 2018: 20%, 2019: 50%, 2020: 75%, 2021: 100%	RBOs, WRAs	2017 - 2021	RBOs, WRAs
Program impact and actions related to land acquisition/resettlement land clearing are not documented and disclosed to beneficiaries Lack of regular and continual supervision and monitoring for post land acquisition and resettlement (LAR)	Prepare a standard format and guidance for reporting on impacts and actions	Standard format and guidance for reporting on impacts and actions (with disaggregated data on vulnerability) and post LAR	DGWR, MOHA, MOA	2017	DGWR, MOHA, MOA
	Brief RBOs and WRAs staff on the reporting requirements	RBOs and WRAs staff briefed and trained on reporting requirements and post LAR	DGWR, MOHA, MOA	2017 – 2018	DGWR, MOHA, MOA
	Ensure preparation and disclosure of reports Monitor the resettlement impact on the living standards of displaced person (if any) through reviewing complaints received, consultation with community, and take necessary actions if impacts are found.	Reports for land clearing and/or vulnerable groups prepared and disclosed.	RBOs, WRAs	2017 - 2018	RBOs, WRAs

Key gap	Proposed Action	Indicator	Responsibility	Time frame	Budget source
Annual reporting	Annual monitoring on program action plan implementation including any complaint handling is compiled by DGWR and submitted to ADB	Annual environment and social safeguards monitoring reports submitted to ADB	DGWR	2017 - 2021	DGWR

TABLE 2: SAFEGUARDS SYSTEMS AND IMPLEMENTATION GAP ASSESSMENT

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
A. Environment					
Principle 1: Screening and categorization	No	<p>The Law No. 32/2009 concerning Environmental Management and Protection Act, the Government Regulation No. 27/2012 regarding Environmental Clearance, and Ministry of Environment Regulation No. 16/2012 about preparation of Environmental Document, divides the requirements into 3 categories: Environmental Impact Assessment (AMDAL), Environmental Management and Monitoring Effort (UKL/UPL), and Statement of Environmental Management and Monitoring Capability (SPPL). In addition, Government Regulation 27/2012 states that every activity and/or business which are required to have AMDAL or UKL/UPL should have an Environmental Clearance.</p> <p>Minister Of Environment No 13 /2010 on (UKL-UPL and SPPL) states that every business and / or activities that are not included in the mandatory criteria required to have an environmental impact analysis (AMDAL), need to do UKL-UPL. Every business and / or activities that are not required to do UKL-UPL shall make SPPL. The governor of the provinces or the mayor of the local government have to develop a regulation on which scale UKL-UPL has to be done, Most of the regions do not have regulation, so that the regulation from the line ministries is adopted (e.g. Regulation of Minster of Public Work No.10 / 2008). But this regulation is not fully clear on</p>	Yes	<p>There is a readiness criteria being used by the Bappeda and BBWS which includes environmental screening and assessment but this is limited to national Government Programs. There is none or limited environmental screening for irrigation projects budgeted by provincial and district.</p> <p>The WB-WISMP has developed the Environment and Social Safeguards Guidelines (Book 3)⁷ while the ADB-PISP⁸ has developed a rapid environmental assessment checklist which were applied for the environmental screening of projects. These existing guidelines already incorporate a negative list that relates to exclusion of irrigation structures in natural habitats, critical habitats or protected areas, cultural, religious, archaeological or historical sites, purchase or use of internationally banned pesticides and fertilizers, and avoiding conversion of natural habitats.</p>	<p>Ensure screening is implemented in compliance with the Government laws and regulations.</p> <p>Strengthen the screening procedure to include a negative list of projects to be included under the Program such as:</p> <ul style="list-style-type: none"> • Irrigation structures in natural habitats, critical habitats or protected areas, cultural, religious, archaeological or historical sites • Purchase or use of internationally banned pesticides and fertilizers • Conversion of natural habitats • Changes in river flows that will significantly affect downstream water uses to avoid a Category A sub projects on environment under the Program.

⁷ Book 3 is the project manual for WB-WISMP which outlines the environment and social safeguards procedures.

⁸ ADB. 2003. *Report and Recommendation of the President to the Board of Directors: Proposed Loan to the Republic of Indonesia for the Participatory Irrigation Sector Project*. Manila.

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		<p>UKL/SPPL.</p> <p>Government regulation No. 27/2012 describes the mandate for the sector to develop guidance on activities in relation to UKL, i.e. each sector has to develop a technical regulation based on the law. And No. 8/2012 provides guidance from MOEF to develop such specific guidelines. There are two phases for the preparation of environmental documents, and the provision of environmental permits: first, there is the study of spatial advance; if there is no issue, then the preparation of environmental assessment documents will be continued. If there is no spatial study, the environmental assessment cannot be done. Second, if the environmental documents have been prepared, proceed to the granting of environmental permits. The CSS has is partly equivalent because ADB screens the proposed Program based on significance of environmental impact while the country system determines the Program category based on scale/magnitude of proposed activity as defined in MOER No. 05/2012, Appendix I. To strengthen the screening process, Appendix IV of MOE Regulation No. 5/2012 provides additional screening questions on potential environmental impacts for Programs below the threshold such as impacts due to location/context, environmental carrying capacity, protected areas, impact intensity and duration, affected persons, among others.</p>			
Principle 2: Environmental assessment	No	<p>Requirements for environmental assessment are clearly defined in MOE Regulation No. 16/2012.</p> <p>For rehabilitation & repair of irrigation system, UKL/UPL is required based on</p>	Yes	<p>According to the BBWS and the BLH in Indramayu and Lembor, the district BBWS and BLH admitted that they have limited experience in the preparation or review of AMDAL or UKL/UPL for</p>	<p>Comply with the requirements of MOE Regulation No. 16/2012 and MOPW Regulation No. 10/2008 regarding the</p>

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		Ministry of Public Works Regulation No. 10/2008.		irrigation projects. Due to the limited experience of the district local government on the implementation of AMDAL Law for irrigation projects, the environmental impacts of irrigation projects (including rehabilitation activities) are not fully assessed. ⁹ Impacts of the environment to sustainability of irrigation systems such as flooding, landslides, and drought areas are assessed as part of the technical design".	preparation of AMDAL or UKL/UPL. I environmental assessment particularly for projects requiring UKL/UPL only.
Principle 3: Alternatives examination	Partial	CSS identifies alternatives including location, use of production equipment, capacity, technical specifications, facilities of business and/or activity, layout of buildings, time, activity duration, and other alternatives. The MOE Regulation No. 16/2012 does not require financial feasibility alternatives and the "no project" alternative. MPWH has design standard guidelines for irrigation called KP (<i>Kriteria Perencanaan, planning criteria</i>). KP-01 up to KP-07.	No	Alternatives examination is part of the technical design considerations while financial feasibility is part of the feasibility study.	Adopt MPWH design standard guidelines for irrigation. KP-01: Irrigation Network Planning; KP-02: Head work; KP-03: Channel; KP-04: Construction; KP-05: Construction parameter; KP-06: Tertiary plot; KP-07: Drawing standard.
Principle 4: Development of environmental mitigation and monitoring plans	Partial	The RKL/RPL ¹⁰ document does not include capacity development and training, cost estimates, and project feedback.	Yes	The BBWS and local governments do not prepare an EMP.	Develop an EMP and EMoP for each proposed Program in the AMDAL or UKL/UPL if needed with budget, capacity development, training and Program feedback procedures.
Principle 5: Consultation and grievance redress mechanism	No	The requirement for public consultation is anchored on the Decree of the MOE No. 17/2012 (Community Participation and	Partial	Proposed irrigation Programs of PSDA are presented to affected community, mostly only from the Desa, but do not	Strengthen the grievance redress mechanism by including timelines and

⁹ To the knowledge of BLH in Indramayu, there is only one AMDAL document that was reviewed by the Provincial BLH. In Lembang, AMDAL documents were prepared and submitted to Provincial BLH for airport and national roads but none for irrigation projects.

¹⁰ RKL/RPL, as defined in the AMDAL Law (MOE No. 16/2012), refers to the environmental management plan and environmental monitoring plan.

