

**DRAFT**

**TECHNICAL GUIDELINES FOR MANAGING THE ENVIRONMENT, LAND ACQUISITION AND  
RESETTLEMENT, AND INDIGENOUS PEOPLES**

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**MINISTRY OF PUBLIC WORKS**

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## LIST OF ABBREVIATIONS

AMAN	Indigenous Peoples Alliance of the Archipelago ( <i>Aliansi Masyarakat Adat Nusantara</i> )
APBD	Province/District/City Annual Budget ( <i>Anggaran Pendapatan dan Belanja Daerah</i> )
Bappeda	Province/District/City Development Planning Body ( <i>Badan Perencanaan Pembangunan Daerah</i> )
Bapedalda	Province/District/City Environmental Impact Management Body ( <i>Badan Pengelolaan Dampak Lingkungan Daerah</i> )
BLHD	Local Environmental Agency ( <i>Badan Lingkungan Hidup Daerah</i> )
BPKP	Indonesian National Government Internal Auditor ( <i>Badan Pengawas Keuangan &amp; Pembangunan</i> )
HGB	Right for building use ( <i>Hak Guna Bangunan</i> )
IPs	Indigenous Peoples
IPP	Indigenous Peoples Plan
ITJEN	Inspectorate General of Ministry of Public Works ( <i>Inspektorat Jenderal</i> )
KAT	Isolated Indigenous Community ( <i>Komunitas Adat Terpencil</i> )
LARAP	Land Acquisition and Resettlement Action Plan
UKL	Environmental Management Plan ( <i>Upaya Pengelolaan Lingkungan</i> )
UPL	Environmental Monitoring Plan ( <i>Upaya Pemantauan Lingkungan</i> )
PAPs	Project Affected Persons
PAH	Project Affected Household ( <i>Rumah Tangga Terkena Proyek</i> )
RK	Activity Plan ( <i>Rencana Kegiatan</i> )
SKPD	Local Government Work Unit ( <i>Satuan Kerja Perangkat Daerah</i> )
SOP/SPPL	Standard Operating Procedure/Statement of Commitment to Implement Environmental Management and Monitoring ( <i>Surat Pernyataan Kesanggupan Pengelolaan dan Pemantauan Lingkungan Hidup</i> )

# **SUPPLEMENTAL TECHNICAL GUIDELINES FOR MANAGING THE ENVIRONMENT, LAND ACQUISITION AND RESETTLEMENT, AND INDIGENOUS PEOPLES**

## **I. INTRODUCTION**

### **I.1 Background**

These Supplemental Technical Guidelines serve as an attachment to the Regulation of the Ministry of Public Works No. 15/PRT/M/2010 concerning the Technical Guidelines for the Use of Specific Purpose Grant (DAK) for Infrastructure Sector which is prepared and issued to implement Government Regulation No. 55 of 2005 concerning Balancing Fund, in which Article 59 (1) states that the technical minister should prepare the Technical Guidelines for the use of the Specific Purpose Grant (DAK).

Any development activity funded by DAK for infrastructure sectors must be implemented by following the principles of sustainable development, including environmental, social, cultural, and economic considerations, as already governed in prevailing laws and regulations.

- a. In the case of environmental and social safeguards management, any Project Activity in infrastructure sectors funded by DAK must refer to Law (UU) No. 32/2009 concerning Environmental Management and Protection, and Government Regulation (PP) No. 27/2012 concerning Environmental Permit, Regulation of the Minister of Environment No. 05/2012 concerning the Type of Business and/or Project Activity which require Environmental Impact Analysis or AMDAL, Regulation of the Minister of Environment No. 16/2012 concerning Guidelines for Preparing Environmental Documents (AMDAL, UKL/UPL, and SPPL), Regulation of the Ministry of Public Work No. 10/PRT/M/2008 concerning the Type of Business and/or Project Activity under Public Works which require Environmental Management Plan (UKL) and Environmental Monitoring Plan (UPL) documents, the Guidelines for Environmental Management No.08, 09, 10 and 11 of 2009 issued by DG of Bina Marga, Ministry of Public Works, Implementation Guideline for DAK Community Based Sanitation issued in 2014 by DG of Cipta Karya, Ministry of Public Works, Government Regulation No. 6/1995 concerning Crop Protection, the Decree of Minister of Agriculture No.887/Kpts/OT.210/9/1997 concerning Pest Management, and the Guidelines for Field School of Integrated Pest Management.
- b. In the case of land acquisition, any Project Activity in infrastructure sectors funded by DAK shall refer to Law No.2/2012 concerning Land Acquisition for Project Activity for Public Interest, Presidential Regulation No. 71/2012 on Land Acquisition, and Regulation of the Head of BPN RI No. 5/2012 concerning Technical Guidelines on the Implementation of the Land Acquisition.
- c. Considering that geographically the construction activities on infrastructure sectors funded by DAK take place in almost all regions of Indonesia, and targeting the improvement of local community access to basic services, in particular those living in remote and underdeveloped areas, such construction should also include and give benefit to the Indigenous Peoples (IPs)<sup>1</sup>. Government of Indonesia's Policy on Indigenous Peoples includes: (1) Presidential Decree (Keppres) No. 111/1999 concerning Development of Isolated Indigenous Community (KAT) which provides a broad definition of Indigenous Peoples and the need for government assistance; and (2) Law No. 41/1999 concerning Forestry Law which defines customary forest<sup>2</sup>. These Technical Guidelines specify broader provisions for the inclusion and protection of Indigenous Peoples.
- d. These Supplemental Technical Guidelines specify procedures for Environmental and Social Safeguards management consistent with World Bank Policies on Environmental Assessment, Involuntary Resettlement, Indigenous Peoples, Natural Habitats, and Pest Management. These Supplemental Technical Guidelines rely on Government of Indonesia laws and regulations to the extent that they are consistent with the above mentioned Bank policies. Specific provisions have been included in these Supplemental Technical Guidelines to address any aspect of the above mentioned Bank policies that are not fully addressed through GoI laws and regulations.
- e. The policies on environmental management<sup>3</sup>, land acquisition and resettlement of Project Affected Persons (PAP), and IPs management in the Project Activity of infrastructure sector funded by DAK should be included in the project cycle as stipulated in the Regulation of the Ministry of Public Work No. 15/PRT/M/2010 on the Use of Specific Purpose Grant for Infrastructure Sectors, namely:
  - (1) planning and programming,
  - (2) technical planning and construction work, and
  - (3) monitoring, evaluation, reporting and project performance assessment

<sup>1</sup> See sub-chapter I.5 on Definition of IPs.

<sup>2</sup> One fundamental change is related to Indigenous Constitutional is the issuance of Constitutional Court Decision No.35/PUU-X/2012 which changed Article 1 point 6 of Law No. 41/1999 on Forestry, which has now become "customary forest is a forest located within the area of an indigenous community". Before, there is a word of 'state' in the article. With the elimination of the word 'State' from the definition, now it is understood that customary forests is now no longer a state forest.

<sup>3</sup> Policies on environmental management include those for Environmental Assessment, Natural Habitats, and Pest Management.

## I.2 Objective

The objective of these Supplemental Technical Guidelines is to provide reference and guidance for relevant Local Government Work Unit (SKPD) at the provincial/district/city level in implementing the environmental management, land acquisition and resettlement of PAPs and IPs, starting from planning, construction, and management stage (project operation and maintenance), in order to carry out infrastructure development (road, water supply, sanitation and irrigation) by following the principles of sustainable development.

These Supplemental Technical Guidelines are part of the Supplemental Technical Guidelines for sub sector provided under the Regulation of the Minister of Public Work No. 15/PRT/M/2010 on the Use of Specific Purpose Grant for Infrastructure Sector.

## I.3 Purpose

The purpose of issuance of these Technical Guidelines is to ensure that all parties involved in the planning and programming process, construction work and monitoring and evaluation of infrastructure projects funded by DAK comply with the requirements, procedures and regulations related to environmental management, land acquisition and resettlement, and Indigenous Peoples in accordance to prevailing Government of Indonesia regulations and supplemental provisions consistent with relevant World Bank Safeguard Policies.

## I.4 Scope

These Supplemental Technical Guidelines contain requirements, procedures and regulations concerning environmental management, land acquisition and resettlement, and Indigenous Peoples at all stages of the Activity, starting from planning and programming, technical planning and construction work, to monitoring, evaluation and reporting.

These Supplemental Technical Guidelines apply to the 30 provinces that implement the DAK with the reimbursement mechanism, a Central Government Program, which is supported by the World Bank financed Local Government and Decentralization Project (LGDP) between GoI fiscal years 2015-2017.

## I.5 Definitions

- a. **Project Activity** is any infrastructure sub-project related to the construction of roads, water supply, sanitation and irrigation systems within a province, district, or city funded by DAK for infrastructure sector.
- b. **Environmental Management** is an integrated activity that is carried out to minimize any negative environmental impact and aims to decrease/minimize the negative impact during the planning to implementation stage of the [project] activity, and to maximize its positive impact to the environment, and also include the rehabilitation efforts to the negative environmental impact caused by the Project Activity funded by DAK for infrastructure sector.
- c. **Project Affected People**, hereinafter shall be referred to as **PAP**, is:
  - (1) Any individual, group, or entity and/or legal entity which owns, occupy, rent or control certain land, structure and or other assets located in the areas to be procured for the interest of the Project Activity, whom, regardless of the land ownership status:
    - are forced to move permanently or temporarily;
    - lose their land either permanently or temporarily;
    - lose their assets attached to the land concerned (building structure, productive plants, trees, etc.), and
    - lose their income and/or livelihood
  - (2) Any local population directly or indirectly suffer the impact of the Activity, and/or
  - (3) IPs present in the Project Activity's area of influence, whether they are adversely or positively affected by the Activity.

**Indigenous Peoples (IPs)**, often also referred to as "native" community or Isolated Indigenous Community (KAT), is a specific group of community lives in certain area who socially and culturally have their own characteristics and vulnerability. The definition of IPs, according to the World Bank policy, is as follows: a) self-identification as members of a distinct indigenous cultural groups and recognition of this identity by others; b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and d) and indigenous language, often different from the official language of the country or region. These criteria are effectively the same as the KAT criteria specified in Presidential Decree No.111/1999, namely: a) they form a small community, closed and homogeneous, b) their social institution is based on kinship, c) in general they live in places that geographically remote and relatively difficult to reach; d) in general they are still l reliant on subsistence economy; e) they use simple equipment and

technology; f) they are highly dependent on the environment and local natural resources; and g) they have limited access to social, economic, and political services.

The definition of IPs according to AMAN<sup>4</sup> also contains similar elements such as the World Bank's IPs criteria above: "A group or community based on ancestry, living in a certain geographic area, possessing social values and unique culture, possessing sovereignty over land and its natural resources as well as organizing and managing the sustainability of life with customary law and institutions."

- d. **Land Acquisition and Resettlement** of the PAPs is the activity that involves land acquisition and relocation of the PAPs to other locations because the land is required by the infrastructure project funded by DAK.
- e. The **Indigenous Peoples Plan (IPs Plan)** is developed through a process of free, prior and informed consultation that leads to broad community support for a series of activities that address the impacts of Activity on IPs.

## **II. THE PRINCIPLES OF ENVIRONMENTAL MANAGEMENT, LAND ACQUISITION AND RESETTLEMENT, AND THE MANAGEMENT OF INDIGENOUS PEOPLES**

### **General Principles**

- a. The Project Activity should not make PAPs worse off in terms of environmental conditions, income, livelihoods as well as other social and cultural aspects. The Project Activity is expected to generate positive impacts for PAPs.
- b. Every Project Activity must, to the most possible extend, avoid or if it is unavoidable, minimize land acquisition and resettlement of PAPs, and any negative impact towards the environment and IPs. Should such negative impact be unavoidable, the Project must modify the design of the Project Activity in accordance with the recommendations for environmental management, land acquisition and resettlement of PAPs and the management of IPs, or otherwise it should identify alternate locations for the Project Activity.
- c. Should such negative impacts be unavoidable, it is necessary to ensure that mitigation measures are developed to minimize such negative impacts and/or restore to original conditions, either during the planning, preparation or implementation stage. Infrastructure which might produce irreversible negative impacts will not be financed by DAK for infrastructure sectors.
- d. Environmental management, land acquisition and resettlement of PAPs, and the management of IPs should be carried out based on the principles of transparency, public participation and consultation with the PAPs using adequate information which is to be provided as early as possible, and involve relevant stakeholders, not limited to Local Government, but also from local NGOs, academic institutions, and the public.
- e. Aspirations and recommendations identified as a result of the public consultation with PAPs which minimize the negative impact of the Project Activity or may maximize its positive impact must be considered in the design, implementation, operation and maintenance of the said Project Activity.
- f. The process of public consultation, results of the agreement and revised plan on the environmental management, land acquisition and resettlement and the IPs Plan should be publicly disclosed to the public through available local media and in public facilities accessible to all community members.
- g. The consultation process, agreements, plans and the implementation of environmental management plans, land acquisition and resettlement plans as well IPs Plans must be properly documented and integrated into the proposed Activities and in Activity reporting.

### **Specific Principles**

#### a. Environmental Management

- (1) The project will not finance works or the purchase of products and chemicals as defined in section III.2.a below that have significant and irreversible adverse environmental impacts or those that would require extensive land acquisition processes given the limited capacities and timeframe within the DAK annual cycle for the management and mitigation of such impacts.

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<sup>4</sup> Aliansi Masyarakat Adat Nasional - Indigenous Peoples Alliance of the Archipelago

- (2) The project will not finance Project Activities that involve significant conversion or degradation of critical natural habitats, that are inconsistent with National and Regional spatial planning, and that are located on non-converted sites.
- (3) The environmental assessment of Project Activities should address pest management issues where relevant and associated environmental management plans should promote the implementation of Integrated Pest Management approaches. Pest Management is addressed by the project proponent during the preparation of UKL/UPL.
- (4) The environmental management plans for Project Activities should include a description of institutional arrangements, the schedule for the implementation of mitigation and monitoring measures, and the capital and recurrent cost estimates and source of funds for environmental management plans implementation.

#### b. Land Acquisition and Resettlement

- (1) Each PAP is entitled to receive compensation for the loss of their land and all assets attached to it, regardless of the status of land rights.
- (2) Each PAP that experiences a loss of income and source of livelihood is entitled to receive assistance to restore their income and livelihood, and be given assistance during the transition period to recover their living conditions.
- (3) PAPs should be given options for compensation so as to minimize losses and provide greater opportunities for the PAPs to be able to promptly restore their income and livelihoods.
- (4) Compensation for assets other than land must be in accordance with the replacement cost of the asset so that the PAP can acquire an equivalent asset in terms of quantity and quality. Replacement cost is the cost to replace the lost assets and cover the transaction costs. In determining the replacement cost, depreciation of assets value and the value of the materials that can be reused are not taken into account.
- (5) If any PAP decides to donate their land voluntarily or grant permission for the use or permission for easement to a Project Activity, it must meet the criteria as specified in Section III.7 of this Supplemental Technical Guidelines.
- (6) If the PAPs need to be relocated, either permanently or temporarily, the corresponding resettlement plan should consider the location, possible loss of livelihood/income, the possibility of reduced access to public, education and health facilities, and harmony with the people in resettlement sites (see section III.7).