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		<p>Information Disclosure in EIA). For projects requiring AMDAL, public consultation is conducted during the EIA TOR preparation. For irrigation projects requiring UKL/UPL such as rehabilitation works, there is no public consultation requirement. However, participatory irrigation regulations were enacted by the Government such as the MPW Regulation No. 30/2007 concerning development and management of participatory irrigation system; MPW Regulation No. 31/2007 about irrigation commission; MPW Regulation No. 32/2007 about operation and maintenance guidance; and MPW Regulation No. 33/2007 about empowering water user association. These MPW regulations allowed the farmers to be involved in the planning, design, implementation and operation and maintenance, particularly of the tertiary irrigation system.</p> <p>For the grievance redress mechanism, the Government has enacted Circular Letter of MPWH No.12 /SE/M/2014, regarding Technical Guidelines on Environmental Management, Land Acquisition and Resettlement, and handling of Indigenous Peoples.</p>		<p>involve NGOs, women's groups and other interest groups in the area. Some complaints from interest groups has stemmed primarily because of lack of information about the activities such as the case of a complaint filed by 2 environmental NGOs in Indramayu against PSDA about the cutting of mangroves in a tertiary irrigation canal. In cases of complaints, the District Environment Agency has a unit for monitoring and resolving community complaints related to environment. For example BLH Indramayu has 3 staff to conduct environmental assessments and monitoring of Programs. The same unit also acts on environment-related complaints. In the complaint filed by 2 NGOs against PSDA, the complaint mechanism that was used was through local government mechanism whereby the first responder is the Desa which then elevated the complaint to the BLH Indramayu. While BLH Indramayu called the parties to a meeting to mediate the complaint. The complaint has dragged on because there was no timeline on the resolution of the complaint. This resulted in communities perceiving slow action on the complaint resolution process.</p>	<p>identifying responsibilities of relevant agencies in the d resolution of community complaints.</p> <ul style="list-style-type: none"> ▪ Handling complaints coordinated by Bappeda Provincial/District/City, via Complaints Handling Unit which has been existing in the system of District/City administration; ▪ Unit Complaint/Grievance receive complaints from the public through dedicated phone lines, short message, local newspapers, boxes of complaints, local radio and / or websites, including the usual way in the IP; <p>Follow-up on complaints should be announced no later than 7 working days after complaint is received, or in a certain period of time agreed upon by both parties</p>
Principle 6: Public disclosure	No	<p>Disclosure of information is specified in MOE Regulation No. 17/2012 through the announcement to the public of the AMDAL preparation process and request for environmental clearance. Program proponent has to provide information in activities, description and general concept as well as proposed impact mitigations. MoEF through the Head of the Provincial/District Environment Agency</p>	Yes	<p>The national and local Governments follow the disclosure requirements of the law. However, interest parties like environmental NGOs working in the affected area are sometimes not invited to the consultation meetings.</p> <p>For environmental assessment documents of irrigation Programs at the district level, there is no public disclosure of the EIA findings.</p>	<p>Require the BBWS to prepare environmental assessment document (AMDAL or UKL/UPL) if needed and to disclose assessment findings through consultation meetings and make these readily available at offices or websites.</p>

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		<p>submits the announcement of request for environmental clearance including name/address of applicant, activities, type, scale, and location; information about where people can obtain the AMDAL/UKL/UPL and/or websites. The announcement is delivered both written and non-written in clear and understandable language for people. The announcement period is 10 working days. The community can access the document in accordance with the mechanism in each institution (MOE Regulation No. 27/2012, Article 53, para. 2). Law 14/2008, Chapter 1, Article 4 on Public Information states: (i) everyone has the right to obtain public information; (ii) everyone has the right to see and know public information, attend public meetings, obtain copies of public information, and disseminate information in accordance to legislation.</p>			
Principle 7: EMP implementation and monitoring	No	<p>The CSS is fully equivalent to this principle. The required monitoring report includes data collected, monitoring location, frequency and period of monitoring; method of data collection and data analysis. It also requires the use of accredited environmental laboratory. Periodical reporting is every six months (Article 53, Government Regulation No. 27/2012).</p>	Yes	<p>According to BBWS they do not have an EMP. Wastes from the desilting operations are just being disposed in open land or on banks of the canal. It was noted during the field visits that open land contains solid wastes and a lot of plastic wastes. The Contract during project construction and implementation does not include environment and social safeguards provisions.¹¹</p> <p>Monitoring of irrigation Programs is done by Bappeda but generally in terms of the outcome or output of the Program. There is no environmental monitoring</p>	Ensure implementation and monitoring EMP in accordance with the Government regulations.

¹¹ Procurement unit of the district usually hires Contractor. For tertiary canals, farmers associations are also involved in the construction through an agreement with related office.

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	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
				being undertaken nor any environmental monitoring report being prepared and submitted by BBWS to BLH.	
Principle 8: Protection of critical habitats	Partial	<p>The Government has ratified the international Convention on Biological Diversity through Law No. 5/1994 which requires the environmental assessment of proposed Programs likely to have significant impacts on biological diversity with a view of avoiding or minimizing such effects. The Government has also issued Law No. 5/1990 regarding bio-natural resources and its ecosystem and Law No. 26/2007 regarding spatial planning which identified allowable area for an activity to be implemented. MOE Regulation 05/2012, Annex II provides a list of 20 protected areas (by regulation under the Ministry of Forestry). For these areas, uses not in line with the purpose of the original protection should be avoided. These areas are normally identified in Spatial Planning documents. Government Regulation No. 26/2008, regarding National Spatial Planning, stipulates about national protected area.</p> <p>The guidelines for biodiversity conservation is presented in MOE Regulation No. 29/2009 which outlines policies, implementation, sustainable use and control of biodiversity. However, this regulation has not been applied because there is limited biodiversity data/information to be cited as reference.</p>	Yes	<p>Most of the irrigation Programs are undertaken in modified habitats and cultivation areas. However, downstream of the irrigation systems, there may be protected areas such as mangrove conservation sites which may be affected. Because of the lack of information/data on biodiversity, there is limited consideration on conservation of protected areas and habitats during the design, planning and implementation of Programs as evidenced by the recent complaint on the cutting of mangroves in Indramayu.</p> <p>In Lembor, the BLH Manggarai Barat also affirmed that there is also limited information and consideration on biodiversity in Program implementation.</p>	The Program will exclude activities in critical habitats and protected areas. This should form part of the negative list in the screening process.
Principle 9: Pollution prevention and control technologies	Partial	Ministry of Agriculture No. 107/2014: control and monitoring of pesticide use is by a unit under the Agriculture Office of Province/District. A commission on controlling fertilizer and pesticide is created	Yes	Farmers are encouraged to apply organic fertilizer and pesticide by the Agriculture Office and also is an output of the Program. In Indramayu, the use of organic pesticide is receiving about 20%	Strengthen the Program activities on conduct of training and information campaign for farmers on Integrated Pest

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	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		at national level through the Ministry of Agriculture Decree; in the province thru decree of Governor; and in the district/city by a decree of Bupati or Mayor. The regulation specifies requirements for quality of pesticide, active ingredient, name, number, container, labeling, and document/permit necessary, health and safety for farmers, use of equipment for pesticide management, negative impact to the community health and environment of pesticide, and analysis of pesticide sample. The regulation does not specify the use of organic pesticides/fertilizers and is more focused on agro-chemicals application.		acceptability by farmers but most farmers continue to rely on agro-chemicals. In Lembor, Agriculture Office encourages farmers to use balance fertilizer at ratio of 5:3:2 (500 kg organic fertilizer; 300 kg NPK; 200 kg Urea) for one hectare. The application of organic farming is still dependent of capital and awareness of farmers.	Management, including waste management, and safe application of agro-chemicals.
	No	Law No. 18/2008 – Solid Waste Management: requires communities to reduce, recycle, reuse, and segregate wastes. Use eco-friendly technology. Government regulation No. 81/2012: sanitary landfill to be constructed by local government. Government regulation no. 33/2011: enhance water resources utilization, provision of sanitary infrastructure at the upstream by the national or local government. There is no mention of prohibiting throwing of garbage on waterways.	Yes	Communities use the irrigation canals for drainage and as disposal of garbage, sewage. This renders the irrigation canal water polluted. It is also contaminated with pesticide/fertilizer residue.	Strengthen community awareness and involvement on proper garbage management and disposal to avoid pollution of waterways. Collaboration of local government (Provincial/District) with NGOs and communities on solid waste management.
Principle 10: Occupational health and safety	Partial	There is no mention in AMDAL Law on occupational health and safety. Public health assessment in AMDAL document is embodied in MOE Regulation No. 16/2012, Appendix 2 which is limited to public health levels.	Yes	Occupational health and safety relates to farmer as users of irrigation water and also construction workers during canal construction and rehabilitation. As part of the program impacts and risks, farmers report skin irritation, dizziness, and headaches when using agro-chemicals. There are also those which found pesticide residues in blood during	Strengthen the current Training of Trainer program of the Agriculture Office by providing farmer training on: <ul style="list-style-type: none"> - Pest Management - Health and environmental effects of agro-chemical use