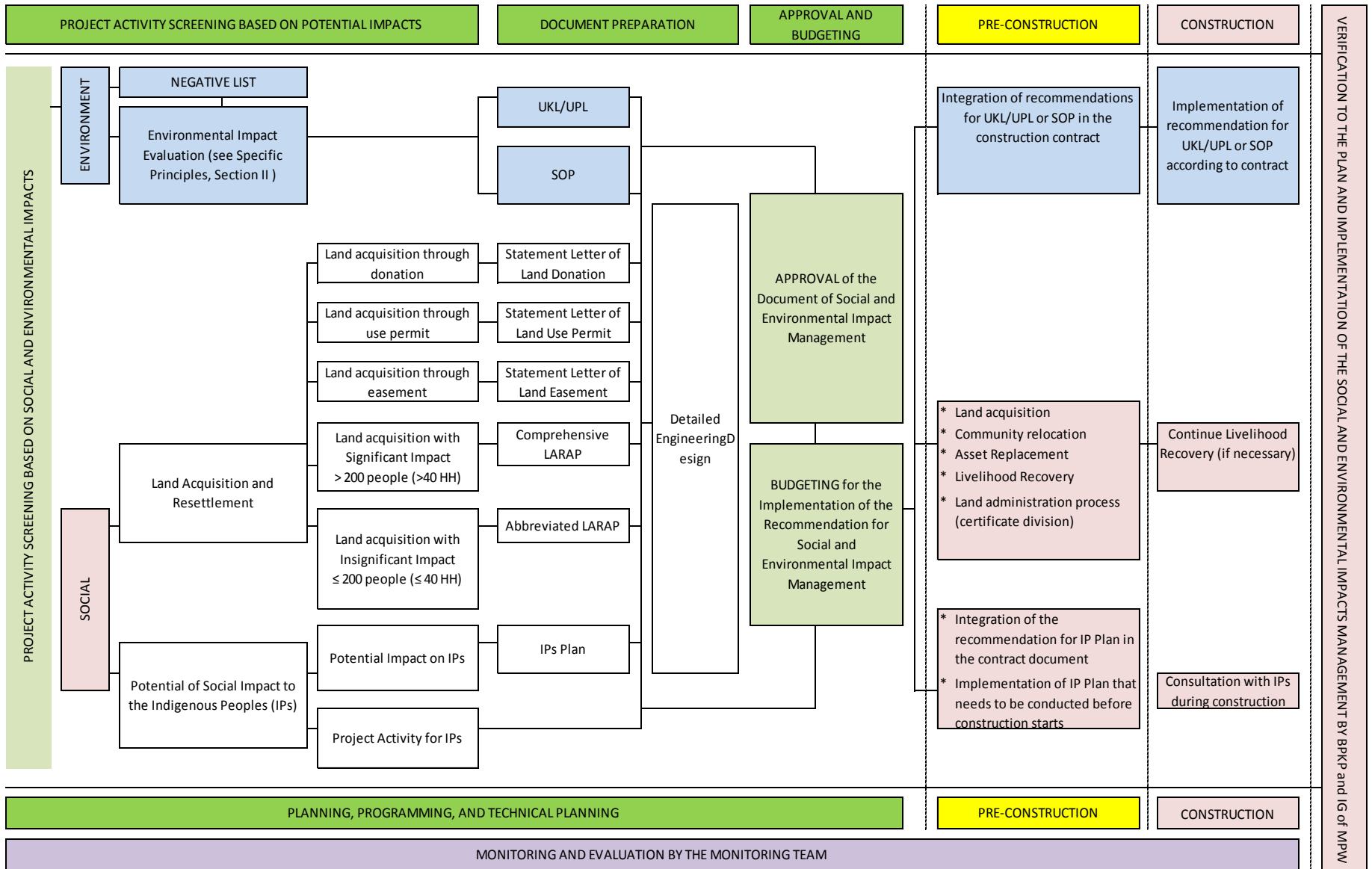
#### c. IPs Management

- (1) Annex 21 provides information about the presence of IPs in the potential participating districts within the 30 participating provinces. A more detailed list is available separately and can be accessed by DAK implementing agencies in the area through the Ministry of Public Works.
- (2) The presence of IPs in each District/City participating in the Project must be verified in the field to ensure the name and location of the IPs at the time of general planning and programming.
- (3) In every stage of DAK (planning and programming, technical planning and construction and post-construction), the project implementer should consult with IPs in participatory manner, based on local values and customs, and provide as complete information as possible to the IPs prior to the planning stage, so that the Project Activity receives broad support from the IPs' community. Consultation with the affected IPs' community should be done with a free, prior and informed consultation that leads to broad community support for the proposed Project Activity.

The overall process of environmental and social safeguards management for infrastructure activities funded by DAK is presented in the diagram below (Diagram 1), based on the project cycle: planning, programming, technical planning and construction works, monitoring and evaluation.

Diagram 1: Environmental and Social Safeguards Management in the Project Cycle

DIAGRAM 1: ENVIRONMENTAL AND SOCIAL SAFEGUARDS MANAGEMENT IN THE PROJECT CYCLE



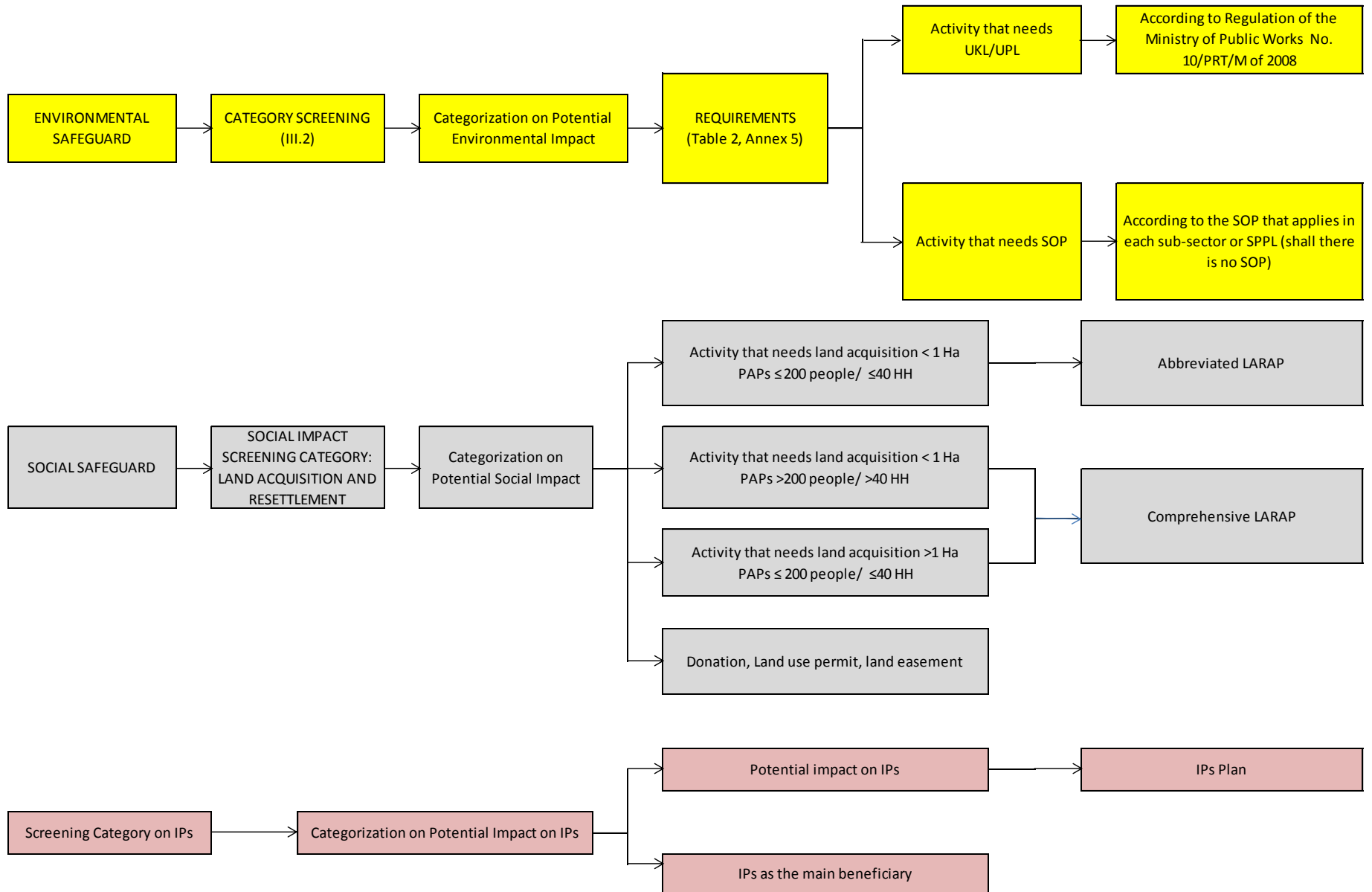


### **III. PLANNING & PROGRAMMING**

#### III.1. Overview of Safeguards in the Planning and Programming Process

Diagram 2 and Table 1 below presents the process and documents required for project environmental and social safeguards management. The DAK Planning Document which will be consulted with the Ministry of Public Works at a regional consultative forum should contain environmental and social management documents required.

DIAGRAM 2: PLANNING AND PROGRAMMING STAGE



**Table 1: Checklist on Documents and Requirements for Environmental & Social Management**

No.	Aspects of Environmental and Social Safeguard	Yes	No	Remarks
<b>1.</b>	<b>Environmental Safeguard</b>			
1.1	Formulation of the environmental management document (AMDAL or UKL/UPL, or SPPL)			
1.2	Integrating the document of AMDAL or UKL/UPL document, or SOP already ratified by <i>Bappedalda</i> or Environmental <i>Dinas</i> /Office/Body to the Activity Plan (RK) document			
1.3	Quarterly Report: completeness of information on Environment Management Plan			
1.4	Conformity between implementation of environmental management with the procedure as written in these Supplemental Technical Guidelines and policy and Other relevant government regulations			
1.5	Quality of environmental management implementation			
1.6	Financing (planning and realization)			
<b>2.</b>	<b>Social Safeguard</b>			
<b>2.1</b>	<b><i>Land acquisition and/or resettlement/relocation of PAP, if any:</i></b>			
2.1.1	The making of instrument/document of <u>land acquisition and/or resettlement/relocation of PAPs</u> , Comprehensive or Abbreviated LARAP, Statement Letter of Land Donation. Statement Letter of Permit on Land Use, Statement Letter of Permit on Land Easement.			
2.1.2	Comprehensive or Abbreviated LARAP document that has ratified by Mayor/Bupati, Statement Letter of Land Donation./Statement Letter of Permit on Land Use/Statement Letter of Permit on Land Easement .shall become part of the Activity Plan (RK) document			
2.1.3	Quarterly Report: completeness of information about Plan and Implementation of Land acquisition plan and/or resettlement/relocation of PAPs			
2.1.4	Conformity between implementation of land acquisition and/or resettlement and the procedure as written in these Supplemental Technical Guidelines and policy and Other relevant government regulations			
2.1.5	Quality of implementation of land acquisition and/or resettlement			
2.1.6	Completeness of documentation (minutes of meetings, statement letter of land donation, statement letter of rights handover, statement letter of permit on land use, statement letter of permit on land Easement, etc)			
2.1.7	Financing (planning and realization)			
<b>2.2</b>	<b><i>Indigenous Peoples (IPs), if any:</i></b>			
2.2.1	<u>Formulation of IPs Plan*</u> IPs Plan or adjustment to the project design according to the needs of Ip group			
2.2.2	The IPs Plan that has ratified by Mayor/Bupati, shall become part of the Activity Plan (RK) document			
2.2.3	Conformity between IPs Plan (or adjusted project design) as already agreed with the field implementation			
2.2.4	Quarterly Report: completeness of information on IPs Plan			
2.2.5	Conformity between implementation of IPs Plan with the procedures as written in these Supplemental Technical Guidelines and policy & other relevant government regulations			
2.2.6	Quality of implementation of IPs Plan			
2.2.7	Completeness of documentation (minutes of meetings, statement letter to handover the rights, pictures, etc.)			
2.2.8	Financing (planning and realization)			

\* Including Social Assessment and Consultation, which is carried out through a free, prior and informed consultation that leads to broad community support for the proposed Project Activity and the IPP.

### III.2 Screening Project Activity Category based on Potential Environmental Impact

This section lays out the environmental screening process that should be applied to all Project Activities. The screening process consists of three stages: (a) screening out of Project Activities with significant and irreversible adverse environmental impacts; (b) screening of Project Activities based on physical thresholds; and (c) screening of Project Activities based on the potential environmental impact. The outcome of this three stage screening process will determine eligible Project Activities and the appropriate environmental management instrument to be used for each Project Activity.

a. Screening out of Project Activities with significant and irreversible adverse environmental impacts.

The Project will not finance Project Activities with significant and irreversible adverse environmental impacts. Such Activities require complex and full environmental assessment processes and/or environmental management measures involving significant resources, time, and capacity within the implementing agency. Due to the annual implementation cycle of DAK activities and the limited capacity of Local Government to manage complex environmental issues, such activities with significant and irreversible adverse environmental impacts are considered ineligible for financing. These activities include:

- (1) *Using material which depletes ozone in the atmosphere, tobacco or any products containing tobacco, and pesticide.*
- (2) *Using asbestos as construction material.*
- (3) *Using raw material and hazardous & toxic waste (B3).* The project cannot finance any project activity which uses, produces, stores or transports raw material and hazardous & toxic waste such as toxic substance, material which may cause rush or explosion and any other materials categorized as B3 under Indonesian law.
- (4) *Carry out Project Activity within, traversing or adjacent to forests.* The Project cannot finance any Project Activity within, traversing or adjacent to forests, including conservation forests (natural reservation forest, conservation forest, and hunting parks)<sup>5</sup>, production forests and protection forests.
- (5) *(5) Protected and sensitive areas, natural habitat and critical natural habitat.* The Project cannot finance any Project Activity within, adjacent to or traversing protected areas and sensitive areas such as natural conservation areas etc. (see Annex 5 for detailed criteria for such areas) or any Project Activity which may alter the function or effectiveness of protected and sensitive areas. Additionally, the Project cannot finance any Project Activity which causes significant conversion and/ or degradation of the natural habitat or any critical natural habitat environment.
- (6) *Destroys cultural conservation area.* The DAK must not finance any project which degrades or destroys cultural value of a cultural conservation area, not only limited to artefact and cultural structure, but also locations considered sacred or having high spiritual value for local people. In the contract agreement with the contractor, there must be provisions and guideline concerning what measures must be taken if these artefacts and structures are found within the project site.
- (7) *Using timber from illegal logging.* The DAK must not finance infrastructure related to or support illegal logging.
- (8) *The DAK must not finance new or rehabilitation irrigation construction in wetland areas.*
- (9) *The DAK must not finance construction of new road which needs land acquisition<sup>6</sup>*

b. Screening of Project Activities based on physical thresholds.

The Project will not finance activities that have significant environmental impacts requiring the preparation of AMDAL given that the process for preparing an AMDAL instrument requires between 6-12 months and hence is incompatible with the annual DAK project cycle. This stage of the screening process screens out activities with significant environmental impacts based on physical thresholds (e.g., technical characteristics, capacity, hectares affected) as determined by Regulation of Ministry of Public Works No. 10/PRT/M/2008 as shown in Table 2. Table 2 specifies the range of physical thresholds for which UKL/UPL instruments are required based on an assessment of potential impacts. Threshold values below the range indicated in the table will require the use of SOP instrument.

**Table 2: Criteria for Project Activity with Instrument for Environmental Management**

TYPE of ACTIVITY	Scale or Extent of Project Activity
	UKL/UPL (Permen PU No.10/PRT/M/2008)
<b>I. WATER RESOURCE</b>	
• Irrigated Area	
a. Construction of new irrigation system covering an area of	500 to <2000ha
b. Improvement of existing irrigation area	500 to <1000ha
c. Paddy field making,	100 to <500ha
<b>II. ROAD &amp; BRIDGES</b>	
1. Construction of Toll Road	
a. Construction of toll road	>5km
- Length of Road (without land acquisition)	<5km
b. Improvement of toll road with land acquisition	
- Length of road	<5km
- Land required	<5ha
c. Improvement of Toll Road without land acquisition	---
- Length of road	<10km
2. Road construction/ improvement by widening that needs land acquisition	

<sup>5</sup> Based on Government Regulation no. 22 of 2001 on Forest Management and Forest Management Planning, Forest Utilization and Forest Area.

<sup>6</sup> Based on Government Regulation of Ministry of Public Works no 15/PRT/M/2010 Article III.3.2.3

TYPE of ACTIVITY	Scale or Extent of Project Activity
	UKL/UPL (Permen PU No.10/PRT/M/2008)
a. In big/metropolitan city - Length of road and required land acquisition area - Land clearance/land acquisition	1km to <5km 2ha to <5ha
b. In medium city - Length of road and required land acquisition area - Land clearance/land acquisition	3km to <10km 5ha to <10ha
c. In small city - Length of road and required land acquisition area - Land clearance/land acquisition	10km to <30km 10ha to <30ha
<b>3. Construction of underpass, tunnel, flyover</b>	
a. Construction of underpass, tunnel, flyover - Length	<2km
b. Construction of bridge - Length	100 to <500m
<b>III. WATER SUPPLY</b>	
<b>1. Drinking/clean water</b>	
a. Construction of distribution network system - Size of Service Area	100ha to >500ha
b. Construction of Transmission Pipe - Coverage area	
1. Metropolitan city, length	5km to 10km
2. Medium to small city, length	8km to 10km
c. Water intake from river, lake and other surface water sources	
1. River and Lake	50 l/sc to 250 l/sc
2. Spring	2,5 l/sc to 250 l/sc
d. Construction of complete Water Treatment Plant water (debit)	50 l/sc to 100 l/sc
e. Extraction of ground water for the purpose of (debit)	
1. Community service via SPAM	2,5 l/sc to 50 l/sc
2. Other commercial purposes	1,0 l/sc to 50 l/sc
<b>IV. SANITATION</b>	
<b>1. Construction of Fecal Sludge Treatment Plant, including supporting facilities</b>	
- Size - Or capacity	<2 ha <11 m3/hari
<b>2. Construction of Wastewater Treatment Plant</b>	
- Size - Organic loading	<3 ha <2.4 ton/hari
<b>3. Construction of sewerage/off-site sanitation system in cities/housing area</b>	
- Size - Or waste water debit	<500 ha <16,000 m3/hari

Source: Regulation of the Minister of Public Works No. 10/PRT/M/2008

c. Screening of Project Activities based on the potential environmental impact.

The third stage of the screening process screens for activities that, having passed through stages one and two, are considered to have significant environmental impacts requiring the use of complex environmental assessment and management instruments. This stage will screen out all activities that: (i) Project Activities adjacent to and/or traversing through or within protected and sensitive areas (based on Presidential Decree No. 32/1990, as specified in the Annex 5); and (ii) have potential significant and large environmental impacts based on consultation with local environmental agency or based on Decree of Head of Environmental Protection Agency No. 56/1994 concerning the guidelines for significant environmental impact criteria.

- (i) The list of protected and sensitive areas is included in the Annex 5. In order to identify activities that are adjacent to and/or traversing through or within protected and sensitive areas adjacent to and/or traversing and/or Easement through and/or within protected and sensitive areas, Local Governments (LGs) should apply the checklist in Annex 22. Based on the result of the screening, the LGs should prepare a screening report based on the format specified in Annex 4.
- (ii) In order to identify potential significant and large environmental impacts for proposed activities, the LGs should consult with the Local Environmental Agency, NGO, local community leaders and/or apply criteria specified in Decree of Head of

Environmental Protection Agency No. 56/1994 concerning the guidelines for significant environmental impact criteria. Significant environmental impacts determined by the factors as the following:

- Numbers and characteristics of people likely to be affected and their location
- Area of impacts, including project's area of influence (ancillary facilities and associated facilities)
- Duration or exposure of impacts
- Intensity of impacts
- Severity and probability of impacts
- Numbers of environmental component affected
- Cumulative impacts
- Reversibility of the impacts
- Trans-boundary aspects, whether the impacts affect cross national borders.

Environmental impacts identification can be conducted based on the following methods:

- Checklist
- Interaction matrices
- Overlay mapping
- Secondary data
- Interview/consultation with experts

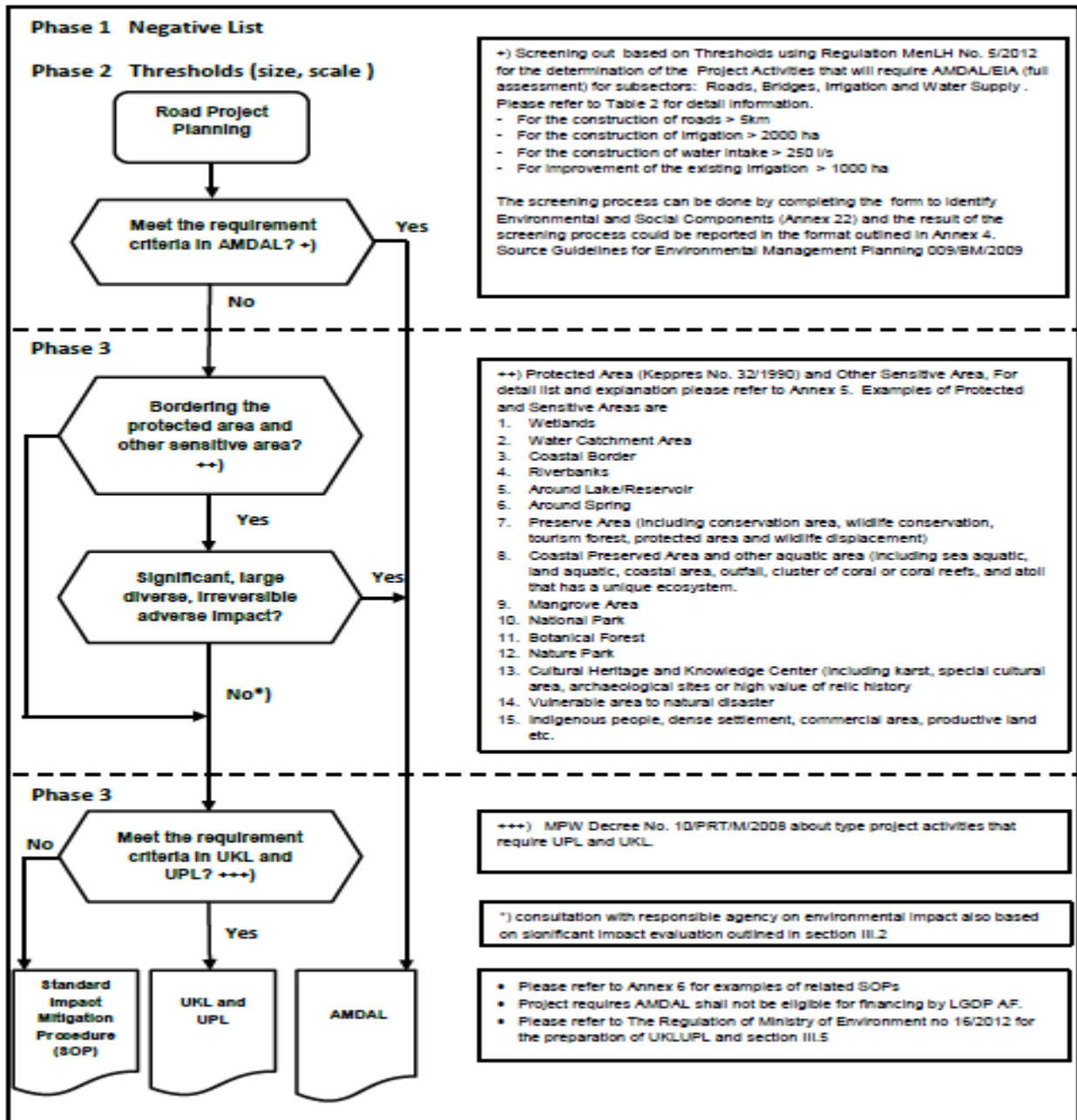
The result of this three stage screening process will determine the environmental management approach that will be used by each Activity as follows: (a) activities ineligible for financing under the Project, that require full environmental assessment due to its potential significant impact and must prepare AMDAL; (b) Eligible Activities that require UKL/UPL due to less significant potential impacts and meet the requirements of the Regulation of Ministry of Public Works no 10/PRT/M/2008 for activities that must have UKL/UPL; and (c) Eligible Activities that require SOPs to mitigate potential minor impacts.

The required environmental management procedures for eligible Project Activities are detailed below:

- (i) **Project Activity requiring UKL and UPL:** Activities that require UKL/UPL should follow guidelines for the preparation of UKL/UPL as specified in Regulation of Ministry of Environment No. 16/2012 (see Annex 1) with additional requirements identified in the screening above.
- (ii) **Project Activity requiring Standard Operating Procedure (SOP):** Activities determined to have minor environmental impacts should use SOP. The Ministry of Public Works has developed standard SOPs for key sub-sectors, including roads, water supply, and irrigation, and sanitation. MPW SOPs include, for example measures to control air & noise pollution and disturbance to traffic in construction location, requirements for rehabilitation of soil and plant in areas affected by the project as mitigation measures to land erosion, land clearing method, procedures to control negative impact on point of loading for solid waste. Specific for sanitation works, the environmental management instrument refers to the Implementation Guideline of DAK Community Based Sanitation, which issued in 2014 by DG of Cipta Karya, Ministry of Public Works. Complete list of guideline, guidance or SOP can be found in Annex 6 as well as accessed online from [www.pu.or.id](http://www.pu.or.id) or [www.binamarga.pu.or.id](http://www.binamarga.pu.or.id).

This three stage screening process is summarized in Diagram 3 below.

Diagram 3: Flowchart on Determining Project which requires AMDAL or UKL/UPL (e.g. Road Construction Project)



Source: Guideline for Environmental Management Plan For Road Construction no 009/BM/2009 by DG of Bina Marga

### III.3 Screening for Project Activity Category based on any potential social impact caused by land acquisition and resettlement

Land used for Project Activities can be obtained through a variety of schemes, including land acquisition with compensation, through land donation (i.e. donate some or all rights of land by the land owner to the Project Activity), acquired through permit of land use for certain period of time, and permit for land easement (usually for laying a pipe) from the land owner. Based on the intensity of the potential social impacts, land acquisition requirements can be classified as large scale (involving > 200 landowners or > 40 households) and as small scale (involving ≤ 200 landowners or ≤ 40 households). Land acquisition may also involve relocation or temporary relocation of residents. Screening categories of land acquisition/and or resettlement are presented in Table 3 below.

**Table 3: Scale of Land Acquisition and Instrument for Land Acquisition and Resettlement of PAPs**

Land Acquisition Activity	Land Area Required	Number of Project Affected People (PAP)/Land Owner	Instrument	Reference
<b>1. With compensation</b>	> 1 Ha	> 200 people (or > 40 households) or eliminating >10% of their productive asset	Comprehensive LARAP	Annex 7, Explanation for Chapter III.6, III.7 and IV.2
		≤ 200 people (or ≤ 40 households) or eliminating ≤ 10% productive asset	Abbreviated LARAP	Annex 8, Explanation for Chap II.6, III.7 and IV.2
	≤ 1 Ha	> 200 people (or > 40 households) or eliminating >10% of their productive asset	Comprehensive LARAP	
		≤ 200 people (or ≤ 40 households) or eliminating ≤ 10% productive asset	Abbreviated LARAP	
<b>2. Voluntary Donation/Lending from the land owner</b>				
• <b>Donation on a part of land right</b>			<ul style="list-style-type: none"> <li>• Statement of Land donation</li> <li>• Minutes of Public Consultation</li> </ul>	Annex 14 Annex 9
• <b>Permit for Land Use</b>			<ul style="list-style-type: none"> <li>• Statement on Permit for Land Use</li> <li>• Minutes of Public Consultation</li> </ul>	Annex 15 Annex 9
• <b>Permit for Land Easement</b>			<ul style="list-style-type: none"> <li>• Statement on Permit for Land Easement</li> <li>• Minutes of Public Consultation</li> </ul>	Annex 16 Annex 9
<b>3. Relocation and Temporary Relocation</b>		> 200 people (or > 40 households)	Comprehensive LARAP	Annex 7, Chap III.6, III.7 and IV.2
		≤ 200 people (or ≤ 40 households)	Abbreviated LARAP	Annex 8, Chap III.6, III.7 and IV.2
<b>4. Reconstruction</b>		> 200 people (or > 40 households)	Comprehensive LARAP	Annex 7, Chap III.6, III.7 and IV.2
		≤ 200 people (or ≤ 40 households)	Abbreviated LARAP	Annex 8, Chap III.6, III.7 and IV.2

### III.4 Screening for Potential IPs and Impacts

Project Management will carry out an initial identification on the presence of IPs at the site of the Project Activity, according to the definition of IPs described in sub-chapter 1.5 above. In 2010, the World Bank conducted mapping of locations of IPs in Indonesia down to the village level for all provinces, using the combined criteria of the World Bank and the Government of Indonesia. The results of this mapping can be used as reference to pre-screen the presence of IPs at the site of the Project Activity. The potential existence of IPs in 30 (thirty) provinces participating in the DAK can be seen in Annex 21.

Because it is still an early identification at the district level, at the time of field work the Project Management should further identify the existence of IPs at the site of Project Activity by collecting as much information and local knowledge as possible, especially through discussions with the local community and community leaders and local experts on IPs.

Furthermore, Project Management will conduct a screening of the impacts (both positive and adverse) that may be caused by the Project Activities to determine what measures should to be taken and management instruments should be prepared. Table 4 describes criteria for management of social impact on IPs based on the project type.



For Project Activities that affect IPs (whether adversely or positively), an IPs Plan will be prepared. The scope and content of the IPs Plan will be proportional to the Project Activities and their impacts. The IPs Plan is prepared with the participation of affected communities through a social assessment and free, prior and informed consultation process, and demonstrates broad support to the Project Activity and the IPs Plan.

If the beneficiaries of a Project Activity are IPs, an IPs Plan is not necessary. The elements of an IPs Plan will be incorporated into the design of the Project Activity.

**Table 4: Criteria of Activity to Determine Instruments for IPs Plan**

TYPE	IMPACT	INSTRUMENT	IMPLEMENTATION	REFERENCE
I	It is potential that IPs will be affected (positively or adversely)	IPs Plan	Incorporate in the design of the Project Activity to accommodate specific needs of IPs	Section II.4 and III.8; and Annex 17, 18, 19
II	IPs as primary beneficiary of the Project Activity	Does not require IPs Plan	Incorporate in the design of the Project Activity to accommodate specific needs of IPs	Explanation of III.8 and IV.3, Annex 17,18,19

**III.5 Preparing the Environmental Management Instrument/Document**

- a. Project Management shall prepare an Activity Plan (RK) and carry out a screening as specified in Section III.2 above to identify potential for and magnitude of any environmental and social impacts, and to determine the appropriate environmental management instrument to be prepared.
- b. Project Management shall report to Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency the results of the environmental screening and the recommendation of environmental management instrument to be used, in a summary presented as part of the RK.
- c. After the Project Activity has determined the appropriate environmental management instrument (UKL/UPL or SOP) based on the result of the screening process, Project Management shall formulate the environmental management instrument.

(1) **Procedures for the preparation of UKL/UPL.** The preparation of UKL/UPL must be in accordance to the Regulation of the Minister of Environment No.16 of 2012 concerning the Guidelines for Preparation of Environmental Document and additional provisions included in these Supplemental Technical Guidelines to reflect the principles of World Bank Safeguard Policies. The following steps must be taken in the formulation and implementation of the UKL/UPL.

- (i) Project Management shall coordinate with Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency and fill in the UKL/UPL forms provided by the Agency/Office. Template of UKL/UPL and the Statement of Assurance for UKL/UPL Implementation is presented in Annex 1.
- (ii) Project Management shall prepare the UKL/UPL document that considers impacts on the environment, natural habitats, pest management in the Project Activity’s area of influence, including analysis of alternatives and any additional requirements based on the screening of potential impacts.
- (iii) The UKL/UPL document should also contain information such as budget estimation for programs or activities of environmental management, public consultation programs and institutional arrangements for the UKL/UPL implementation.
- (iv) Project Management submits the completed forms to the Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency for review/ evaluation.
- (v) Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency issues approval for the UKL/UPL proposed.
- (vi) Project Management submits copy of the final UKL/UPL to Governor/Mayor/Bupati through Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency. In the said UKL/UPL document, the Project Management shall provide statement letter to guarantee the implementation of UKL/UPL. Such statement letter should be signed by the Project Management leader. Template for such statement letter is presented in Annex 2: UKL/UPL Implementation Assurance Statement Letter.
- (vii) Project Management implements the UKL/UPL.
- (viii) Project Management reports on UKL/UPL implementation every 6 months to BLH and Governor/Mayor/Bupati.

(2) **Procedures for the preparation of SOP.**

- (i) The Project Management shall coordinate with the relevant work units to use/prepare the SOP for the Project Activities in the corresponding sub-sectors. Complete list of guideline, guidance or SOP can be found in Annex 6 as well as accessed online from [www.pu.or.id](http://www.pu.or.id) or [www.binamarga.pu.or.id](http://www.binamarga.pu.or.id).
  - (ii) The Project Management shall prepare the Commitment Letter to carry out Environmental Management and Monitoring (SPPL) for the Project Activity. The format is presented in Annex 3.
  - (iii) The Project Management shall carry out the environmental mitigation measures by referring to the SOP for each sub-sector.
- d. UKL/UPL, SOP, or SPPL already prepared by Project Management and approved by Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency shall be submitted to Bappeda along with RK already completed with information about Project Activity, information about potential environmental impact and environmental management instrument to be used. District Environmental Agency (BLHD or local environmental agency shall provide recommendation to Bappeda if the process of making and quality of the environmental management instrument/document (UKL/UPL or SOP) is considered to have fulfilled the requirements in the prevailing laws and regulations.
  - e. UKL/UPL, SOP, or SPPL already ratified by Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or local environmental agency shall become part of the Activity Plan (RK). The Project Activity's environmental management measures shall be funded by APBD.
  - f. Bappeda shall monitor the activity to ensure that the Project Management follows the recommendation on environmental management and monitoring as specified in the UKL/UPL, SOP, or SPPL, which shall become part of the project design and project contract agreement.