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				<p>medical tests.</p> <p>The Agriculture Agency conducts the Training of Trainer of farmers which includes a range of topics with instructors from Thailand and Australia. The topics also include pest management. This should also include training on health and environmental effects of agro-chemical use, proper application of pesticides and fertilizers, and proper disposal of spent containers and expired agro-chemicals.</p>	<ul style="list-style-type: none"> - Proper use, dosing and application of agro-chemicals - Information campaign on organic farming
Principle 11: Preservation of physical cultural resources	No	The conservation of physical cultural resources is included in MOE Regulation No. 16/2012. There are some regulations on physical cultural resources such as Law No. 11/2010 on physical cultural resources; and Decree Letter of head of Bappedal No. 299/1996 on technical guidelines of social aspect analysis in AMDAL document preparation.	Yes	Not being considered in Program implementation because Irrigation Office is not conducting AMDAL or UKL/UPL.	Include avoidance of physical cultural resources in the negative list of projects under the program.
<p><u>Laws subject to assessment under Environment:</u></p> <ol style="list-style-type: none"> 1. Law No. 1/1970 regarding Work Safety; 2. Law No. 5/1990 regarding Conservation on Ecosystem and Natural Resources; 3. Law No. 41/1999 regarding Forestry; 4. Law No. 13/2003 regarding Labor; 5. Law No. 7/2004 regarding Water Resources; 6. Law No. 26/2007 regarding Spatial Planning; 7. Law No. 18/2008 regarding Waste Management; 8. Law No. 32/2009 regarding Environmental Protection and Management; 9. Law No. 11/2010 regarding Cultural Heritage 10. Government Regulation No. 7/1973 regarding Monitoring of Circulation, Storage and Use of Pesticide; 11. Government Regulation No. 41/1999 regarding Air Pollution Control; 12. Government Regulation No. 82/2001 regarding Water Pollution Control and Water Pollution Management; 13. Government Regulation No. 26/2008 regarding National Spatial Planning 14. Government Regulation No. 61/2010 regarding Public Information; 15. Government Regulation No. 33/2011 regarding National Policy on Water Resources Management; 16. President Regulation No. 71/2011 regarding Greenhouse Gases; 17. Government Regulation No. 27/2012 regarding Environmental Permit; 18. Government Regulation No. 101/2014 regarding Hazardous Waste Management; 19. MOE Regulation No. 29/2009 regarding Guidelines for Biodiversity Conservation 					

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
20. MOE Regulation No. 5/2012 regarding Type of Activities that Requires AMDAL; 21. MOE Regulation No. 16/ 2012 regarding Guidelines for Preparing Environmental Documents; 22. MOE Regulation No.17/2012 regarding Guidelines for Public Participation in AMDAL Process and Environmental Permit; 23. MOE Regulation No. 8/2013 regarding Procedure of Evaluation and Checking for Environmental Documents and Issuing of Environmental Permit; 24. MOE Regulation No. 15/2013 regarding Measurement, Reporting and Verification of Climate Change Mitigation Action; 25. MOPWH Regulation No. 06/2015 regarding Exploitation and Maintenance of Water Resources and Irrigation Buildings 26. MOPWH Regulation No. 08/2015 regarding Demarcation line of Irrigation Network 27. Decree of Head of BAPEDAL No. 56/1994 regarding Guidelines for Determination of Significant Impact; 28. Decree of Head of BAPEDAL No. 299/1996 on Technical Guidelines for Social Aspect in Preparing AMDAL; 29. Decree of Head of BAPEDAL No. 124/1997 on Guidelines for Public Health Aspect Review in Preparing AMDAL; 30. Decree of Minister of Health No. 876/2001 regarding Technical Guidelines for Environmental Health Impact Analysis					
B. Involuntary Resettlement					
Principle 1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	No	<p>Both key elements of the policy principles are equivalent per Land Law 2012.</p> <p>Law 2 of 2012 and its implementing regulations describe stipulation on how the screening of the project requiring land acquisition is conducted. The agency needing land should ensure that project with land acquisition shall be in line with the Regional Spatial Planning and the development priority as stated in the Medium-Term Development Plan, the Strategic Plan, and the Working Plan of the relevant Agencies. The institution needing land must undertake feasibility studies including analysis on project benefit to communities, the environmental and social impacts that may arise out of the acquisition of land and construction, and other study as necessary are required for the preparation of land acquisition document.</p>	Yes	Screening is not consistently implemented across program sites. For example In Indramayu, some projects are implemented without environmental and social assessment so that the potential environmental and social impacts are not properly identified during the project preparation.	Ensure screening is implemented following Government regulations
Principle 2: Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their	No	<p>There are seven key elements of the policy that consist of two key elements that are partially equivalent and the other five key elements are fully equivalent.</p> <p>Under Land Law 2012, host communities are not included during public consultations</p>	Yes: Not significant. Consultations are conducted to all affected persons including non-	For example In Indramayu District, consultation is conducted for land acquisition both using negotiated land acquisition and involuntary resettlement (refer to Law No. 2 of 2012 and its implementing regulations).	<p>Identification of vulnerable groups and severely AHs will be carried out</p> <p>Ensure vulnerable groups are provided with livelihood</p>

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.		<p>as still under preparation phase. At implementation phase affected persons decide on their preference that includes relocation thereby requiring information about host communities. Similarly, NGOs are not included since they are not considered as entitled parties.</p> <p>Principle of transparency in the Law No. 2 of 2012" indicates that the Acquisition of Land for development shall be implemented by provision of public access to information concerning acquisition of land. A public consultation on the development plan at preparatory stage of land acquisition shall be held to achieve agreement on the location of the development plan with the entitled parties. A public consultation shall be convened involving the entitled parties and the affected community and held at the place of the development plan location or at the agreed place. At the implementation stage, public consultation shall be carried out to the identification of land acquisition objects, valuation and compensation, and right and objection of entitled parties.</p>	land rights holders. However, proper compensation and special assistances for the vulnerable groups including non-land rights holders occupying the area to be used for program are not always provided.	<p>Consultation invitations are given to the land/assets owners and/or entitled parties for land acquisition and AHs for land clearing. No special attention given to vulnerable groups for the consultation.</p> <p>No grievance redress mechanism specifically established for the Program for negotiated land acquisition and land clearing. Complaint is usually brought directly by affected persons/households or through village office/community leader to the Program proponent and/or land unit in <i>Setda</i>. Land Unit in collaboration with Program proponent settles the complaint. No time frame set for the complaint resolution.</p> <p>No GRM is set up at the Program planning. For land clearing, complaints are conveyed by the affected persons/ households to village Head. Then village head brings the complaints to the contractor and/or Program proponent and concerned agencies. Complaints are recorded by the Program proponent and local governments, yet GRM records are not properly kept.</p>	<p>restoration program and non-land rights holders be provided with compensation at replacement cost for affected assets and necessary assistances.</p> <p>Ensure that the standard government GRM procedure is followed and incorporate negotiated land acquisition</p>
Principle 3: Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash	No	<p>There are four (4) key elements of the policy that consist of two key elements that are partially equivalent - the other two being fully equivalent.</p> <p>Land Law 2012 implies that the outcome of resettlement must provide for improvement of the standard of living of affected persons</p>	Yes Benefit sharing	<p>Compensation for land acquisition both for involuntary resettlement and negotiated land acquisition in Indramayu is provided in cash transferred to the entitled parties through Bank account. Valuation of affected assets is carried out by independent appraiser. For negotiated land acquisition, the valuation of</p>	<p>Ensure that income generation are provided in in line with government regulations xx x on social benefit for poor people xxx and include benefit sharing as an option</p>