### **III.6 Preparing the Instrument for Land Acquisition and Resettlement**

- a. Project Management shall carry out screening or initial identification concerning any potential issues and social impact; both positive and negative, their magnitude, caused by the land acquisition and resettlement. Based on the draft RK and brief review of candidate location for the Project Activity, the Project Management shall determine the extent and scale of potential land acquisition required and/or PAPs which need to be relocated for the interest of the Project Activity as specified in Sub-chapter III.3 above.
- b. Project Management shall report to Bappeda about the results of the screening process to identify potential impacts of the Project Activity and the land acquisition and resettlement/relocation instrument to be used in a summary presented as part of the information written in the RK.
- c. Project Management shall prepare the instrument of land acquisition and resettlement/relocation of PAPs. Alternatives for land acquisition and resettlement/relocation instrument to be used based on the potential impacts shall be determined based on the following criteria:
  - (i) If the land size to be procured is  $> 1$  hectare or  $\leq 1$  hectare but it will have a significant social impact such as it will require the Project Management to acquire land from 200 people or more (40 households or more) or requires relocation of 200 people (40 households) or more, then the Project Management needs to prepare a Comprehensive LARAP. The Comprehensive LARAP template is presented in Annex 7.
  - (ii) If the land acquisition involves areas of  $\leq 1$  hectares, or needs to acquire land for less than 200 people (40 households) or needs to relocate less than 200 people (40 households), or such land acquisition will eliminate less than 10% of the productive assets, or only requires temporary relocation of the PAPs, then the Project Management is required to prepare an Abbreviated LARAP. The Abbreviated LARAP template is presented in Annex 8.
  - (iii) If the landowners donate and/or allow for land easement for the Project Activity, the Project Management should obtain the Statement Letter for Land Donation, Statement Letter on Land Use Permit, or Statement Letter on Land Easement.
- d. Basic Principles of Comprehensive LARAP and Abbreviated LARAP.
  - (1) Avoid, and if not possible minimize, land acquisition and resettlement/relocation through adjustment of technical design of the Project Activity or change of project location.
  - (2) Carry out socialization of detailed information to PAPs concerning activity plan and possible required land acquisition and/or resettlement/relocation.
  - (3) Conduct survey to identify the PAPs and their land/assets affected by Project Activity, and identification on loss of income source or economic activity of PAPs due to Project Activity. The format for preparing an inventory of affected land and assets is presented in Annex 10.
  - (4) Conduct consultation with PAPs to determine any available schemes for land acquisition and resettlement, and estimation of land acquisition and resettlement schedule.

- (5) Every compensation scheme shall consist of payment for land and any assets attached to it, at full replacement cost in reference to the values as determined by the independent valuation team, assistance for resettlement and rehabilitation/restoration if the PAPs lose part of or their entire source of income due to the Project Activity.
  - (6) Contains clear schedule concerning the dissemination of information, negotiation and implementation of land acquisition and resettlement.
  - (7) Contains clear information about relevant agencies involved in the land acquisition and resettlement program and estimation of required funds (see point e. below).
  - (8) Contains clear information and procedures for the handling of grievances and complaints of PAPs.
  - (9) All mutual agreements made in the formulation of Comprehensive LARAP or Abbreviated LARAP.
  - (10) Contains procedures for monitoring of the implementation of Comprehensive LARAP or Abbreviated LARAP.
  - (11) Comprehensive LARAP or Abbreviated LARAP and its implementation should be widely and openly announced to the public, for example in the official website of Provincial/District/City government and local village administrative offices, and any available nearby public places (market, mosque, temple, church and others).
- e. Project Management should prepare an estimation of replacement costs for land, assets and costs for resettlement and/or restoration due to loss of source of income. The estimated costs should be included in the budget for the Project Activity. The estimated costs for land, building, plants, and other assets should be obtained from the independent valuation team, as required in the Law No. 2/2012.
  - f. Information obtained from activities (d) and (e) above should be presented in a Comprehensive LARAP or an Abbreviated LARAP. Draft Comprehensive LARAP or Abbreviated LARAP should be submitted to Bappeda for approval and be consulted with relevant agencies involved in the land acquisition.
  - g. Bappeda should review the draft Comprehensive LARAP or Abbreviated LARAP to determine whether the preparation process, the content, and the implementation arrangements of the plan meet the requirements of the procedures specified in these Technical Guidelines. After Bappeda approves the LARAP, it will coordinate the budgeting and implementation of such LARAP with relevant agencies that involved in the land acquisition process.
  - h. Project Management should send the Draft Comprehensive LARAP or Abbreviated LARAP for approval to the Provincial Government as required by Law No 2/2012 regarding Land Acquisition for Development in the Public Interest and its implementing regulations.
  - i. The document of Comprehensive LARAP or Abbreviated LARAP approved by Bappeda and Provincial Government should be part of the Activity Plan (RK). Funding for land acquisition and resettlement of PAPs is to be funded by APBD.

### **III.7 Comprehensive LARAP or Abbreviated LARAP**

After the Comprehensive LARAP or Abbreviated LARAP is approved by Bappeda and the Provincial Government, Project Management should carry out land acquisition and resettlement based on the approved LARAP. In short, the stages are as follows:

- a. Project Management shall disseminate information; carry out public consultations and negotiations with the PAPs based on the available schemes specified in Comprehensive LARAP or Abbreviated LARAP. If the agreed scheme is cash compensation for land/assets, then the negotiation should be carried out based on the price determined by the independent Valuation Team. If the land size is > 1 hectares, the Land Acquisition Team will facilitate Project Management during the land acquisition process, including socialization and negotiation. If the land acquired is less than 1 hectare, Project Management can directly negotiate with the PAPs. The template for the Minutes of Negotiation is presented in Annex 12.

Based on field experience, there are 4 alternative schemes for land acquisition and resettlement of PAPs, as follows:

- (1) DONATION or Voluntary Land Donation, provided that:
  - (i) The land donor will receive direct benefit from the Project Activity.
  - (ii) The land donor is not categorized as poor.
  - (iii) The land donation shall not cause relocation nor cause the land owner to lose their land and livelihood in a significant manner.
  - (iv) The donated land is <10% of the total land size.
  - (v) The donated land is not in dispute.
  - (vi) The location and land size is identified by PAPs and verified by Project Management and free from any environmental impact and health risk.
  - (vii) There are no structures of historic or cultural value on the donated land.
  - (viii) The land donor shall receive clear and complete information about their rights. The land owner needs to be informed about their rights to receive compensation before making the decision to donate the land voluntarily.
  - (ix) For land acquisition by voluntarily land donation, the following aspects need to be considered:
    - Project Management should provide an opportunity to PAPs to have an independent consultation prior to making the decision to voluntarily donate their land for the Project Activity.

- Consultation between Project Management and PAPs concerning land donation must guarantee that no pressure is applied to PAPs in the process of deciding on whether to donate land.
- PAPs have the right to refuse the land donation and Project Management should take measures to identify alternative locations for the Project Activity.
- Voluntary land donations must be documented in a legal document, the Statement Letter for Land Donation, to be signed by PAPs, Project Management and Local Government, and witnesses, including heirs. A template Statement Letter for Land Donation is provided in Annex 14.
- If the land is only permitted for land use or for easement, a Statement Letter is required and should be signed by PAPs, Project Management and Local Government and witnesses, including heirs. A format for the Statement Letter on the Permit for Land Use is presented in Annex 15 and the Format of the Statement Letter on Permit for Land Easement is presented in Annex 16.
- Project Management should attach all other documentation related to voluntary land donation including minutes of meetings, grievances and procedures for the settlement of disputes.

**(2) CASH COMPENSATION**

- (i) The Project Management should compensate the affected PAPs for the lost land, and assets attached to it, at a replacement value based on the assessment by an independent valuation team.
- (ii) Project Management provides cash compensation based on information provided by the independent valuation team and mutual agreement with the PAPs.
- (iii) Project Management may provide cash compensation for the relocation cost and income recovery for the PAPs based on valuation made by independent valuation team and mutual agreement with the PAPs.

**(3) RELOCATION & TEMPORARY RELOCATION**

- (i) If the land acquisition for the Project Activity creates the need for relocation, the Project Management must consult the relocation plan including alternative sites with the PAPs.
- (ii) The new location must consider economic and social access for the PAPs, which is, to the most extent, equal to their original place of living, and the PAPs should have ownership status and livelihood which, to the most extent, is similar to previous conditions.
- (iii) In the case of temporary relocation, factors to consider are whether, in the relocation site, the PAPs can continue to earn/obtain their normal necessities of social and economic life, and their welfare and income level should not be worse off. It must be ensured that the PAPs can later return to the old location and obtain ownership status and livelihood which is, to the maximum extent, the same as before.

**(4) RECONSTRUCTION**

In various cases, it is also possible that the Project Activity should reconstruct or repair the damaged assets, for example, a fence must be moved inwards on a land plot, or part of a house must be repaired or rebuilt due to the Project Activity. The extent of the reconstruction or repair of the damaged structures must be consulted with and agreed by the affected PAPs.

- b. Independent valuation teams will assist Project Management to determine the values of the assets, such as land, structure, vegetation/trees, or any asset related to land, and any other loss that can be appraised, including relocation costs and income recovery costs for the PAPs.
- c. After agreement with the PAPs has been reached, the payment (for resettlement and restorative economic activity-depending on the alternative for compensation selected by PAPs), and transfer right on land, can be carried out, in accordance with the mechanisms agreed with the PAPs. Payment and other compensation provided to the PAPs is done by the time the Transfer of Land Right document from PAPs to the Project Management is signed, the process of which is facilitated by the Land Acquisition Team, in particular the local Land Agency. A template of the format for this Transfer of Land Right Letter follows the one issued by the Land Agency.
- d. Relinquishing of land rights must immediately be followed by the process of issuing a new land ownership certificate, and the Project Management must ensure that the new certificate can be issued at a maximum of 6 months after the transfer of land rights while all cost shall be borne by the Project Management. If the original ownership status is not Ownership Right (for example, the right of use for a building (HGB), right to use, *girik*, and others), then Project Management shall facilitate that PAPs will receive land ownership certificates for the remaining land that is still owned by PAPs, and that the cost of upgrade of the ownership rights is borne by the Project Management.
- e. In the case where PAPs need to be relocated, or PAPs' assets must be relocated to another location, relocation can only be carried out after the new location (as well as its infrastructure) is ready to be used and/or to be lived on. PAPs must visit the new location beforehand, and agree that the location is indeed ready to be used or to be lived on.
- f. In case the PAPs receive assistance to restore their source of income, Project Management must ensure that their source of income can be gradually restored in the new location. Monitoring is particularly important during construction. Any

restoration plans must be evaluated and if deemed unsuccessful, correction measures should be taken to ensure that the PAPs have the opportunity for their incomes to be restored.

- g. Project Management will sign project contract agreements for construction only after the land transfer and/or relocation of the PAPs to other locations is completed, while restoration of living conditions and livelihoods can continue and be completed after construction works is completed.
- h. The overall process from **(a)** to **(g)** should be carried out by the Project Management and reported in an Implementation Report of Land Acquisition and resettlement, accompanied by all other documentations (for example: minutes of meetings signed by all meeting participants, publication/photos of activities, land certificates, public information materials, announcement of PAP lists and their compensation, and other relevant documentation).

### III.8 Preparing Instrument for IPs Plan

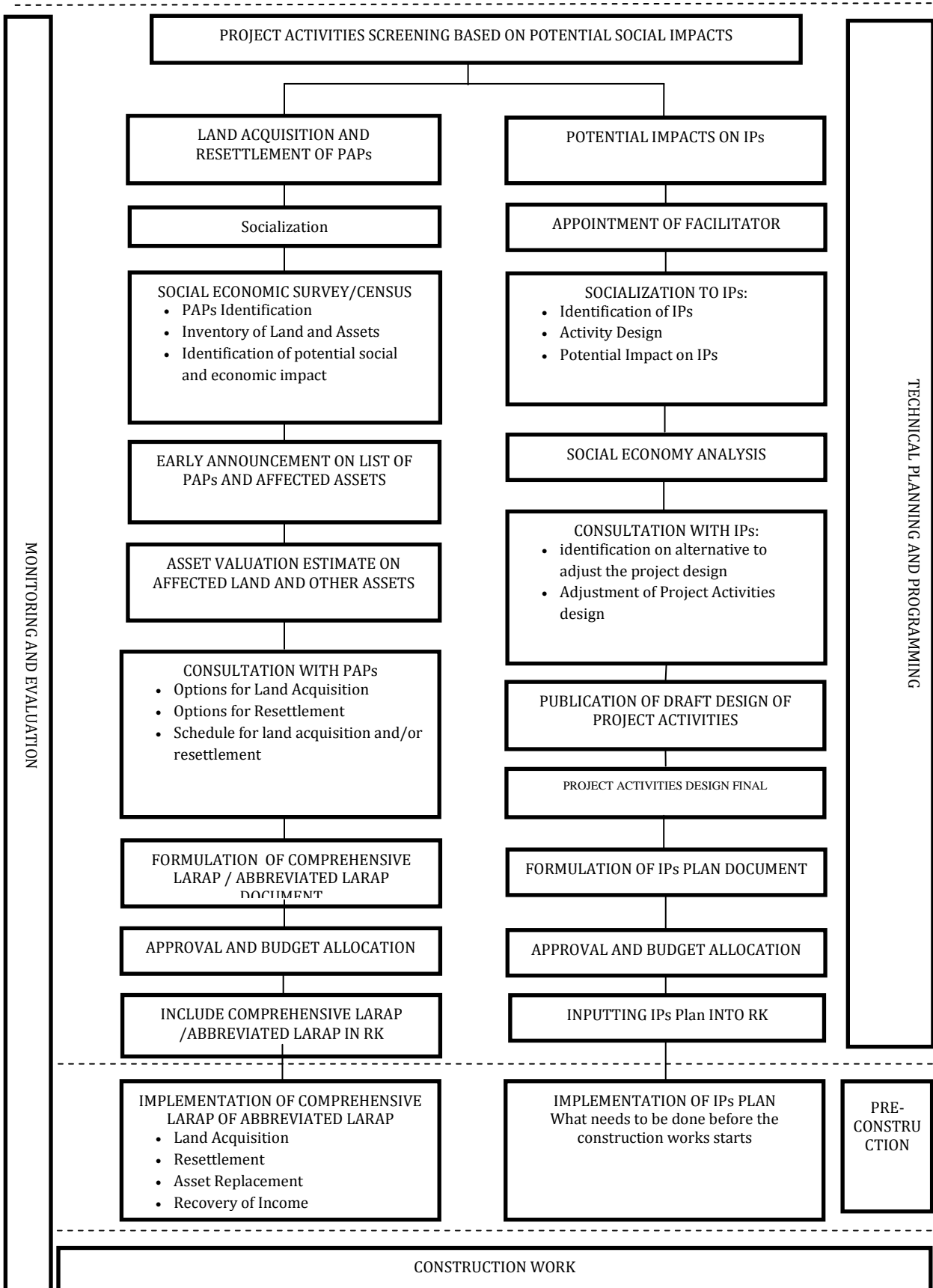
- a. Project Management shall carry out a screening or an initial identification concerning any potential impacts and their magnitude to IPs. See Annex 21 for initial information on the existence of IPs. Based on the draft RK and brief review of candidate locations for the Project Activity, Project Management shall carry out in-depth identification, and further verification steps on the existence of IPs in the target site, and categorization of potential impacts of the Project Activity on IPs, based on the filtering criteria, as specified in Sub-chapter III.4 above.
- b. Project Management shall report the result of this categorization and instrument for the IPs Plan to Bappeda, in a summary presented as part of the information included in the RK.
- c. Project Management shall prepare an IPs Plan to address the impacts of the Project Activity in consultation with affected IPs communities. Alternative instruments to be used depending on the extent to which the IPs communities will be involved or affected by a Project Activity:
  - (1) **Type I**, the Proposed Project Activity may potentially create positive or adverse effects on IPs, relating to their habitat, livelihoods or institutional structure. Project Management needs to prepare an IPs Plan containing mitigation measures to avoid negative impacts or enhancement measures to maximize the positive impacts. See Annex 17.
  - (2) **Type II** the Proposed Project Activity is targeted to IPs as the main beneficiaries, and therefore an IPs Plan is not required, although the aspirations and needs of the IPs should be incorporated into the Project Activity's design.
- d. Based on the potential impacts on IPs mentioned above, Project Management shall prepare an IPs Plan or adjustment of the project draft/design. Key principles for the IPs Plan are that the Project Activity should provide culturally appropriate benefits or mitigation measures appropriate to IPs, carry out a free, prior and informed consultation with the affected IPs communities that lead to broad support from them. Adverse impacts should be avoided, but if unavoidable, appropriate mitigation measures should be developed in consultation with the IPs. Relocation of IPs should be avoided.
- e. In brief, the principle and stages in preparing the IPs Plan or adjustment of draft/design shall be as follows:
  - (1) Appointment of facilitator. Project Management shall appoint a facilitator (several individuals or a team) to assist the Project Management and IPs in carrying out the survey for the Social Assessment, inventory and arrange for public consultation. The IPs communities often use specific language and cultural behaviour to communicate; therefore, the Project Management needs to appoint a facilitator who understands such cultural practices and speaks the IPs' language. The facilitator(s) may come from local NGOs, act previously as observers of IPs, or have previously worked with IPs on other projects.
  - (2) Project Management shall carry out a free, prior and informed consultation and dissemination of information with IPs, carried out by a facilitator in the specific language and cultural practices familiar to the IPs. In this activity, Project Management shall present information such as: draft of Project Activity, potential impacts arising due to Project Activity, identification of alternate measures to minimize impact and plans to conduct surveys and discussion with IPs to prepare the IPs Plan. There is a possibility that public consultation and dissemination of information needs to be carried out on multiple occasions.
  - (3) Assisted by the facilitator, Project Management should carry out a social assessment in order to obtain baseline information about IPs, including: population, livelihood characteristics, living conditions, cultural practices, linkage to the natural habitat and to other groups of IPs; and to assess adverse impacts and opportunities for culturally appropriate benefits from the Project Activity, and other information to help understanding the type, scope and magnitude of the impact by this Project Activity on their life. Template reports on the analysis of impacts and social assessment of IPs can be found in Annex 18.
  - (4) Afterwards, assisted by the facilitator, Project Management shall carry out a free, prior and informed consultation with IPs to identify various alternative options to mitigate the identified impacts, to prepare the IPs Plan, and to obtain broad support for the Project Activity and IPs Plan from the IPs communities. Revisions of the draft Project Activity plan is needed to accommodate the specific needs of these communities that were identified. Such adjustment shall be carried

out based on the consultation with IPs, facilitated by the facilitator. A format template for the Minutes of the Consultation Meeting with IPs is presented in Annex 19.