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.		<p>but does not specifically require improvement in their livelihoods (i.e., their ability to generate income).</p> <p>While compensation is provided on a “parcel –by- parcel” basis, it does not require that any such cash compensation be made at replacement [cost] value.</p> <p>Law 2 of 2012 and its implementing regulation Law 11 of 2005[2] emphasize recognizing the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.</p> <p>Land acquisition law states that acquisition of land means any activity to make land available by giving reasonable and just compensation to the entitled party so that they have opportunity to live their better life. Acquisition of Land for development can bring added value to the viability of the Entitled Parties and the public in general. Appraisal of the amount of compensation is carried out by the appraiser made on a parcel-by-parcel basis.</p>		<p>appraiser is used as maximum rate for compensation payment and the negotiation will start at the lower rate of appraisal rate.</p> <p>No livelihood restoration program provided to affected persons for land acquisition for local government’s Program. However, some state owned enterprises (SOEs) company Programs such as development of Steam Power Plant (PLTU by PLN), LRP were provided for affected persons such as Program related jobs during Program construction, and material supply from local people. The LRP by SOEs were based on affected persons demand.</p>	
Principle 4: Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled	Yes	<p>Of four (4) key elements of the policy principle, 2 key elements are partially equivalent;</p> <p>Key Element 2 : Relocated persons and host communities are provided integration assistance, and Program benefits are extended to host communities</p> <p>Key Element 3: Physically and economically displaced persons are provided transitional support and development assistance, such as land development, credit facilities, training, or</p>	Yes Significant	<p>At implementation, both land acquisition for national and SOE Programs and District Government Programs using fully government budget did not provide assistance for the entitled parties including relocation assistances.</p> <p>For ‘relocation’ of non- land rights holders for Cimanuk Rehabilitation Program, the village lands used for relocation were not provided with community facilities such as electricity access. This might be because the</p>	<ul style="list-style-type: none"> • Relocation guidance that provides detailed arrangements on how relocation has been stipulated c in the government regulation No. 71/2012 • Incorporate transitional support in the total loses calculated by the independent appraiser as per SPI 306, MAPPI Standard

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
persons economically and socially into their host communities, and extension of Program benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.		<p>employment opportunities</p> <p>Law 1 of 2011 provides general guideline on how to carry out housing Program including housing for displaced persons caused by land acquisition for public purposes. Central/ Provincial/ Regency/City Government are responsible in developing norms, standards, procedures and criteria of housing development. Government Regulation 88 of 2014 concerning Advisory of Implementation of Housing and Settlement Areas states that the Minister/Governor/Regent/Mayor are responsible in every level of government pertaining to housing development.</p> <p>No legal basis for additional “transitional support/allowance”</p> <p>The Law No. 2 of 2012 indicates that acquisition of land” provides reasonable and just compensation to the entitled party. The law covers transport cost including for physically relocation affected persons, yet the law is silence on other relocation assistances such as transitional assistance and better housing. These gaps have been addressed through Law No.1 of 2011 on Housing and Settlement that stipulate on public facilities.</p>		<p>relocation areas are not large so that the relocated affected persons use the facilities from surrounding community facilities.</p> <p>However, some national program financed by multilateral agency requiring safeguards provided assistances</p>	
Principle 5: Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to	No	<p>All the three (3) key elements of the policy are partially equivalent.</p> <p>In addition to Law 2 of 2012, Law 39 of 1999 on Human Right establishes provisions on “vulnerable groups that must be taken into consideration in any development activities by the Government.</p>	Yes Significant	At the implementation level, no improvement of the living standard of the displaced poor and other vulnerable groups in land acquisition. What be provided to the affected persons /entitled parties is limited to compensation	<ul style="list-style-type: none"> Provision of IRP for vulnerable and severely affected as per law 11 of 2009.

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.		Further, Law 11 of 2009 emphasizes recognition of the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.			
Principle 6: Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	No	<p>Full Equivalence. Land transaction between the institution needing land and the land right holder is carried out through the Land Deed Making Official (Pejabat Pembuat Akta Tanah) or the independent professional or "third party for private transactions; does not cover land acquisition for government development. For government Program, release of land rights from owner is through local government (subdistrict head).</p> <p>Perpres 71 of 2012 and Perpres No. 40 of 2014 state that the acquisition of land in the Public Purposes that is less than five (5) hectares can be undertaken by purchasing or exchanging or other means agreed upon by the two parties.</p>	No	<p>For negotiated land acquisition, negotiation of compensation rate is facilitated by land acquisition unit following the agreement of affected persons on the IOL result. The compensation rate is based on independent appraiser valuation. If affected persons agreement is reached, then Program proponent (Irrigation and Water Resources Office/ BBWSCC) deliver the payment. If entitled parties disagreed, then the Program proponent will find other location.</p> <p>Letter of land rights release is made and signed by the Sub district head following the compensation payment. The record on negotiated land acquisition and land rights release are kept by the Program proponent/agency needing land and the copies are kept by the land acquisition unit under District Setda.</p>	
Principle 7: Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	No	<p>All the two (2) key elements of the policy are fully equivalent.</p> <p>If the land needed to develop for public use by an institution needing land is illegally occupied/controlled by other parties, Law 2 of 2012 cannot be applied. Law 51 of 1960 on prohibition of using land without permission from the owner or its representative shall be applied – trespassers/illegal occupants shall not be compensated except for their assets. Law 2 of 2012 recognizes non-land right holder</p>	Yes Significant	<p>For non- land rights holders occupying irrigation ROW, no similar standard to mitigate the impacts due to the Program.</p> <p>- For Cimanuk river rehabilitation project (national project), for example, the affected persons occupying the river bank were provided with <i>uang kerohiman</i> amounting to 30% of the affected building. They were also provided with the village land for rebuilding the new buildings. Demolishing and rebuilding were done</p>	<ul style="list-style-type: none"> • Compensation at replacement cost for affected non-land assets; IRP for the poor and vulnerable; and Protection of the ROW as per Law No. 2 of 2012

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		<p>and will compensate only for assets, not the land.</p> <p>Land acquisition law No. 2 of 2002 stipulates that Owners of buildings, land and other objects connected to the land. Article 570 of the Indonesian Civil Code stipulates that taking any private property (private belonging/ownership/possession) for public use must be compensated.</p>		<p>by affected persons.</p> <ul style="list-style-type: none"> - For irrigation rehabilitation Program managed by the provincial and district government, the handling to affected persons occupied the irrigation ROW and the affected assets were handled by the contractor and based on negotiation with the affected persons. In some areas, affected persons were provided with compensation/<i>uang kerohiman</i> for the demolishing cost, while in some other areas, no any compensation/<i>uang kerohiman</i> provided. - Compensation payment for land clearing in some irrigation Programs was provided through contractor. However, no provision on the compensation and pricing standard of the lost assets in the contractor's contract. However, the contractor may take the cost for payment from the overhead cost, risk, and profit. The payment by the contractor were based on the negotiation of the contractor with the affected persons/asset owners. 	
Principle 8: Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	No	<p>There are six (6) key elements of the policy with full equivalence.</p> <p>Law No. 2 of 2012 and regulations require preparation of land acquisition document at the planning stage of land acquisition by agency needing land/Program proponent. Income and livelihood restoration strategy, institutional arrangements, grievance redress mechanism, monitoring and reporting framework. However, these provisions have been covered in the activities of land acquisition under Law No. 2 of 2012 and regulations.</p>	Yes Not significant	<p>Indramayu District has no yet experience in using land acquisition law and preparation of Land Acquisition Document.</p> <p>For negotiated land acquisition, no Resettlement Plan per the land acquisition law and regulations is prepared. This is because there is no requirement on project location determination that require land acquisition document for negotiated land acquisition.</p>	<ul style="list-style-type: none"> • As per government regulation No. 71/202 on Implementation of Land Acquisition for the Development in the Public Interest. And Government Regulation No. 40/2014 on the third amendment of the Government Regulation No. 71/2012.