- (5) The Draft Project Activity Plan, which responds to the needs of IPs should be communicated back to the community to obtain their feedback, and enable further refinement of the plan and confirmation of broad community support. IPs, or other relevant parties, with interest in this matter shall have the opportunity to submit their complaints or recommendations on the Draft Project Activity Plan in another meeting facilitated by the facilitator. Project Management can also carry out public consultation concerning the Draft Project Activity Plan with observers of IPs in a workshop, public discussion or seminar.
- (6) The draft Project Activity Plan is finalized in accordance with the recommendations provided by IPs and their supporting groups.
- (7) Implementation of the IPs Plan, as described in the revised draft of Project Activity Plan.
- (8) Results of the process from steps (1) to (6), carried out by Project Management, should be documented in a complete IPs Plan and be submitted to Bappeda for approval, along with other documentation (for example: findings and recommendations from the social assessment, minutes of meetings signed by the meeting's participants, evidence of broad community support, publication/photos of activities, certificate and public information materials, certificate of consultation, and other relevant documentation). Project Management should report adjustments to the implementation activities of the IPs Plan that are carried out in the field.
- (9) Relocation of IPs should be avoided. If it cannot be avoided, the Project should prepare a LARAP for the relocation of the IPs communities or their assets or livelihoods sources. The decision to relocate or not to relocate should be made by the IPs communities based on the free, prior, and informed consultations that lead to the broad support of the affected IPs communities. The LARAP for the IPs communities will be prepared based on the free, prior, and informed consultations that lead to the broad support of the affected IPs communities to the LARAP. For Project Activities under Type 2 (see Table 4), results of mutual agreement with IPs should be included in the draft RK.
- (10) The IPs Plan document that has been approved by Bappeda shall become part of the Activity Plan (RK). The overall funding related to the making and implementation of IPs Plan shall come from APBD.

In brief, the process to formulate the Comprehensive LARAP/Abbreviated LARAP and IPs Plan is described in the Diagram 4 below.

**Diagram 4: Process of Preparing the Comprehensive LARAP/Abbreviated LARAP and IPs Plan Document**



### III.9 Content of Activity Plan (RK)

Project Management shall report their RK in full format to Bappeda, containing:

- a. Type/group of activity (regular maintenance, one-time maintenance, network strengthening, rehabilitation and improvement or new construction).
- b. Location of the Project Activity.
- c. Type of activity/work package.
- d. Objective/target.
- e. Volume of the Project Activity.
- f. Unit Cost.
- g. Estimation of DAK allocation and matching fund.
- h. Attachment of environmental management documents (UKL/UPL, SOP) and social safeguards management (Comprehensive LARAP, Abbreviated LARAP, Statement of Land Donation/Land Use Permit/Land Easement Permit, IPs Plan) as required.

If the Project Activity shall affect the environment, and/or land acquisition and resettlement, and/or affects the IPs, then the following additional information must be included in the RK:

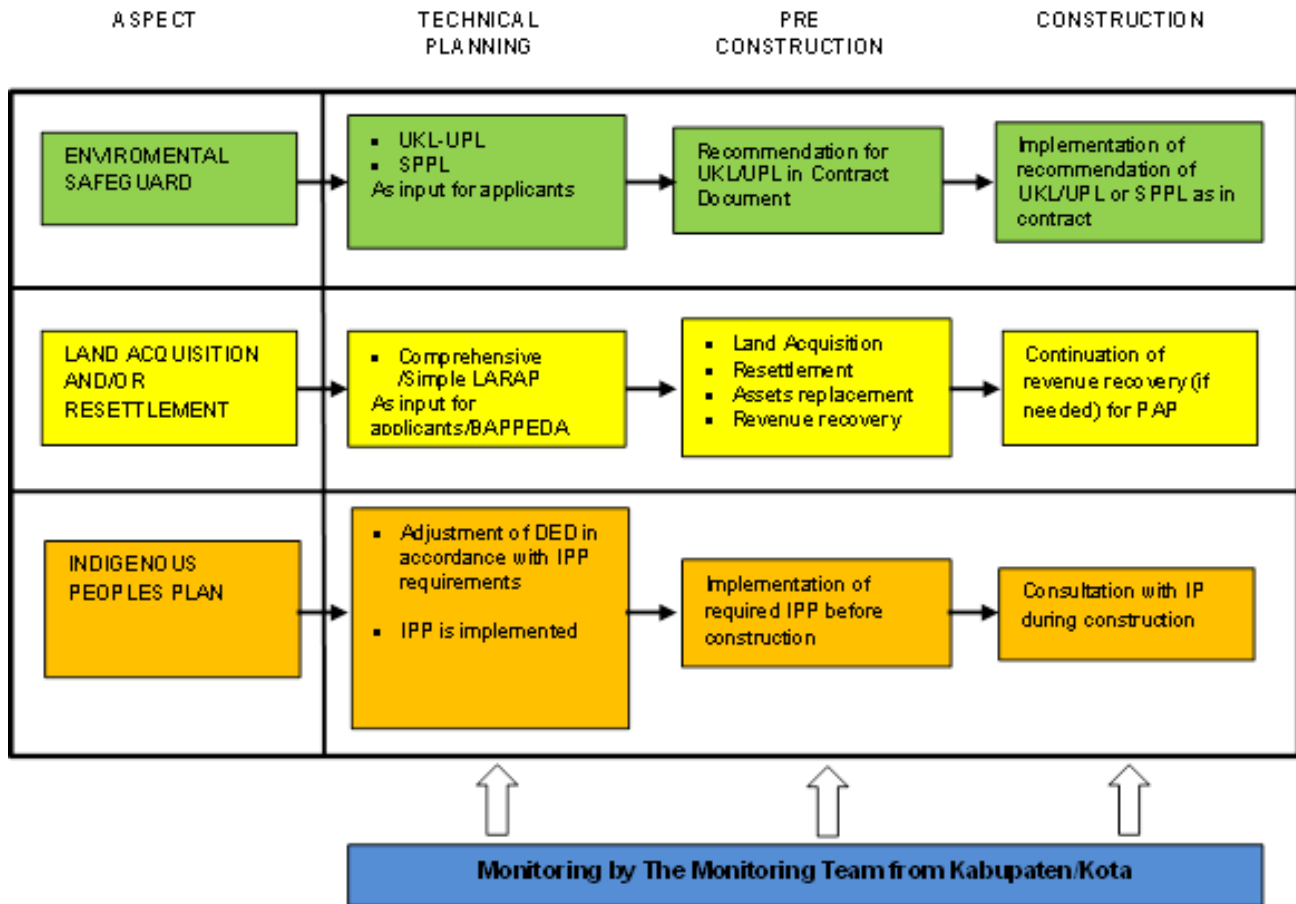
- a. Potential environmental impacts (positive and negative), regarding land, air, water, and community members, others, which needs to be informed, either during the pre-construction, construction or post construction stage.
- b. Any potential impacts related to land acquisition and resettlement, which include: (i) land size, (ii) location of the Project Activity, (iii) number of PAPs/number of land owners, (iv) land to be acquired, (v) number of structures affected, (vi) size and use of affected structures, (vii) condition of any affected structures, (viii) and others.
- c. List of potentially-affected IPs communities (positively as well as adversely) by the Project Activity, including, among others: (i) name of IPs groups, (ii) IPs population, (iii) specific characteristics of the IPs group, (iv) types of potential impacts on the IPs caused by the Project Activity and mitigation measures, (v) types of impacts during pre-construction, construction and/or after construction.
- d. Category of the Project Activity based on their potential environmental impact, land acquisition and resettlement, and potential impacts on IPs, by referring to the following criteria:
  - (1) Environmental management instruments (UKL/UPL or SOP) already approved by Bapedalda/District Environmental Agency (BLHD)/Environmental Body (BLH)/Environmental Office or the local environmental agency;
  - (2) Land acquisition and resettlement instruments (Comprehensive or Abbreviated LARAP) already approved by Bappeda and Provincial Government; the Statement Letter of Land Donation/Land Use Permit/Land Easement Permit; and,
  - (3) IPs Plan and/or LARAP for IPs communities, or the modified project draft/design already approved by Bappeda and/or Provincial Government.



#### IV. TECHNICAL PLANNING & CONSTRUCTION WORK

Diagram 5 depicts the process for environmental and social safeguards management for the Project Activity during the technical planning and construction stages:

**Diagram 5: The Environmental and Social Management Process at Technical Planning and Construction Stages**



### III.1 Environmental Management

The overall process for formulating the environmental assessment must be completed before Project Management can sign the contract agreement for construction. Recommendations for environmental management and monitoring become part of the contract agreement to be signed by Project Management and the contractor, and must be supervised by a supervision consultant. A sample of key clauses for the contract agreement with the contractor and supervision consultant with recommendations on environmental management and monitoring can be found in Box A below, or in the Ministry of Public Works' Guideline No. 10/BM/2009 concerning specific clauses on technical specification for contractors pertaining to environmental impacts. This guideline also includes the example of guidelines for the mitigation of impacts from construction works (traffic, basecamp, stockpiles, material transportation in the quarry, waste management, erosion and sedimentation, vegetation management, utility management) as referred to in Annex 6.

#### Box A: Clauses in the contract agreement related to environmental safeguard

**Requirements of environmental safeguards:**  
The second party has understood clearly and shall follow recommendations from the UKL/UPL documents and results of the environmental study..... as specified in the documents of..... page.....

In conducting construction work, the second party must always follow the guidelines for environmental safeguards, as specified in the documents.....

**Sanctions:**  
If the second party fails to comply with the recommendations and requirements for environmental safeguards in the contract agreement, then the second party must carry out restoration at their own cost and pay compensation to the community affected by the project as specified in the following points:  
(1) ....  
(2) ....

**Guarantee:**  
The second party must guarantee that the construction work has been completed following the environmental regulation, as written in the following documents:  
(1) ....  
(2) ....

The second party must guarantee that in pre-construction and construction stages, there will be no negative impact due to work done by the second party, as regulated by document..... If any negative impact occurs, then the second party must take measures, as needed and as approved by the first party, at their own cost.

### III.2 Land Acquisition and Relocation of PAPs

The following requirements below need to be considered by Project Management in the implementation of a Comprehensive LARAP or Abbreviated LARAP during the technical planning and construction work stages:

- a. The overall land acquisition and relocation processes must be completed before Project Management can sign a contract agreement for construction. Implementation of land acquisition, including relocation (if needed) and compensation, must be completed prior to the start of construction, based on the results of mutual agreement, and such results must be publicly announced.
- b. Technical design of the Project Activity and its implementation in construction works must comply with land boundaries and incorporate the agreed measures recommended in the Comprehensive LARAP or Abbreviated LARAP.
- c. Provincial/District/City government shall coordinate the program planning and/or mitigation activities, as recommended in the Comprehensive LARAP or Abbreviated LARAP, for example: program/activity for restoring the disrupted livelihoods of PAPs due to the Project Activity. Bappeda should assist Project Management to coordinate the implementation of the Comprehensive LARAP or Abbreviated LARAP with relevant agencies to ensure that mitigation activities are included into the program and sufficiently budgeted in the relevant agencies' programs.
- d. The DAK Monitoring Team shall coordinate with Bappeda at the Provincial/District/City-level in monitoring of the implementation of the LARAP as part of the overall DAK monitoring. An Implementation Report of the Project Activity on the implementation of the LARAP shall become part of the Quarterly Report and the final report (see Sub-Chapter VI and VII concerning Monitoring, Evaluation and Reporting).

### III.3 Indigenous Peoples Plan (IPs Plan)

The following aspects need to be considered by Project Management in the implementation of IPs Plan during technical planning and construction stages:

- a. The IPs Plan (as relevant) in the Project Activity Plan should become part of the contract agreement between the contractor and Project Management. The recommendations of the IPs Plan must be incorporated in the technical design of the Project Activity, reflecting the mutual agreement/recommendation from the IPs.
- b. During construction phase, IPs should be involved in ensuring that mutual agreements and recommendations from the IPs are carried out consistently, or if any change is needed, it can be consulted with IPs during construction phase.
- c. The DAK Monitoring Team shall coordinate with Bappeda at Provincial/District/City-level in monitoring of the implementation of the IPs Plan as part of the overall DAK monitoring. Implementation Reports of the Project Activity on the implementation of the IPs Plan shall become part of the Quarterly Report and the final report (see Sub-Chapter VI and VII concerning Monitoring, Evaluation and Reporting).

## **V. GRIEVANCE REDRESS MECHANISMS**

- a. Complaints and responsible agencies.

The Project must open channels for information to be accessible to the public and provide grievance redress mechanisms for the PAPs, IPs and public. Complaints management will be coordinated by the Bappeda of the Province/District/City through the existing Complaints Handling Unit (CHU) of the District/City administration. Types of complaints to be managed by this unit are not limited to matters related to environmental and social safeguards, but also for other issues related to the Project Activities.

- b. Complaints channels and handling processes.

The CHUs shall receive complaints from the public through various channels, among others, through a special phone line, short message service, local newspaper, the complaint box, local radio, and/or websites, including the commonly used method by IPs. The existence of CHU, and other complaint media, must be widely disseminated to the public. Bappeda will monitor and document the community's complaints related to the Project Activities, and coordinate with relevant agencies that have the authority to follow up on the complaint or grievance. Follow-up or response to the complaints should be announced no later than 3 working days after the grievance or complaint is received, or within a certain period agreeable by both parties (complainants and the Project Management). The complainants should be informed in writing on the follow-up or response and simultaneously should be made available to public.

- c. Documentation and information disclosure.

Bappeda will document the complaints and follow-up actions and announce it widely through media accessible to the public, such as through the Provincial/District/City bulletins and/or websites, or other media that can widely reach the community, including locations where the IPs reside. Documentation of complaints and follow-up/responses are also presented in the Quarterly Reports and Final Report of DAK Infrastructure.

- d. Utilization of existing complaint systems.

In the case that the Province/District/City has a well-functioning complaint or grievance system in an agency other than that of Bappeda, this agency will be responsible to accommodate, follow-up, document and announce the follow-up/response of the complaints to the complainants and to the public. In this situation, Bappeda should ensure that documentation of such complaints and follow-up associated with the Project Activity is part of the Quarterly Reports and Final Report. Annex 20 presents a summary of the examples and documentation of complaints and complaint handling in DAK infrastructure.

## **VI. MONITORING & EVALUATION**

- a. The scope of monitoring and procedures for evaluation of the management of environment, land acquisition and resettlement, and IPs shall follow the Regulation of the Minister of Public Works as specified in the Annex 4 and 5 of the Ministry of Public Work's Regulation No. 15/PRT/M/2010 concerning Technical Guidelines for the Use of Specific Purpose Grant for Infrastructure.

The scope of monitoring shall include, among others:

- (1) Conformity between the overall process in preparing the UKL/UPL or SOP, the Comprehensive LARAP or Abbreviated LARAP, and the IPs Plan (and/or design adjustment of the Project Activity) with the procedures specified in these Technical Guidelines,
- (2) Conformity between the approved UKL/UPL or SOP, the Comprehensive LARAP or Abbreviated LARAP, and the IPs Plan (and/or design adjustment of the Project Activity) with their implementation on the ground,
- (3) Completeness and validity of the supporting documents of the UKL/UPL or SOP/SPPL, Comprehensive LARAP or Abbreviated LARAP, and IPs Plan (design adjustment of the Project Activity).

- b. At the Provincial/District/City level, Bappeda of the Province/District/City will monitor the overall process of the planning and implementation of UKL/UPL or SOP/SPPL, the Comprehensive LARAP or Abbreviated LARAP, and the IPs Plan.

Bappeda shall carry out monitoring on the following areas:

- (1) Dissemination of information about the Project Activity to the potential PAPs and potential affected IPs;
- (2) Consultations during the preparation and implementation of UKL/UPL and SOP;
- (3) Consultations during the preparation and implementation of LARAPs and other schemes for obtaining land (voluntary land donation, permit for the use of land and/or easement permits), including compensation negotiation, as well as implementation of other measures, as agreed in the LARAP;
- (4) Free, prior and informed consultations during the Social Assessment and preparation of the IPs Plan with the affected IPs community (that lead to broad support from the IPs on the mitigation measures and IPs Plan);
- (5) Dissemination of information to the public on the UKL/UPL, LARAP and other schemes of obtaining land (voluntary land donation, permit for use of land and/or permit for easement), the IPs Plan, and their implementation;
- (6) Documentation of the consultations, complaints and settlement of the issues raised by various parties during the implementation of the UKL/UPL, SOP, LARAP and other schemes for obtaining land (voluntary land donation, permit for use of land and/or permit for easement) and IPs Plan, and ;
- (7) Reporting of the monitoring results of the (1) – (6) to the Head of the Province, District and City.

## **VII. REPORTING**

- a. Reporting Deadlines and Mechanisms should be in accordance with the Annex 5 of the Regulation of the Minister of Public Works No. 15/PRT/M/2010 concerning the Reporting Mechanisms.
- b. The substance of the report should include components of environmental and social safeguards management as follows:
- (1) General Data Form (DU-1 Form), with separate columns added to assess conditions of the Indigenous Peoples, or a separate table prepared for these purposes, as necessary.
  - (2) Funding Source Data Form (DU-2 Form) to be added with a row for managing the environment, land acquisition and resettlement, and IPs community, or a separate table prepared for these purposes, as necessary.
  - (3) Map, containing information about location, number, and identification of PAPs and potential affected Indigenous Peoples.
  - (4) Activity Plan Form, to be added with safeguard instruments in the form of UKL/UPL/SOP/SPPL, Comprehensive or Abbreviated LARAP and various schemes for obtaining land (Statement Letter of Land Donation/Land Use Permit/Land Easement Permit), and the IPs Plan as well as the documentation which shall become attached to the RK.
  - (5) Program Conformity Monitoring Form (P1 Form) and Project Implementation Form (P2 Form), to be added with a report on monitoring and implementation of the UKL/UPL, SOP/SPPL, IPs Plan, in accordance to the existing format or to be modified as necessary.
  - (6) Final Report Form, to include activities as recommended by the UKL/UPL, the Comprehensive or Abbreviated LARAP and IPs Plan with a time frame for completion and budget.

## **VIII. VERIFICATION BETWEEN PLANNING & IMPLEMENTATION OF ENVIRONMENTAL, LAND ACQUISITION AND RESETTLEMENT, and IPs MANAGEMENT**

- a. BPKP shall coordinate verification of the performance of the Provincial/District/City government in the implementation of the Project Activity funded by DAK for the infrastructure sector. In addition to aspects related to financial performance, the verification will also cover the physical outputs of the Project Activity, management of the environmental impacts, land acquisition and resettlement, and Indigenous Peoples based on certain indicators as described in the Project's Verification Guidelines. Such indicators shall include aspects as described in point c, d, and e below.
- b. Inspectorate General of the Ministry of Public Works (*Itjen PU*) shall assist BPKP especially to do the verification concerning the physical output of the Project Activity and the management of environmental impacts, land acquisition and resettlement and impacts on the affected IPs' communities, as reflected in the UKL/UPL, SOP/SPPL, LARAP, and other schemes for obtaining land (voluntary land donation, permit for use of land and/or permit for easement) and IPs Plan, respectively.
- c. The verification is to be carried out in two stages:
- (1) Stage 1: Verification on Quarterly Report including completeness of information in the UKL/UPL, LARAP, other schemes for obtaining land (voluntary land donation, permit for use of land and/or permit for easement), and IPs Plan as well as relevant clauses in the Project Activity's contract;
  - (2) Stage 2:
    - a. Verification of the information in the Project's Quarterly Report and Final Report, including its supporting document and field updates.
    - b. Site inspection: inspection of documentation (Activity Plan, Comprehensive/Abbreviated LARAP, UKL/UPL, SOP for Environment, Statement Letter of Land Donation/Land Use Permit/Land Easement Permit, statement for handover

of rights, etc.), field observation, interview with various parties, such as: PAP, project management staff, contractor, affected Indigenous Peoples, etc.

The verification seeks conformity and gaps between the various above-mentioned safeguards' instruments and the implementation in the field. Results of the verification shall become one of the eligibility criteria for reimbursement for the Project Activity.

d. Subject of Verification

(1) Quarterly Report and Final Report:

- a. Completeness of information about UKL/UPL, SOP (in the Project Activity's contract), LARAP, Statement Letter of Land Donation/Land Use Permit/Land Easement Permit, statement for handover of rights, and IPs' Plan;
- b. Conformity between implementation of the above safeguards instruments with the procedures as specified in these Supplemental Technical Guidelines;
- c. Implementation quality of the UKL/UPL, SOP (in the Project Activity's contract), LARAP, Statement Letter of Land Donation/Land Use Permit/Land Easement Permit, statement for handover of rights and IPs Plan;
- d. Completeness of the documentation (minutes of meetings, statement letter of the rights handover, report on environmental screening, contract document, etc.)
- e. Financing (planning and realization)

(2) Site verification: of points d.1: a to e, above.

e. Verification Substance

- (1) List of Project Activity requiring UKL/UPL, SOP, LARAP and other schemes for obtaining land (voluntary land donation, permit for use of land and/or permit for easement), and IPs Plan.
- (2) Data and information about the types of and scale of environmental impact, land acquisition and resettlement and impacts on IPs community.
- (3) Mechanism and tools used to avoid, prevent and restore any environmental and social safeguards impacts.
- (4) Method for identifying impacts, preparing and implementing the UKL/UPL, SOP/SPPL, LARAP and IPs Plan.
- (5) Information in the UKL/UPL, SOP/SPPL (contract of the Project Activity), LARAP and Letter of voluntary land donation, permit for use of land and/or permit for easement, and IPs Plan.
- (6) Options to avoid and minimize land acquisition and to improve livelihood; and to avoid and minimize impacts on IPs community.
- (7) Schemes and mechanisms for compensation.
- (8) Process of public consultation and grievance redress mechanisms.
- (9) Status of implementation of UKL/UPL, SOP (in the Project Activity's contract), LARAP, Statement Letter of Land Donation/Land Use Permit/Land Easement Permit, statement for handover of rights and IPs Plan.

f. Sampling

- (1) Sampling should cover 20% of overall work contracts or outputs. The Project Activity that fails to comply with the procedures specified in these Supplemental Technical Guidelines will be disqualified from the list of eligible activities for reimbursement.
- (2) BPKP shall carry out inspection, at random, taking samples in accordance to the provision (a) for projects valued at less than Rp.20 billion (or equal to < USD 2,000,000).
- (3) BPKP shall carry out inspections of the overall Project Activity valued at equal or more than Rp.20 billion (or equal to ≥ USD 2,000,000).

g. Verification Time

The verification will be carried out once a year, between January-March for Project Activities that were completed in the previous fiscal year. Results of project verification will be announced in April.

## Annex 1: Format of UKL/UPL

### FORMAT of ENVIRONMENTAL MANAGEMENT PLAN & ENVIRONMENTAL MONITORING PLAN (UKL/UPL)

The following form is the Format for the Environmental Management Plan (UKL) and Environmental Monitoring Plan (UPL). It describes the impact of the planned activities on the environment and how it will be managed. As an integral part of the UKL/UPL, the Statement of Assurance for Implementation of UKL/UPL will be attached using the template example shown in Annex 2. This format complies with the Regulation of the Minister of Environment No. 16/2012 which can be referred to for further guidance.

Title of Chapter/Sub-Chapter	Content/Remarks
<b>Statement Letter from Project Management</b>	
	<ul style="list-style-type: none"> <li>a. The statement letter from project management will state their accountability to ensure that the Environmental Management Plan (UKL) and Environmental Monitoring Plan (UPL) will be done. This statement Letter should be signed on a stamp duty acknowledged by the Head of Bapedalda, (local environmental agency) and the Head of Local Government (Governor/Bupati/Mayor).</li> <li>b. Project management consists of those parties who prepare and implement the Project Activities, those parties who are responsible for the operations and maintenance of the Project Activities, and other parties responsible for environmental management and monitoring.</li> </ul>
<b>I. DESCRIPTION OF PROJECT MANAGEMENT</b>	
1.1 Company Name	.....
1.2 Name of Project Management Entity	Name of project management entity and their job description at each stage of the Project Activities, which should include: <ul style="list-style-type: none"> <li>a. Agency or office responsible for the preparation and implementation of Project Activities.</li> <li>b. Agency or office responsible for the operations and maintenance of the Project Activities after the work is completed.</li> <li>c. Agency or office responsible for environmental management and monitoring.</li> </ul>
1.3 Address, Number Phone and Fax, Website and Email	Clear address of the named agencies or offices related to the Project Activities in accordance to the point 1.1 above.
<b>II. DESCRIPTION OF PROJECT ACTIVITIES AND ITS IMPACT</b>	
2.1 Project Activities Name	Name of Project Activities in a clear and complete manner.
2.2 Project Activities Location	<ul style="list-style-type: none"> <li>a. Location of the Project Activities in a clear and complete manner: <i>Kelurahan</i>/Village, District/city, and Province where the Project Activities and its components take place.</li> <li>b. Location of the Project Activities should be drawn in a map using an adequate scale (for example, 1:50.000, accompanied with latitude and longitude of the location).</li> </ul>
2.3 Scale of the Project Activities	An estimation of the scale and type of Project Activities (using accepted units of measurement). For example: the construction of a market of certain capacity may need to be accompanied by supporting facilities in line with the Environmental Management Plan that must mention the type of component as well as the scale.
2.4 Component of Project Activities in brief outline	A brief and clear explanation on any component of the Project Activities which have potential environmental impacts. Work components should be divided based on stages as follows: <ul style="list-style-type: none"> <li>a. Pre-construction, for example: mobilization of workforce and materials, transportation, etc.</li> <li>b. Construction, for example the use of ground water, laying out of utility pipes, etc.</li> <li>c. Operations and Maintenance: Post-construction, for example: clearing of excavated waste material, etc.</li> </ul> Also, attach the flowchart/diagram to explain the flow of work to be done, if applicable.
<b>III POTENTIAL ENVIRONMENTAL IMPACT</b>	Explain in a brief and clear manner about any Project Activities with potential environmental impacts, type of impacts which might occur, magnitude of impacts, and other matters needed to describe any potential environmental impacts on the natural and social environment. Such descriptions can be presented in tabulation, with each column representing each of the aspects. A description of the size or magnitude of the impacts should be accompanied with measurement units based on applicable laws and regulations or specific scientific analysis. Pest Management is addressed by the project proponent during the preparation of UKL/UPL (according to Public Works Ministerial Decree No. 10/PRT/M/2008, Annex 1, p.1)
<b>IV. ENVIRONMENTAL MANAGEMENT AND MONITORING PROGRAM</b>	
4.1 Environmental Management Plan	<ul style="list-style-type: none"> <li>a. The Environmental Management Plan(UKL) consists of the plan itself, as well as the party in charge, frequency of interventions, implementation schedule, and types of mechanisms (e.g.: procedures for</li> </ul>

Title of Chapter/Sub-Chapter	Content/Remarks
4.2 Environmental Monitoring Plan	<p>management, methods, etc.) in order to mitigate the environmental impacts identified Section III above.</p> <p>b. The plan can be presented in a table format, which at minimum contains the following columns: type of impact, source, magnitude, threshold, management plan, frequency of interventions, party in charge, and other remarks.</p> <p>a. The Environmental Monitoring Plan (UPL) consists of the plan itself, party in charge, frequency of interventions, implementation schedule, and types of mechanisms (e.g.: procedures for monitoring, methods, etc.) in order to monitor the environmental management plan described in section 4.1 above.</p> <p>b. The plan can be presented in a table format, which at minimum contains the following columns: type of impact, source, magnitude, threshold, management plan, frequency of interventions, party in charge, and other remarks. In this monitoring plan, the thresholds should comply with the prevailing laws and regulations which are applicable according to the environmental impacts as already identified in Section III above.</p>
<b>V. SIGNATURE AND OFFICE SEAL</b>	After the UKL/UPL document is prepared and complete, the Project Manager should sign and put an official seal on the document.
<b>VI. REFERENCE</b>	Insert various references used in the preparation of UKL/UPL.
<b>VII. ATTACHMENTS</b>	Attach any relevant documents or information to the UKL/UPL, e.g. tables displaying the monitoring results, and others.

## Annex 2: Statement of Assurance for UKL/UPL Implementation

### Statement of Assurance for UKL/UPL Implementation

No:.....

In an effort to prevent, minimize and/or address the potential environmental impacts from the Construction Work of....., in the District of.....Province of....., as well as in accordance to the duty and authority of the Directorate....., of the Directorate General....., of the Ministry of Public Works shall carry out an Environmental Management Plan (UKL) and Environmental Monitoring Plan (UPL) and include the recommendations from UKL/UPL into the Detailed Design.

For the next stage, which is the physical work, implementation of the recommendations from UKL/UPL shall be done by the party in charge for the physical work, which is "Satker..... of the Province.....".

This statement is duly made, as confirmation to support the Environmental Management Plan (UKL) and Environmental Monitoring Plan (UPL) on the Construction Work for the Construction of ....., in the District of....., Province.....

Jakarta,.....  
**DIRECTORATE GENERAL**.....  
**DIRECTORATE**.....  
**Project Manager**

.....  
NIP.....



### Annex 3: Format of the “Statement of Commitment to Implement Environmental Management and Monitoring” (SPPL)

#### Format of SPPL

(For activity plan not requiring any UKL/UPL – based on the Regulation of the Minister of Environment No. 16/2012)

We, the undersigned below:

Name :  
Job position :  
Address :  
Ph Number :

As party in charge of the environmental management of:

Company Name/Business :  
Address company/Business :  
Ph Number of the Company :  
Type of Business :  
Production Capacity :  
Permit already obtained :  
Purpose :  
Amount of Capital :

Hereinafter, we confirm that we are capable and committed to:

- (1) Maintain the public order and always maintain good relations with the neighbouring community.
- (2) Maintain the hygiene, cleanliness, and order of the project site.
- (3) Be responsible for any environmental damage and/or pollution caused by the business and/or the project activity.
- (4) Be willing to be monitored for environmental impacts of our business and/or project activity by the authorized officer.
- (5) Take the responsibility according to prevailing laws and regulation, if we fail to comply with commitments stated above.

Remarks:

Environmental impacts already taking place:

- 1.
- 2.
3. etc

Measures that will be taken to manage environmental impacts:

- 1.
- 2.
3. etc.

This SPPL shall be effective from the date of its issuance, up to the completion of our business and/or project activity. If the project undergoes any change of location, design, process, type of raw materials and/or supporting materials, this SPPL must be revised.

Date, Month, Year

Project Manager,

Stamp duty of Rp, 6.000,-  
Signature  
Company seal

(Name)

Registry number from the local environment agency	
Date	
Receiver	

## Annex 4: Report on Environmental Screening (Example from Road Project)

<b>A. PROJECT ACTIVITY PLAN</b>	
1. Name of Project Activity	.....
2. Length of Road	..... km
3. Width of Road	
a. Existing width <sup>1)</sup>	a. .... m
b. Planned width	b. .... m
c. Existing surface <sup>1)</sup>	c. .... m
d. Planned surface	d. .... m
4. Location	
a. City	a. ....
b. District	b. ....
c. Province	c. ....
5. Road Status	National/Province/District/City <sup>2)</sup>
6. City Status	Metropolitan/Big/Medium/Small <sup>2)</sup>
7. Project Type	Construction/Maintenance <sup>2)</sup>
8. Land Acquisition Size	..... Ha
9. Average Traffic Flow	
a. Existing <sup>1)</sup>	a. .... Vehicles/day
b. Planned	b. .... Vehicles/day
10. Project Status	Pre-feasibility study/Feasibility study <sup>2)</sup>
<b>B. RESULT OF ENVIRONMENTAL SCREENING ON PROTECTED AREA AND OTHER SENSITIVE AREAS</b>	
1. Type of Land Use	
a. Type / name of the protected area	a. ....
b. Location of the road in protected areas	b. Pass through/share boundary with/close to/far from..
2. Other Environmental Components that are sensitive to changes (if any)	IPs / Vulnerable peoples/ Dense Settlement / Commercial Area / Cultural Heritage Area / Steep terrain
3. Physiographic conditions of land:	
a. Steep terrain (> 40%)	1. .... km
b. Unstable land	2. .... km
c. Other information	3. .... (please mention)
4. Evaluation of Major Impacts	Major/Minor
<b>C. CONCLUSIONS (please select one)</b>	
1. Must have AMDAL	Rationale: .....
2. Must have UKL/UPL	Rationale: .....
3. Needs LARAP	Rationale: .....
4. No AMDAL or UKL and UPL needed (only requires SOP)	Rationale: .....
a. <b>BUDGET ESTIMATE FOR STUDY OF UKL/UPL, SOP, LARAP</b>	Rp.....