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Principle 9: Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	No	<p>All the three (3) key elements of the policy are fully equivalent.</p> <p>After planning documentation is finalized and certified by the institution needing land, the document is disclosed to the entitled parties and provincial government through public consultation. Inputs are expected during the public consultation that will revise the planning document and will be used to further revision if there is still objection from the affected persons/groups). If there is still objection from affected people, the government will establish independent team to review the objection, etc. This process clearly indicates and shows that land acquisition document is updated and disclosed to the affected community in order to get the location confirmation (Penetapan Lokasi).</p> <p>The land acquisition law No. 2 of 2012 and regulations do not require disclosure of LAP, yet provisions on disclosure are stipulated in the land acquisition law and regulations.</p>	Y Not significant	The implementation practices for river rehabilitation Program demonstrated that the activities of involuntary resettlement for the Program (such as Toll road construction that relocated hundreds households and Cimanuk River Rehabilitation project that relocated 60 affected households) be handled as part of the Programs.	<p>Not significant gap since program level impact is category B</p> <p>PSSA will be disclosed on ADB's website prior to MRM as part of RRP linked documents.</p>
Principle 10: Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	NO	<p>All the three (3) key elements of the policy are fully equivalent. (See element 3).</p> <p>Law 2 of 2012 and its implementing regulations and other related laws and regulations do not regulate the significance of Program and consideration of implementing the involuntary resettlement component of the Program as a stand-alone operation.</p>	Yes Not significant gap	The implementation practices for river rehabilitation project demonstrated that the activities of involuntary resettlement for the project (such as TOL road construction that relocated hundreds households and Cimanuk River Rehabilitation project that relocated 60 AHs) be handled as part of the Programs.	Not significant gap since program level impact is Cat B.

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Principle 11: Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout Program implementation.	No	<p>There are two (2) key elements of the policy one being fully equivalent and the other partially equivalent.</p> <p>BPN is responsible only for monitoring and evaluating at implementation and result phases of the land acquisition process.</p> <p>Article 48, Law No. 2 of 2012 clearly stipulates that the Land Administrator shall hand over the results of the Acquisition of Land to the Agency needing land after i) the Compensation to the Entitled Parties and Release of Titles have been given/made; and/or; ii) the compensation given has been deposited with the district court. An Agency needing land may begin to perform the construction activities upon the handover of the results of the Acquisition of Land.</p>	Yes Limited to non-land rights holders/for land clearing	<p>For negotiated land acquisition, compensation has been completed prior to the hand over of the acquired land by the Land Acquisition Division under the Setda to the agency needing land/Program proponent. The similar mechanism was also applied for land acquisition for the development in the public interest using the previous regulations (Per pres No. 36/2005 and Perpres 65/2006. In some cases, construction commenced several months after the completion of compensation payment.</p> <p>However, in some Programs such as Tortora River Rehabilitation Program managed by the BBWS Cimanuk, civil works commenced without identification of affected assets and compensation payment. For irrigation Programs by the District/Provincial Government, affected persons were asked to demolish their assets on the riverbank and move outside before the civil works commencement without any compensation. If affected persons do not demolish or move their assets, the contractor will clear the area for the civil works/construction.</p>	<ul style="list-style-type: none"> • Ensure non-land rights holders are entitled for compensation to lost assets and assistances. • Compensation at replacement and assistance delivered as per regulations or exclusion of sub projects with significant impact from the program
Principle 12: Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring.	Yes	<p>There are two (2) key elements of the policy that consist of one key element is fully equivalence and another key element is partial equivalence.</p> <p>Perpres 71 does not require monitoring and assessment of outcomes of resettlement monitoring.</p> <p>By law (Land Law 2012) BPN is only responsible for implementation stage and</p>	Yes Significant	<p>For example In Indramayu, there are guidance on regular monitoring on the Program by the Program proponent (PSDA), however, the monitoring is carried out for the Program and does not include resettlement aspects. No external monitoring carried out for the Program with significant impact on resettlement.</p>	<p>Provide guidelines for agency needing land to conduct monitoring and evaluation across program stages.</p>

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Disclose monitoring reports.		<p>delivering result stage monitoring. Planning stage is the responsibility of the institution needing land and preparation step is the responsibility of the institution needing land as well as the provincial government.</p> <p>The Perpres No. 71 of 2012 stipulates that National Land Agency (Badan Pertanahan Nasional/BPN) conducts monitoring and evaluation on land ownership, land possession, use of land and land utilization as a result of land acquisition. The Perpres and Law are silence on BPNs' responsibility to evaluate whether the objective of land acquisition achieve the resettlement objectives. The monitoring for land acquisition is limited to the progress of land acquisition process. No monitoring after compensation payment and whether the standard of living of affected persons/ entitled parties is better off.</p> <p>Law 14 of 2008 on Public Information provides clear guidance on how public disclosure is required to satisfy public need on public information. Therefore, although Law 2 of 2012 and its implementing regulations are silence on the monitoring report disclosure, it is a duty of BPN and other government entities to publish any public document including the land acquisition/involuntary resettlement monitoring report.</p>			
<p>Laws subject to assessment under involuntary resettlement:</p> <ol style="list-style-type: none"> 1. The 1945 Constitution and its Amendments 2. Law 5 of 1960 Concerning Basic Agrarian Law 3. Law (PERPU/Government Regulation in Lieu of law) 51 of 1960 Concerning Prohibition of Land Utilization Without Permission from Owner or Representative 4. Law 20 of 1961 Concerning Revocation of Land Rights and Objects on Land. 5. Government Regulation (PP) 3 of 1973 Concerning Procedures on Determining Compensation by High Court due to Land Right Revocation Stipulated by Law 20 of 1961 6. Presidential Instruction (INPRES) 9 of 1973 Concerning Implementation of Land Rights Revocation Stipulated by Law 20 of 1961 7. Law 39 of 1999 Concerning Human Rights 					

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	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		8. Law 38 of 2004 Concerning Road 9. Law 11 of 2005 Concerning Ratification of International Covenant on ECOSOC rights 10. Law 14 of 2008 Concerning Disclosure of Public Information 11. Law 30 of 2009 on Power (Electricity) 12. Law 1 of 2011 concerning Housing and Settlement Areas 13. Government Regulation 14 of 2012 Concerning Business Activities to Provide Electricity 14. Law 2 of 2012 Concerning Land Acquisition for Development of Public Use 15. Presidential Regulation 71 of 2012 Concerning Implementing Regulation of Law 2 of 2012 on Land Acquisition for Development of Public Use 16. Head of National Land Agency Regulation (Perkaban) 5 of 2012 Concerning Implementing Regulation on Land Acquisition for Development of Public Use 17. Ministry of Home Affairs Regulation (Permendagri) 72 of 2012 Concerning Operational and Supporting Cost in Implementation of Land Acquisition for Development of Public Use provided by Regional Budget (APBD). 18. Ministry of Finance Regulation No. 13/PMK.02/2013 Concerning Operational and Supporting Cost of Land Acquisition for Development of Public Use provided by National Budget (APBN). 19. The Decision of the Constitutional Court on Judicial Review of Law 2 of 2012 concerning Land Acquisition for Development of Public Use (Case Law No. 50/PUU- X/2012) 20. Presidential Regulation 40 of 2014 Concerning First Amendment of Perpres 71 of 2012 on Implementing Regulation of Law 2 of 2012 on Land Acquisition for Development of Public Use 21. Presidential Regulation 99 of 2014 Concerning Second Amendment of Perpres 71 of 2012 on Implementing Regulation of Law 2 of 2012 on Land Acquisition for Development of Public Use 22. Presidential Regulation 30 of 2015 Concerning The Third Amendment of Perpres 71 of 2012 on Implementing Regulation of Law 2 of 2012 on Land Acquisition for Development of Public Use			
C. Indigenous Peoples					
Principle 1. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the Program area; and (ii) whether Program impacts on Indigenous Peoples are likely.	Yes	The screening conducted under Land Law 2012 with regards to spatial planning, designation, conformity, and development priority and Program level does not specify an indigenous peoples safeguard documentation to prepare if indigenous peoples is triggered.	Yes	Focus on vulnerability; use generic definition; For example Amongst the Manggarai society of Lembor, there are variances in self-identification and recognition by others. It is acknowledged that Manggarais are more vulnerable compared to migrant groups within the district as a whole. Socioeconomic data at Bappeda however do not reflect disaggregation by ethnicity to effect more culturally sensitive planning and consultation modalities to result in meaningful consultation and participation.	Assist executing and implementing agencies in preparing appropriate screening checklist to serve as guidance.
Principle 2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use	Yes	Under the Joint Regulation, SIA is through the IP4T that conducts an inventory of assets that will be affected but impacts on masyarakat hukum adats are not	Yes		Prepare guidance to conduct appropriate social impact assessment and consultation procedure.

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<p>similar methods to assess potential Program impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of Program 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>assessed.</p> <p>Special attention for customary communities needs to be done under consideration that they are socially, economically and legally vulnerable and hence shall be protected.</p> <p>Government Regulation No. 27/2012 on Environmental License. Article 29 (4). Recommendation as referred to Article 29 (3) was made based on considerations of (a) careful estimation of magnitude and important characteristic of social, economy, culture, spatial planning, and health condition of the communities at pre-construction, construction, implementation, and post-implementation of activities; (b) evaluation over all hypothetical impacts as a holistic and inter-related impacts to know positive and negative impacts; and (c) Program developer capacity to take mitigation actions to address negative impacts.</p> <p>Recognized under Government law specifically under climate change initiatives of Regulation No. 30/2010, Article 20 states The adaptation and mitigation of climate change as meant in Article 18 shall be executed by observing aspects: 1. Social, economy and culture of communities; 2. Environmental conservation; 3. Benefit and effectiveness; as well as 4. Scope of territory size.</p> <p>The Land Law 2012 does specify a social survey and feasibility study to be done for preparing land acquisition plan. Yet, it does not specify to cover specific need for conducting social impact assessment in regard to indigenous peoples. It is treated</p>			

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		<p>as part of the land acquisition planning process.</p> <p>Law 27 Part III Article 9: The planning for RZWP-3-K shall be carried out, taking into consideration: a. harmonization, synchronization, and balance with the carrying capacity of the ecosystem, the functions of exploitation and protection, space and time dimensions, socio-cultural and technological dimensions, and the security and defense functions;</p> <p>Law 27, Chapter VII, Article 42: (2) The Government shall regulate, encourage, and/or carry out research and development of the Management of Coastal Zone and Small Islands, to produce the necessary science and technology for the management of Coastal Zone and Small Islands, to make it more effective, efficient, economic, highly competitive and environment friendly, while respecting traditional wisdom or local culture.</p>			
Principle 3. 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 Program benefits for affected Indigenous Peoples communities in a	No	<p>GRM is not explicit on cultural sensitivity.</p> <p>Law No. 41/1999 on Forestry. Article 70: (1) Communities shall participate in forestry development (2) Government has the obligation to endorse community participation through various forestry activities</p> <p>Law No. 5/1990 on Biological Resources and Ecosystem Conservation. Article 37 (1) - Peoples participation in natural biological resources and its ecosystem management endorsed by Government through various activities</p> <p>Law No. 26/2007 on Spatial Planning</p>	Yes Benefit sharing	Need timeframe for GRM; even if Tua Golo not a WUA member, decision-making within masyarakat adat should respect and go through Tua Golo.	

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<p>culturally appropriate manner. To enhance Indigenous Peoples' active participation, Programs 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>Article 65: 1. Spatial planning arrangement is carried out by Government with community participation 2. Community participation in (1) includes: participation in planning, utilization control of spatial utilization</p> <p>Law No. 32/2009 on Environment Management. Article 65 (2) - Every people have right to environmental education, access to information and participation.</p> <p>Government Regulation No. 27/2012 on Environmental License. Article 9 (2.b) Peoples participation is endorsed through public consultation.</p> <p>Recognized under Government laws, more recently under Law 27 Article 7: The inclusion of the public based on principles, standard, and guidelines is carried out through public consultations and/or Adat consensus, be it formal or non-formal.</p> <p>Law 27, Chapter 11, Article 62: (1) The public has the same opportunity to participate in the planning, implementation, and control of the Management of Coastal Zone and Small Islands; (2) Provision on public participation in the Management of Coastal Zone and Small Islands as is stipulated in paragraph (1) shall be further regulated by a Minister Regulation.</p> <p>Public consultation as stated in Land Law 2012 does not specify a particular attention to the needs of indigenous peoples. The law does not specify consultation to support the social and cultural institutions of displaced persons and their host population and / or indigenous peoples</p>			

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
		<p>institutions.</p> <p>Law 27, Chapter 15, Article 70: The civil government investigators as is stipulated in paragraph (2) has the competence to: receive a report or complaint from a person of an existence of crime in marine affairs and fisheries within the Coastal Zone and Small Islands; (4) The civil government investigators shall inform the commencement of investigation to the investigation officer of the State Police of the Republic of Indonesia; and (5) The civil government investigators shall submit the result of his/her investigation to the public prosecutor through the investigation officer of the State Police of the Republic of Indonesia.</p> <p>Law No. 26/2007 on Spatial Planning. Article 55 (5) provides that community may raise their complaints to Local Government.</p> <p>Government upholds socialization in any developmental undertaking. However, participation and meaningful consultation are two different concepts and understanding. Participation does not mean that there is meaningful consultation while meaningful consultation requires full and effective participation.</p> <p>Free and prior informed consent is broad community support through socialization/consultation.</p>			
Principle 4. Ascertain the consent of affected Indigenous Peoples communities to the following Program activities: (i) commercial	yes	<p>Of four (4) key elements of the policy principle, 2 key elements are partially equivalent; Key Element 2 : Relocated persons and host communities are provided integration</p>	No	<p>As the program impacts are linear and mostly within the existing ROW the program activities are unlikely to cause irreversible IP safeguards impacts and</p>	

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
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.		<p>assistance, and Program benefits are extended to host communities</p> <p>Key Element 3: Physically and economically displaced persons are provided transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities</p> <p>As also stated above in the consultations guidelines, the Land Rights Holders (includes Indigenous Peoples if a perda) have the right to refuse the compensation and not to agree with the compensation. In the regulations there is no mention on commercial development, though in the law they do have the right of refusal but may be subject to court decision.</p>		this particular policy principle is unlikely require to be addressed	
Principle 5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.	N	Forestry Ministry Decree No. P.16/Menhut-II/2014 on The Guideline for Leasing Forest Area for non-forestry purposes stipulates that that forest area can be used for non-forestry purposes, among else, development of religious buildings, graveyard, electric generators, public roads, and development of renewable energy. It addresses in Article 30 (e) that right holder of land leasing in forest area has the obligation to provide community empowerment for communities in the area. The law does not specify address this but it may be covered in general consultation procedure to seek inputs on respected and / or culturally recognized of indigenous assets, identify, believes system and others. See Land Law 2012 specify Public Consultation as stated in Article 19.	N	Temporary and small scale and existing	
Principle 6. Prepare an Indigenous Peoples plan	No	Indigenous peoples planning is largely documented merely as part of the	No	Addressed in guidance provided above as key elements of IPP.	

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
(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 Program implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse Program impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.		<p>consultation process with no framework and elements of action planning.</p> <p>Land Law 2012, Article 7 (3) Acquisition of Land in the Public Interest shall be performed through planning with involving all the guardians and stakeholders.</p> <p><i>Elucidation of Article 7 (3): "Guardians" means, inter alia, customary leaders and clerics.</i></p> <p><i>"Stakeholders" means any person or party having interest in the objects of the disposed land, such as the Entitled Parties, the government, and the community.</i></p> <p>Land Law 2012 does not specify to cover specific need for preparing and Indigenous People Plan (IPP). It is treated as part of the land acquisition planning process.</p> <p>Regulation No. 30/2010 Article 29: (1) Regional governments shall involve communities and stakeholders in every activity of planning and management of resources in maritime territory, (2) Regional governments, legal entities and individuals managing resources in maritime territory shall observe traditional law and custom effective in local communities.</p>		In WISM and SPIP indigenous peoples there is existing framework. Adhered to in Lembor through recognition of Tua Golo in WUA-GRM and appropriate processing of land certification in masyarakat adat by BPN.	
Principle 7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before Program appraisal, in an accessible place and in a form and language(s)	No	<p>Law No. 26/2007 on Spatial Planning. Article 13 (2.b) states that there shall be socialization of laws and regulations in the development of spatial planning.</p> <p>Law 27 Article 12, para c: The outcomes of public consultations are equivalent to transparent and democratic agreement and is recorded in the public consultation documents.</p>	No	Follows WISM in Lembor.	