Note:

1) Specific to upgrading/maintenance work

2) Select relevant classification.

Province/District/City, ....., 20...  
Screening Agent

(.....)

Source: Guideline on Environmental Management Plan – DG of Bina Marga No. 09/BM/09 (www.binamarga.pu.or.id)

## Annex 5: Definition and Criteria for Protected and Other Sensitive Areas

No.	Definition and Criteria
1	<p><b>Protected Forest:</b> Forest areas that have its principal function as a life support system for the protection of water and its natural management, to prevent floods, control from erosion, prevent sea water intrusion, and maintain soil fertility  <i>Source: Law No. 41/1999</i></p>
2	<p><b>Wetlands:</b> Specific areas such as swamp water, brackish water, peat, whether natural or artificial, permanent or temporary, with stagnant or flowing water, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six meters high.            Criteria: Freshwater marsh, brackish marsh, salt marshes, peat lands, waters  <i>Source: Ramsar Convention</i></p>
3	<p><b>Water Catchment Area:</b> Areas with higher ability to absorb rain water so that the water will feed into an underground aquifer and is useful as a source of ground water.            Criteria: High rainfall, soil structures which easily absorb water and geomorphology that is able to absorb substantial rain water.  <i>Source: Keppres No. 32/1990</i></p>
4	<p><b>Coastal Areas:</b> Specific areas along the coast that have important benefits for maintaining the function of coastal sustainability.            Criteria: Mainland along coastal edges, with physical conditions of a beach, located within 100 meters from the highest tide toward mainland.  <i>Source: Keppres No. 32/1990</i></p>
5	<p><b>Riverbanks:</b> Areas alongside rivers, including artificial rivers/ canals/ primary irrigation channels, which have important benefits for maintaining the preservation of the river.            Criteria:</p> <ul style="list-style-type: none"> <li>• Within 100 meters on either side of a large river, and 50 meters on either side of a creek, for areas that are outside settlements;</li> <li>• For rivers within residential settlements, the protected and sensitive areas correspond to 10-15 meter's width on either side of the riverbanks.</li> </ul> <p><i>Source: Keppres No. 32/1990</i></p>
6	<p><b>Neighbouring Areas to Lakes/Reservoirs:</b> Specific areas around lakes/reservoirs which serve an important function to maintain the ecosystem of the lake/reservoir.            Criteria: Land along the banks of the lake/reservoir, with a width proportional to the shape and physical condition of the lake/reservoir, and between 50-100 m from the point of the highest tide.  <i>Source: Keppres No. 32/1990</i></p>
7	<p><b>Neighbouring Areas to Springs:</b> Areas surrounding springs that have important benefits to maintain the preservation of the springs.            Criteria: The area within a radius of 200 meters surrounding the water spring.  <i>Source: Keppres No. 32/1990</i></p>
8	<p><b>Nature Reserves:</b> Nature reserve areas, which have unique plants, animals (biodiversity), and ecosystems, need to be protected naturally.            Criteria:</p> <ul style="list-style-type: none"> <li>• Designated areas, which have a diversity of plants, animals and a unique ecosystem.</li> <li>• Areas that represent a certain biodiversity formation.</li> <li>• Areas that are in their natural state, and have not yet been compromised by human activity.</li> <li>• Areas that have broad and specific shapes, in order to support the effective management of buffer zones.</li> <li>• Areas with unique characteristics, which have been identified as requiring conservation efforts.</li> </ul> <p><i>Source: Law No. 5/1990, Keppres 32/1990</i></p>
9	<p><b>Wildlife Areas:</b> Wildlife refuge areas which have a distinctive form of diversity and cannot be developed in order to protect the habitat of unique species.  <i>Source: Law No.5/1990</i></p>
10	<p><b>Hunting Parks:</b> Protected areas are designated for hunting for tourism purposes (and are stocked with game animals).            Criteria:</p> <ul style="list-style-type: none"> <li>• Designated areas; and/or</li> <li>• Specific game species that are bred to allow hunting on a regular basis with consideration of recreation, sports and wildlife preservation.</li> </ul> <p><i>Source: Law No. 41/1999</i></p>
11	<p><b>Animal Evacuation Areas:</b> Natural reserve areas for breeding native animals.            Criteria:</p> <ul style="list-style-type: none"> <li>• An existing area of native wildlife;</li> <li>• New designated areas, which are used for breeding of native animals.</li> </ul> <p><i>Source: Keppres No. 32/1990</i></p>
12	<p><b>Aquatic and Marine Reserves:</b> Areas of oceans and other waters that provide a natural habitat and a place for the development and protection of a diversity of plants and animals that exist in the marine ecosystem.</p>

No.	Definition and Criteria
	<p>Criteria: Regions such as marine, inland waters, coastal areas, estuaries, atoll clusters, that have a distinctive form, or uniqueness and diversity of ecosystems.  <i>Source: Keppres No.32/1990</i></p>
13	<p><b>Mangroves:</b> A coastal marine area with a natural habitat of mangrove forest which protects a unique ecosystem in certain coastal areas.  Criteria: A minimum of 130 times the value of the average difference in the highest and lowest tides, as measured from the annual low tide line, landward.  <i>Source: Keppres No. 32/1990</i></p>
14	<p><b>National Parks:</b> Nature conservation areas, which have a native ecosystem, are managed by the zoning system and are utilized for the purpose of research on biodiversity, education, and support aquaculture, tourism, and recreation.  Criteria: Areas which remain forested or vegetated, which have diverse flora and fauna, distinctive landscape and good access for tourism purposes.  <i>Source: Law No.5/1990 and Keppres No.32/1990</i></p>
15	<p><b>Forest Parks:</b> Nature conservation areas for the purpose of collection of plants and/or animals (native or non-native). These areas can be indigenous forests and/or new-growth forests, which are utilized for research, science, or education, and support cultivation, culture, tourism, and recreation.  Criteria: The region remains forested or vegetated and contains a biodiversity of flora and fauna, distinctive landscape and good access for tourism purposes.  <i>Source: Law No. 5/1990 and Keppres No. 32/1990</i></p>
16	<p><b>Nature Parks:</b> Nature conservation areas, on land and at sea, that are mainly used for tourism and outdoor recreation.  Criteria: The area remains forested or vegetated, has diverse flora and fauna, with distinctive landscape and good access for tourism purposes.  <i>Source: Law No. 5/1990 and Keppres No. 32/1990</i></p>
17	<p><b>Cultural Heritage Areas and Historic, Traditional and Religious Buildings:</b> Regions where there are buildings that have high cultural and/or historic value, as well as natural geological formations that are valued locally and nationally.</p>
18	<p><b>Protected sites and areas:</b> Sites and areas that are considered to have strong links with the religious and cultural values of particular social groups.  Criteria:</p> <ul style="list-style-type: none"> <li>• Considered a sacred place by a particular society;</li> <li>• Often also a location where traditional rituals take place.</li> </ul>
19	<p><b>Vulnerable Communities:</b> Groups of people occupying a particular area of social and cultural identity distinct from the general public, and are considered highly vulnerable to road-building or other large-scale construction work processes.  Criteria:</p> <ul style="list-style-type: none"> <li>• A group of people live in small, closed, and homogeneous communities;</li> <li>• A social institution exists which relies on kinship;</li> <li>• In general, geographically remote and relatively difficult to reach;</li> <li>• In general, community still exists by a subsistence economy;</li> <li>• Using equipment of limited technology;</li> <li>• High dependence on the local environment and natural resources;</li> <li>• Limited access to social, economic, and political services.</li> </ul> <p>In addition to the above group, any low-income group that matches 3 of the 7 criteria above, and live in sensitive areas, shall also be considered as a Vulnerable Community group.</p>
20	<p><b>Settlement Areas:</b> Regions that are used or intended as a place of settlement, with all supporting infrastructure.  Criteria: Local population density should be at least 250 inhabitants/ha and include social facilities and public facilities.</p>
21	<p><b>Natural Disaster Prone Areas:</b> Any region which has high potential and is very susceptible to damage caused by natural disasters.  Criteria: High potential natural disasters such as volcanic eruptions, earthquakes and/or landslides.  <i>Source: Keppres No. 32/1990</i></p>
22	<p><b>Productive Land:</b> Paddy fields, crop farming land and/or farm belonging to the general public and supporting commodities having economic value and being relied upon as a source of income for their owners.  Criteria:</p> <ul style="list-style-type: none"> <li>• Protection is needed to maintain productivity levels and prevent a shrinking area of productive due to land conversion;</li> <li>• Land is a reliable source of economic income for its owner;</li> <li>• Land is reliable for commodity-production with high economic value;</li> <li>• Land plays a major social role, especially in the provision of employment for the farmers.</li> </ul>
23	<p><b>Steep terrain areas:</b> Areas with steep terrain <math>\geq</math> at 40° of inclination.  Criteria: The slope can be <math>\geq</math> 40° inclined; generally located in mountainous areas, and prone to landslides.  <i>Source: Keppres No. 32/1990</i></p>
24	<p><b>Commercial Zones:</b> Areas used or intended to be used as a place of trade and services (commerce).  Criteria:</p> <ul style="list-style-type: none"> <li>• High frequency of goods or services transactions;</li> <li>• Areas of collection and distribution of high-value commodities;</li> </ul>

<b>No.</b>	<b>Definition and Criteria</b>
	<ul style="list-style-type: none"><li>• Areas equipped with trade facilities.</li></ul>

Source: Guidelines for Environmental Management Plan by DG of Bina Marga no 09/BM/09 ([www.binamarga.pu.or.id](http://www.binamarga.pu.or.id))

## **Annex 6: Standard Operational Procedures (SOP) for Environmental Management**

### **STANDARD OPERATIONAL PROCEDURES (SOP) FOR ENVIRONMENTAL MANAGEMENT**

#### **a. Roads and Bridges:**

- i. General Guidelines for Environmental Management (1)- No 008/BM/2009
- ii. Guidelines for Planning of Environmental Management (2)-No 009/BM/2009, which includes, among others:
  - o General Guidelines for Environmental Management of Sensitive Areas. See Annex 2 of the Guideline No. 009/BM/2009.
  - o Guidelines for Environmental Management in Forested Areas.
  - o Procedures for obtaining a Use Permit (Leasehold) for Forested Areas.
  - o Implementation Manual for Construction in Forested Areas.
  - o Manual for Mitigating Development Impacts on Flora and Fauna in Forested Areas ( 14 pages ), including :
    - Methods of Land Clearing;
    - Environmental Impact Management Plans for Roads Traversing National Parks.
  - o Guidelines on Environmental Management in Protected Zones Outside Forested Areas. See Annex 3 of the Guideline No. 009/BM/2009.
  - o Manual for Mitigating Construction Impacts on Flora and Fauna in Forested Areas.
  - o Manual for Mitigating Development Impacts on Water Resources.
  - o General Environmental Management Guidelines for Protection of Heritage Areas.
  - o Manual for Mitigating Air-quality and Noise Pollution from Traffic.
  - o Environmental Screening Procedures for Road Projects. See Annex 4 of the Guideline No. 009/BM/2009.
- iii. Guidelines for Implementation of Environmental Management Plans ( 3 ) - No 010/BM/2009, which includes, among others:
  - o Sample Clauses for Specific Work, related to environmental impact mitigation measures. See Annex 1 of the Guideline No. 010/BM/2009.
  - o Mitigation Guidelines for Construction Standards (e.g. traffic, construction base-camps, stockpiles, collecting the material in the quarry, waste management, erosion and sedimentation, interference of vegetation, handling utilities). See Annex 2 of the Guideline No. 010/BM/2009.
- iv. Guidelines for Monitoring of Environmental Management (4) -No 011 /BM/2009.

#### **b. Water Supply:**

- i. The Regulation of Ministry of Public Works, No. 18/PRT/M/2007, on Water Supply System Management, which includes among others:
  - o Guidelines for Master Plan Development, Feasibility Study Preparation, Construction Phase.
- ii. Guidelines for Simplified Water Supply System Management (SPAM *sederhana*):
  - o Guidelines for the construction of water intakes, *broncaptering*, underground water wells, simplified water treatment plants, public hydrants, piping installations, and operations and maintenance.

#### **c. Irrigation:**

- i. Guidelines for rehabilitation/improvement of irrigation systems, to prevent adverse downstream effects. Please refer to Regulation of MPW No 15/PRT/M/2010, Section III.3.2.2 and III.3.3.2.
- ii. Please follow the MPW Guidelines for environmental management during construction (10/BM/2009), as per stipulated in the Regulation of MPW No 15/PRT/M/2010. Refer to Appendix 2 - Article III.1.
- iii. Guidelines for the On-site Agricultural Education for Integrated Pest Management (IPM).
  - o Book 1 for Farmers
  - o Book 2 for Extension Workers
  - o Book 3 for Follow Up Actions

#### **d. Sanitasi:**

- i. Implementation Guideline of DAK Community Based Sanitation issued in 2014 by DG of Cipta Karya, Ministry of Public Works.

## Annex 7: Format of a Comprehensive LARAP

### FORMAT of a COMPREHENSIVE LARAP

Note: Please also refer to the example of an outline for a LARAP in Annex 8 (Format for a LARAP)

A comprehensive LARAP shall include, at minimum, the elements below, as relevant. If any component is not relevant to the Project Activity's circumstances, it needs to be explained on the Comprehensive LARAP:

- (1) *Description of Project Activity.* A general description of the Project Activity and identification of the Project Activity's site.
- (2) *Potential Impacts.* Identification of: (a) components of the Project Activity that would require land and/or relocation; (b) areas to be affected by the Project Activity (area of influence); (c) alternatives to avoid or minimize land acquisition and/or relocation; and (d) to the extent possible, any measures adopted to avoid or minimize land acquisition and/or relocation.
- (3) *Objectives.* Objectives of the Comprehensive LARAP.
- (4) *Census of the Project Affected Persons (PAPs) and inventory of affected assets.*  
Census results and asset inventory, including the following information:
  - a. List of PAPs, with differentiation of those having land rights and occupants who do not have land rights;
  - b. Inventory of land parcels and structures affected by the Project Activity, covering the following information:
    - Size of total land parcels affected, size of land to be acquired by the Project Activity, and size of the remaining land;
    - Ownership status of the land and structure affected by the Project Activity and proof of ownerships;
    - Function of land affected by the Project Activity;
    - Size and function of the affected structure, and remaining size of the structure;
    - Condition of the affected structures (permanent, semi-permanent, temporary, etc.)
    - Other assets affected by the Project Activity (trees, crops, wells, fences, etc.)
  - c. Total number of PAPs and households affected by the Project Activity (Project Affected Households - PAH)
  - d. Number of PAHs to be relocated, which differentiate (1) those who can rebuild their houses in the remaining land from the affected land, and (2) those who have to relocate to other locations; and
  - e. Number of PAHs who lose more than 10% of their productive assets.

The above information should be summarized in a Table as presented in Annex 10.