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.		<p>Regulation No. 30/2010 Article 28 states: The empowerment of traditional communities and coastal communities as meant in paragraph (1) letter a shall be executed through activities: (i) socialization of policies of the government, provincial governments and regency/municipal governments regarding resource management policy in maritime territory; (a) a. socialization of policies of the government, provincial governments and regental/ municipal governments on management of resources in maritime territory.</p> <p>The Land Law 2012 does not specify the need to disclose draft IPP. Yet, it may be included in the disclosure of land acquisition plan.</p>			
Principle 8. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the Program involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	No	<p>An aspirational law in regard to Indigenous peoples is being drafted by Indonesian Parliament called Undang- Undang Pengakuan dan Perlindungan Hak.</p> <p>While Land Law 2012 does not cover the advocacy role of the program and or government, the law stipulates securing land transaction owned by rightful owners. As the result of the process during legal and document verification, this gap need may be addressed.</p>	No	Land certification of masyarakat adat in Lembor active.	
Principle 9. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring	Yes	Government Regulation Number 8 Year 2008 on Phases of Procedures for Formulating, Controlling and Evaluating the Implementation of Regional Development Plan (Statute Book of the Republic of	Yes	In Lembor, outcomes of WISMP 1 were not documented and disclosed to beneficiaries specifically as regards addressing impact statements.	Prepare guidance on the preparation of M&E and outcome monitoring system.

ADB SPS Policy Principles	Description				Gap-filling Measures
	System Gap Y/N	REMARKS	Implementation Gap Y/N	REMARKS	
<p>approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.</p>		<p>Indonesia Year 2008 Number 21, Supplement to Statute Book of the Republic of Indonesia Number 4R17).</p> <p>The Land Law 2012 specifies the task of BPN to monitor and evaluate the results of the Land Acquisition yet it does not specify to monitor IPP implementation impacts that may require some corrective actions to be performed by agencies acquiring land.</p> <p>Law 27 - Chapter VI, Article 36 (5) In the execution of control and monitoring of the Coastal Zone and Small Islands as is stipulated in paragraph (1), the Government and the Local Government has the obligation to monitor, carry field observation, and/or evaluating the plan and its implementation; (6) The Community may participate in the control and observation of the Coastal Zone and Small Islands as is stipulated in paragraph (1).</p> <p>Law 27 Chapter 11, Article 60: (2) In the Management of Coastal Zone and Small Islands, the public has the obligation to: d. monitor the implementation of the plan for the Management of Coastal Zone and Small Islands;</p> <p>Government Regulation Number 8 Year 2008 on Phases of Procedures for Formulating, Controlling and Evaluating the Implementation of Regional Development Plan (Statute Book of the Republic of Indonesia Year 2008 Number 21, Supplement to Statute Book of the Republic of Indonesia Number 4R17);</p>			
<p>Laws subject to assessment under indigenous peoples:</p> <ol style="list-style-type: none"> 1. Constitution of the Republic of Indonesia and its Explanatory Memorandum 2. Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (or Basic Agrarian Law, BAL) 					

The following were assessed:

Procedures

- Project screening to assess potential impacts and risks
- Standard procedures (with their time frame) to achieve intended safeguard outcomes;
- Necessary study including gender analysis for preparation of safeguard document;
- Special attention to vulnerable people;
- Compensation entitlement (people without legal titles/rights);
- Field base surveys by qualified and experienced experts;
- Meaningful consultation in the project cycle with entitled parties/affected communities and concerned stakeholders;
- Grievance redress/complain mechanism;
- Disclosure of the safeguard document;
- Compensation mechanism (land-based or not) and who determine them;
- Monitoring and reporting;
- Approval procedures;
- Scope of land acquisition document for the project location determination;
- Processing time for project review and approval.

Institutional Set-up

- Institutional set up in the GOI to handle land acquisition/ social safeguard;
- Institutional set up at Central Gov and regional offices (Bappeda, Land Office, etc) to handle land acquisition/social safeguard;
- Official mandate of the institution;
- Specific units assigned to the particular task in the legal framework (level of unit in the organization) at Central Government and regional offices, roles, responsibilities and authority of the unit;
- Institutional set up in the GOI to handle land acquisition/social safeguard;
- Other institutions (local government etc.) involved in land acquisition and their roles and responsibilities.

Institutional Capacity

- Number of staff in the specific unit at central and regional offices handling social safeguards and their competence in handling land acquisition;
- Staff assigned to handle safeguard for the project both at central and regional offices;
- Knowledge and experiences handling safeguard both for ADB (or WB) financed projects and projects fully financed by DGWR;
- Proportion of staff with relevant university education and/or training relevant to carrying out task defined in the legal framework; only if relevant
- Training opportunities within the institution, and from external parties related to safeguards;
- Attended training provided by ADB (CSS7566) and other agencies
- If relevant, number of staff in land preparatory team: capacity in handling land acquisition preparation for project location determination (initial identification, consultation, grievance handling);
- If relevant, number of staff in land implementation team: capacity in handling land acquisition implementation (detailed measurement survey, valuation by independent appraiser, consultation/ negotiation on compensation, payment, and acquired land transfer, grievance handling);
- Any manual/guidance to support staff in handling social safeguards.

Program/budget Allocations

- Is there annual budget allocation for safeguards to support implementation
- Budget allocated for training?

Achievement

Environment

- Screening and identification of environmental impacts
- Identification of project alternatives (design, location, technology, etc.)

- Preparation of environmental impact assessment document (AMDAL/UKL/UPL), consistency of document with requirements in the AMDAL law and quality of document
- Conduct of public consultations and information disclosure
- Preparation of environmental management plan (EMP) with budget for the various phases of the project (pre-construction, construction and operational)
- Securing of Environmental Permit for the project from relevant Environment Agency
- Grievance redress mechanism to address environment-related complaints
- Avoidance of conservation areas, protected areas, physical cultural heritage sites.
- Occupational health and safety management
- Community health and safety management including aspects dealing with application of pesticide and fertilizer
- Environmental monitoring and reporting

Achievement Involuntary Resettlement and Negotiated land acquisition (if relevant)

- Consistency of the sub project with spatial planning and development plan;
- Measurements to avoid, minimize safeguards impacts, determining corridor of impact;
- Consultations and identification of losses;
- Calculation of compensation by appraiser;
- Preparation of land acquisition document and submission to the LG;
- Identification, consultation and agreement of people, and issuance of project location determination;
- Negotiation of compensation and compensation payment;
- Deliver acquired land for civil works;
- Time frame of activities and challenges.
- Preparation of land acquisition plan document by DGWR/MPWH, consistency of the document with requirements set forth in the regulations and quality of the document;
- Submission of LAP to Governor/District Regent and issuance of project location determination;
- Land acquisition implementation by Land Acquisition Team Committee
- Compensation payment;
- Transfer of acquired land for civil works commencement;
- Assistance/Livelihood restoration/corporate/social responsibility, if any
- Challenge/constraints faced and solution.
- Number of projects/ safeguards processed and approved annually;
- Number of complaints received and addressed;
- Timely safeguards processing and approval;
- Internal or external evaluation of performance;
- Support available to improve performance.

Achievement Indigenous Peoples

- Specific IP screening
- Governance/institutions (Masyarakat hukum adat)
- Vulnerability
- Customary laws
- Grievance redress mechanisms
- IP organization/association
- Decision making processes (Broad community support)

IMPLEMENTATION ARRANGEMENTS

A. Government Program Implementation Organizations–Roles and Responsibilities

1. The Directorate General of Water Resources (DGWR), Ministry of Public Works and Housing (MPWH) will be the executing agency where a program focal unit will be established to monitor and report on progress in attaining Disbursement Linked Indicators (DLIs). The Directorate of Irrigation and Low Land (DILL) and the Directorate of Operation and Maintenance (DOM), DGWR are respectively in charge to provide technical guidance for rehabilitation, upgrading and modernization of irrigation infrastructure and of the O&M related services. River basin organizations (RBOs) and sub national water resources agencies (WRAs) will deliver the irrigation infrastructure and O&M related services at regional level.

2. Under the overall guidance and responsibility of the Directorate General of Regional Development (DGRD), Ministry of Home Affairs (MOHA), provincial and district planning agencies (BAPPEDAs) will ensure institutional strengthening, planning and coordination of provincial and district public works, land, agriculture and other involved agencies. The Agency for Agricultural Extension and Human Resources Development (AAEHRD), Ministry of Agriculture (MOA) is in charge of the agriculture activities in cooperation with provincial and district agriculture agencies funded by IFAD.

3. The program focal unit (PFU) under DGWR will be staffed with (i) a project accounting officer, (ii) a procurement officer, (iii) a monitoring and evaluation officer, (iv) a land acquisition and resettlement officer, and (v) an environment officer. In line with the recommendations from the program safeguards system assessment (PSSA) it is expected that the BAPPEDAs, RBOs and WRAs will also be staffed with a land acquisition and resettlement officer, a social officer (gender, indigenous people and participation, and an environmental safeguards officer.

A. Environmental Safeguards

4. DGWR, with assistance from the national environmental safeguard specialist of the consultant team, shall be responsible for the following activities related to environmental safeguards:

- (i) Ensure that screening is conducted in line with agreed format for all subprojects for approval;
- (ii) Contract an accredited agency to prepare UKL/UPL or AMDAL study (in Bahasa Indonesia and English) as required;
- (iii) Ensure that the UKL/UPL or AMDAL has been approved by the respective environment agency, and cleared by the District Head or Governor;
- (iv) Consolidate semi-annual environmental monitoring reports;
- (v) Ensure timely disclosure of final UKL/UPL or AMDAL and updated EMP in locations and form accessible to the public; and
- (vi) Address, record, and report on any grievances brought about through the Grievance Redress Mechanism in a timely manner.

5. The RBO and WRAs environment officer, with assistance from the environmental officers will: (i) confirm that the EMP is included in the bidding documents and civil works contracts; (ii) ensure Contractor's EMPs are prepared by contractors prior to actual construction, and presented during the Pre-Construction Meeting (PCM); (iii) supervise the implementation of environmental mitigating measures required for the construction activities; (iv) review, monitor and evaluate the effectiveness of the implemented Contractor's EMPs, and recommend

necessary corrective actions; (v) prepare monthly and quarterly environmental monitoring reports and submit quarterly environmental monitoring report to DGWR during construction phase; (vi) prepare and submit semi-annual environmental monitoring report to DGWR during the operational phase of the subproject; (vii) contract an independent safeguard monitoring entity to conduct water quality monitoring as specified in the UKL/UPL and AMDAL EMPs; and (viii) address, record, and report on any grievances brought about through the Grievance Redress Mechanism in a timely manner.

B. Social Safeguards

6. **Involuntary resettlement.** The key institutions that have roles and responsibilities regarding implementation, monitoring and reporting of land acquisition and resettlement aspects are identified in the table below.

Table 3-1. Land Acquisition Process and Activities and Agencies under Law No. 2/2012 and Presidential Regulation No. 148 of 2015.

No	Phase of Land Acquisition	Responsible Agencies	Time Frame/ Working days
I.	PLANNING PHASE		
1	Make Land Acquisition Plan in the public interest		
2	Prepare Land Acquisition Planning Document that include; objectives of the development plan, in line with regional spatial planning and national /regional development plan, land location, land size needed, land status, period of land acquisition implementation, implementation construction, land value, and budget. The planning document should be based on the feasibility study:	Agency needing land and relevant technical agency (ies), assisted by professional institution if needed	
	- Social Economic survey	Agency needing land and relevant technical agency (ies), assisted by professional institution if needed	
	- Location feasibility study		
	- Analysis of cost and development benefit		
	- Estimated land value		
	- Environmental and social impacts		
	- Other study as necessary		
3	Certify the Land Acquisition Planning Document	Agency needing the land	
4	Submission of the planning document to the provincial government	Agency needing the land	
II	PREPARATION PHASE		130 – 207 days
1	Establishment of preparatory team	Governor/Bupati/Mayor	10
2	Notice on development plan	Provincial Preparatory Team (PPT)/Kabupaten Preparatory Team (KPT)	20
3	Preliminary identification	PPT/KPT	30
4	Re-public consultation, if any rejection	PPT/KPT	30
5	Public Consultation	PPT/KPT	60
6	Issuance on project location determination 'Decree'	Governor/Bupati/Mayor	
7	Announcement of project location determination	Governor/Bupati/Mayor and agency needing the land	
	Grievance/Complaint raised by entitled parties		
8	<i>Complaint lodging/rejection on project area</i>	<i>Compliant</i>	<i>14</i>
9	<i>Establishment of assessment team</i>	<i>Governor/Bupati/Mayor</i>	
10	<i>Assessment on complaints</i>	<i>Complaint/grievance assessment team</i>	
11	<i>Acceptance/rejection on the complain</i>	<i>Governor</i>	
12	<i>Complaint lodging to the Administrative Court (PTUN)</i>	<i>Compliant</i>	<i>30</i>
13	<i>Administrative Court decision</i>	<i>Court</i>	<i>30</i>
14	<i>Complaint lodging to Supreme Court (MA)</i>	<i>Compliant</i>	<i>14</i>
15	<i>Location determination, if complaint is rejected (Location determination is valid for 2 years and 1 year for</i>	<i>Supreme Court</i>	<i>30</i>

No	Phase of Land Acquisition	Responsible Agencies	Time Frame/ Working days
	<i>extension)</i>		
	- Project located in more than 1 districts/cities - Project located in a district/city	- Provincial Preparatory Team (PPT) established by the Governor - Kabupaten Preparatory team (KPT) established by the Bupati	
III	IMPLEMENTATION PHASE		382 days max
1	Preparation of land acquisition implementation led by head of provincial BPN/ led of land Office	Head of Provincial BPN/Head of Kabupaten Land Office	
2	Inventory of losses (IOL) and legal assessment of affected assets	Provincial LAIT / Kab. LAIT- Task team for IOL	30
3	Announcement of the IOL	Provincial LAIT / Kab. LAIT	
4	Data verification, if any complaint on IOL	Provincial LAIT / Kab. LAIT	14
5	Mobilization of appraiser /public appraiser	Provincial LAIT / Kab. LAIT	30
6	Appraisal/valuation of losses	Independent appraiser	
7	Deliberation of forms of compensation	Provincial LAIT / Kab. LAIT	30
	<i>Grievance/Complaint raised by entitled parties</i>		
8	<i>Complaint lodging on compensation to the court</i>	<i>Compliant</i>	14
9	<i>Court decision on the complaint</i>	<i>Court</i>	30
10	<i>Complaint lodging to Supreme Court</i>	<i>Compliant</i>	14
11	<i>Supreme court final decision</i>	<i>Supreme Court</i>	30
12	<i>Deposit compensation money in the court</i>		
13	<i>Delivery of compensation</i>	<i>Provincial LAIT / Kab. LAIT and agency needing the land</i>	
14	<i>Delivery of compensation in the specific condition</i>	<i>Provincial LAIT / Kab. LAIT and agency needing the land</i>	
15	<i>Release of land acquisition objects (land and non-land assets)</i>	<i>Kabupaten Land Office</i>	7
16	<i>Breaking of legal relation between entitled parties and land acquisition objects</i>	<i>Provincial LAIT / Kab. LAIT</i>	7
17	<i>Documentation of land plot map, list of nominative (entitled parties), and land acquisition administrative data</i> - Land acquisition located in more 1 districts/cities - Land Acquisition located in 1 district/city	<i>Provincial LAIT / Kab. LAIT and Kab. Land Office.</i> <i>Provincial LAIT / Kab. LAIT</i> <i>Kabupaten Land Office.</i>	
IV	HANDOVER OF ACQUIRED LAND		
1	Handover land acquisition documents from land acquisition implementer to agency needing the land	Provincial LAIT / Kab. LAIT	7
2	Commencement of infrastructure development ¹ (For urgent need;	Agency needing the land	
3	Certification of the acquired land	Agency needing the land	30
	MONITORING and BUDGET		
1	Controlling of use and utilization of the acquired land	BPN RI	
2	Sources of fund - National project - Regional project - National State owned enterprise project - Regional state owned enterprise project	National budget (APBN) Regional budget (APBD) National SOE (BUMN) Regional SOE (BUMD)	

7. Social safeguards specialists will guide RBOs and WRAs in conducting initial preliminary screening of all proposed infrastructure interventions to determine whether there are any involuntary resettlement impacts. In cases where land acquisition and/or crop losses are expected, the respective RBOs and WRAs will ensure that documents are prepared in line with the PSSA recommendations.

8. **Indigenous peoples.** DGWR will refer to country indigenous people guidelines and will consult with AMAN (Alliance of Indigenous Peoples Communities) to corroborate whether there are Indigenous Peoples Communities in the target area. Where indigenous people safeguard is triggered, this will be reflected in te SETIP and IAMP. Where applicable, BAPPEDAs, RBOs and

WRAs will consult with local AMAN branch offices in order to facilitate formulation and implementation of related interventions.