- (5) *Socio-economic Study.* The Socio-economic Study must be conducted in the early stage of the Project Activity's preparation and with the involvement of the potentially PAPs. The Study must include the following components:
  - a. The results of the Census of the PAPs in (3) above
  - b. The description about production systems, labour, and household organization; and baseline information on livelihoods and standards of living of the PAPs;
  - c. Characteristics of social interaction within the affected communities, including social networks and social support systems, and how they will be affected by the Project Activity;
  - d. Information about vulnerable groups or persons for whom special provisions may have to be made;
  - e. Existing land ownership rights and systems of land transfer, including an inventory of shared natural resources, sources from which community members obtain their livelihood and food, right to use system based on non-ownership rights (including fishing, harvesting from vegetation/trees for own consumption, or use of forested areas) as governed by land allocation mechanisms, locally-applicable systems, and systems to settle any issues arising due to particular land occupation schemes;
  - f. Magnitude of the expected loss –total or partial—of assets and the extent of displacement, physical or economic, as well as public infrastructure and social services to be affected;
  - g. Social and cultural characteristics of the PAPs, including a description about local formal and informal institutions (for example, community organizations, ritual groups, non-government organizations (NGO), who are possibly related to the public consultation strategy, project design process and implementation of resettlement);
  - h. Initial information concerning the livelihoods of PAPs (to include, if necessary, level of production and income obtained from any formal as well as informal economic activity) and level of their livelihood (including their health status); and
  - i. Provisions to update information on the PAPs' livelihoods and standard of living at regular intervals so that the latest information is available at the time of their displacement.
- (6) *Legal Analysis.* The findings of an analysis of the legal framework, covering,
  - a. The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

- b. The applicable legal and administrative procedures, including a description of remedies available to the PAPs in the judicial process, the normal time frame for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the Project;
  - c. Relevant laws (including customary and traditional laws) governing land tenure, valuation of assets and losses, compensation and natural usage of rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
  - d. Laws and regulations relating to the agencies responsible for implementing land acquisition and resettlement;
  - e. Any legal steps necessary to ensure the effective implementation of land acquisition and resettlement under the Project, including, as appropriate, a process for recognizing claims to legal rights to land, including any claims obtained according to traditional law and traditional usage.
- (7) *Institutional Framework*. The findings of an analysis of the institutional framework includes:
- The identification of agencies responsible for resettlement activities and NGOs that may have a role in Project Activity implementation;
  - An assessment of the institutional capacity of such agencies and NGOs; and
  - Any measure proposed to enhance the institutional capacity of agencies and NGOs responsible for implementing land acquisition and resettlement.
- (8) *Entitlement*. Identification of PAPs entitled to receive compensation, assistance for resettlement and support for rehabilitation, in addition to explanations regarding the criteria to determine the entitlement among various categories of PAPs, including the time for announcing the PAPs as affected and eligible for compensation (*the cut-off-date*).
- (9) *Asset valuation and calculation of compensation on affected assets*. A description of procedures to determine the types and amount of compensation to be offered to the PAPs, which represent the value assessment carried out by the Independent Valuation Team.
- (10) *Compensation, assistance for resettlement and support for rehabilitation*. A description about the (1) various compensation packages to be offered to PAPs whose land and/or other assets are going to be acquired by the Project Activity; (2) assistance for resettlement to the community members who are physically relocated, and (3) support for rehabilitation for community members who will lose their source of income or livelihood due to land acquisition for the Project Activity. The compensation packages, combined with assistance and other support offered for every category of PAPs must be sufficient to ensure that their livelihood following resettlement is not getting worse. Options for resettlement and other assistance offered to PAPs must be prepared based on consultation and must be technically and economically appropriate, and in accordance to the most preferable options from the cultural viewpoint of the PAPs.
- (11) *Location selection, preparation, and resettlement*. Alternative resettlement sites and the description of each site including:
- a. Institutional and technical arrangements that are needed to identify and prepare the resettlement site, whether it is in rural or urban areas, of which, a combination of potentially productive and beneficial locations, as well as a combination of other factors, to the greatest extent possible, will give equal benefits to the PAPs compared to their situation in their previous location, within an estimated time period required to obtain and to convert the land and its additional resources;
  - b. Measures to prevent land speculation or an increasing influx of newcomers who are ineligible for resettlement, to the site;
  - c. Procedures for physical relocation, including a schedule for preparation of the new relocation site and land transfers; and,
  - d. Legal arrangements to occupy the land in the new relocation site and to transfer land rights to the PAPs.
- (12) *Housing, infrastructure, and social services*. Plans to provide (or to finance) the settlers to receive their entitlements pertaining to housing, infrastructure (for example, clean water, road access etc.), and basic social services (for example, schools, health services etc.); plans to ensure that those services are equal or greater than the existing standards of the host community; and exploration for expansion of location, technique, and architectural design for those facilities.
- (13) *Environmental management*. A description on the boundaries of relocation area, and assessment on the environmental impacts due to the proposed land acquisition, and the steps to reduce and mitigate the impacts (to be coordinated, as necessary, with the environmental assessment of the Project Activity, which requires land acquisition).
- (14) *Participatory Process*. Participation of affected community and host community is crucial. This requires:
- A description of the strategy of public consultation and the participatory process, involving the PAPs, as well as the host community, in design, as well as in implementation of the land acquisition process;
  - A summary of the views expressed by the PAPs and how these views are being considered in the LARAP;
  - Review of alternatives to land acquisition are offered and a decision is made by PAPs concerning the various available options, including options on forms of compensation and assistance due to land acquisition, or relocation for families, individuals, or part of the communities or of kinship communities, and efforts to maintain patterns of existing social organization, as well as efforts to maintain access to cultural land (e.g. places of religious worship, or burial);
  - Institutional arrangements in which the relocated community members can report their concerns to the authorized parties of the Project, during the planning and implementation stages, and efforts are in place to ensure that the vulnerable groups are properly represented; and



- Measures taken to reduce impacts of land acquisition on the community members/host community (if relocation takes place), including consultation with members of the host community and local government. There are arrangements to accelerate payment to the community members/host community for the affected land or other assets which are bought for the relocated peoples, as well as arrangements to overcome any possible conflict between the relocated peoples and the host community; and to provide basic public services (for example, education, water, health, and production facilities etc.) for host communities, which should be of equal service level to those of the relocated group.

(15) *Grievance Procedures.* The procedures must be accessible (inexpensive and easy) by any third party to obtain settlement for any dispute arising from the Project Activity, as listed in Comprehensive LARAP. Such grievance procedures should consider options for settlement through court and other mechanisms such as community-based settlement of dispute, as well as traditional dispute resolution mechanisms.

(16) *Institutional Responsibility.* The organizational frameworks for land acquisition and resettlement, including identification of institutions responsible for the implementation of Comprehensive LARAP, of procedures on land acquisition and provision of services; plan to ensure that proper coordination between various institutions and jurisdictions involved in the implementation is already made; and every step (including technical assistance) required to strengthen the capacity of the implementing agency to design and carry out land acquisition; to transfer the work to the local authorized party or to the settlers to manage their own facility and service provided by the Project and to transfer other responsibility from the implementing agency for land acquisition, if any.

(17) *Schedule of Implementation.* A schedule for implementation, which includes all land acquisition activities, starting from preparation to implementation, including target deadlines for realization of benefits expected for the settlers and host community and cut-off dates for the various forms of assistance. The schedule needs to describe how resettlement is linked with the overall Project Activity's implementation.

(18) *Cost and Budget.* A table showing an estimation of costs for all land acquisition activities, including an inflation factor, population growth, and other contingency expenses; schedule of disbursement; source of fund; timely cash flow plan, and funding for land acquisition, if any, for areas beyond the jurisdictions of the implementing agency.

(19) *Monitoring and Evaluation.* Plan for monitoring toward land acquisition and resettlement activity by the implementing agency, supported by independent observers as considered necessary by the Bank, to ensure that complete and objective information can be collected; indicators for performance monitoring to measure input, output, and outcome of the land acquisition activity; PAPs' participation in the monitoring; submission of monitoring report to the Bank; evaluation of the impact of land acquisition within a set time frame to be determined after all land acquisition activities and related activities are completed. The results of monitoring should also be used to improve implementation.

Note: The information regarding Comprehensive LARAP implementation schedule and funding sources can be summarized in the table (see suggested format below).

## **Annex 8: Format of an Abbreviated LARAP**

### **FORMAT OF AN ABBREVIATED LARAP**

An Abbreviated LARAP is required for a Project Activity that affects less than 200 people, or if it creates insignificant and minor impacts on the PAPs. Impacts are considered minor and insignificant if the PAPs physically do not have to be relocated and not more than 10% of their productive assets are acquired by the Project Activity. An Abbreviated LARAP shall include, at minimum, the following components:

- (1) *Description of the Project Activity.* General description concerning the Project Activity and identification of the Project Activity's site.
- (2) *Potential various impacts that may occur.* The identification includes: (i) components of Project Activities that would require land acquisition; and (ii) areas to be affected by the activity.
- (3) *Census on the PAPs, and inventory of assets affected by the Project Activity.* Results of the survey and asset inventory, which will include: (i) list of PAPs, which differentiate PAPs who have land rights and land users (tenants) who do not have land rights; and, (ii) inventory of land parcels and structures affected by the Project Activity. Information produced by the survey needs to be summarized into a table. (see suggested table template in Annex 10 and 11).
- (4) *Eligibility.* Identification of which PAPs will be entitled to receive compensation and explanation of the criteria used to determine eligibility.
- (5) *Compensation, assessment of land and assets valuation, and resettlement assistance to be provided.* This includes a description of the compensation options and resettlement assistance that will be offered to the PAPs. Assessment of land and asset values will be determined by the result of an assessment result by an Independent Valuation team.
- (6) *Public consultation with local community members who will lose their land and other assets.* This include activities to (1) inform the PAPs about various impacts of the Project Activity, available options for compensation and resettlement assistance, and procedures to obtain compensation, and (2) provide opportunity for the PAPs to express their opinion or concerns.
- (7) *Institutional Responsibility.* Brief description concerning the organizational frameworks to implement the activities of land acquisition.
- (8) *Schedule of Implementation.* An implementation schedule shall be made to include all land acquisition activities, including target deadlines for compensation payments. The schedule must describe how land acquisition activities are linked to the overall Project Activity's implementation.
- (9) *Cost and Budget.* Costs estimations for land acquisition are required by the Project Activity.
- (10) *Complaints' Handling Procedures.* A workable procedure must be set up, which can be accessed by complainants for settlement of disputes arising from the land acquisition; such complaints' mechanisms should consider the options to go to the district court as well as community-based and traditional dispute resolution mechanisms.
- (11) *Monitoring.* Plan to monitor land acquisition activities and compensation payment to the PAPs.

*SAMPLE OUTLINE of*  
**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

**Remarks:**

*The outline is mainly used for an Abbreviated LARAP. For a comprehensive LARAP, results of socio-economic studies of the Project Affected Persons should be added, as well as other information as required in accordance with the Comprehensive LARAP format (Annex 7) above.*

1. Description of Project Activity:
  - a. Identify the location of the Project Activity, including District/City and Province.
  - b. Components of the Project Activity that require Land Acquisition.
2. Census on the Project Affected Persons (PAPs), loss of asset, and asset valuation:
  - a. Name of the owner(s) of affected assets;
  - b. Area of land/existing buildings/structures;
  - c. Area of land/buildings/structures acquired by the Project Activity;
  - d. Area of residual land/buildings/structures after the activity exposure (if the remaining of buildings/land/structures are considered inhabitable or for use, all of the land/buildings/structures should be acquired by the Project Activity);
  - e. Percentage of land/buildings/structures acquired by the Project Activity;
  - f. Ownership status of the land/buildings/structures;
  - g. Functions of land/buildings/structures to be acquired;
  - h. The conditions of the buildings/structures (permanent, semi-permanent, temporary, IMB, non IMB);
  - i. Plants/trees affected by the Project Activity (type, quantity, condition, age, productivity);
  - j. Other assets affected, e.g. wells, electrical installation, fence, etc., as well as the costs of acquisition.
  - The identification and inventory list will be disseminated in a place that is easily accessed by PAPs.
  - See the example table for the presentation of the results of the identification/inventory, or use the nominative list as specified in the Regulation of BPN Head No.5/2012, as appropriate.
3. Asset valuation and compensation schemes:
  - a. Alternative compensation offered (cash, land replacement, or other forms);
  - b. The affected land and building tax (NJOP);
  - c. The value/price of the land, plant, buildings and assets attached to the land based on an assessment of Independent Valuation Team;
  - d. The desired compensation level that result from consultation with PAPs;
  - e. Land certification process;
  - The result of negotiations shall be announced in a place accessible by the PAPs.
4. The consultation process on options of compensation:
  - a. How the public consultation were being implemented;
  - b. When they were held, and how frequently;
  - c. Where the consultations took place;
  - d. Persons participated in the consultations;
  - Minutes of meetings must be completed and signed by all participants, and the attendance lists of participants for all consultation should be made available.
5. Grievance mechanisms.
6. Financing.
7. Monitoring and evaluation.
8. Institutional arrangements for the land acquisition and grievance redress mechanism:
  - a. The organization or committee responsible for the implementation of the land acquisition, including persons who can be contacted directly by the PAPs;
  - b. Organization responsible for reporting and monitoring;
  - c. Mechanisms for filing complaints and follow-up, including the person who can be contacted by the complainants in the case he/she will file a complaint.
9. Schedule for implementation and payment:

The following is the schedule of the land acquisition phases. The types of activities in the schedule should be adjusted in accordance to the implementation in the field.

**Sample of Schedule for Comprehensive and Abbreviated LARAP**

<b>Program</b>	<b>Activity</b>	<b>Output</b>	<b>Location</b>	<b>Unit</b>	<b>Person in Charge</b>	<b>Time</b>	<b>Cost</b>	<b>Financial Source</b>	<b>Remarks</b>
1. Establishment of Land Acquisition Team									
2. Establishment of Independent Valuation Team									
3. Socialization to PAPs									
4. Land Measurement and boundary marking									
5. Community Meeting									
6. Land and Asset Valuation									
7. Negotiations									
8. Compensation Payment									
9 Transfer of Affected Land and Certification of Remaining Lands									
10. Relocation and Utility (and Site Securing)									
11. Monitoring									
12. Reporting									

## Annex 9: Minutes of Public Consultation for LARAP

### MINUTES OF PUBLIC CONSULTATION FOR LARAP

Title of Activity :  
Date/Month/Year :  
Consultation Time :  
Venue :

The Project Management/Land Acquisition Team socializes the Project Activity and the plan for acquiring land:

- a. Dissemination of the purpose and benefits of the Project Activity in detail and the potential positive and negative impacts, physical and non-physical impacts that may arise, and the area of influence of such Project Activity.
- b. Information on the frameworks of the land acquisition and resettlement, if any.
- c. Information regarding the options of the land acquisition schemes, i.e. to be compensated, purchased, the possibility of land donation, permit for use of land, or permit for land easement.
- d. Map/sketch depicting the Project Activity plan, any other demonstration tools to explain the Project Activity more clearly.

Consultations:

- a. The Project Management Team is required to encourage the meeting participants to speak proactively, especially with regard to Project Activity's impacts on them and express their aspirations to minimize the impacts of land acquisition, as well as to discuss various options for land acquisition schemes and for compensation forms;
- b. All questions and answers and suggestions should be noted down in this form;
- c. Minutes or meetings of the public consultations will be attached to the Activity Plan (RK).

Notes on the Discussion/Q&A:

- a. ....
  - b. ....
- and so on..

Agreements (if any):

- a. ....
- b. ....

We, who attended this Public Consultation meeting agree with these Minutes of the Meeting, which has been prepared, together with the Project Management/Land Acquisition Team, with the attached attendance list:

Approved,	Position in Village	Signature,
1. 1st Name	Village Chief	
2. 2nd Name	Representative of the village members	
3. Community Leaders	Representative of community leaders	
4. 3rd Name	.....	
5.	.....	
6.	.....	
7.		

Acknowledged by,

(Name)

On behalf of the Project Management/Land Acquisition Team

Attachment

- Full List of Attendance (Name, gender, contact number, address, status in family, signature)
- Photos of the Event

## Annex 10: Format of Inventory List of Land and Assets on the Land

### FORMAT OF INVENTORY LIST OF LAND & ASSETS ON THE LAND

**No** : \_\_\_\_\_  
**Project Name** : \_\_\_\_\_  
**Project Location** : \_\_\_\_\_  
**Name of Interviewee** : \_\_\_\_\_  
**Full Address** : \_\_\_\_\_  
**Occupancy since** : \_\_\_\_\_  
**Name of Interviewer** : \_\_\_\_\_  
**Date of Interview** : \_\_\_\_\_

Information about	Content/Remarks
<b>1. Land</b>	
a. Overall Land size	
b. Land size affected by Project	
c. Land size minus affected portion	
d. Ownership status	
▪ Full ownership	<i>Must attach copy of the certificate and serial no.</i>
▪ HGB	
▪ Right to use	
▪ Rent	
▪ Cultural right	
▪ State land	
▪ No formal status	
▪ Others (write down)	
e. Use of Land	<i>Mention the type of land use, for example: for plantation, residential, vacant land, etc.</i>
f. For plantation, how much is the production value per annum	<i>Mention the production value and use of crop from the vegetation/trees (for sale, household consumption, etc.)</i>
<b>2. Building/Structure</b>	
a. Overall size/dimension	
b. Size of structure affected by the project	
c. Size of structure minus those affected by the project	
d. Ownership status of the said structure	Own property or rent
e. Status of the structure	IMB/without IMB
f. Condition of the structure	Permanent/Semi Permanent/Temporary
<b>3. Vegetation/trees</b>	
a. Type of vegetation/trees	<i>Mention kinds of productive vegetation/trees affected by the project</i>
b. Number	<i>Number of affected vegetation/trees for each kind</i>
c. Age of vegetation/trees	<i>To make estimation of production volume/value</i>
<b>4. Type of Other Assets</b>	
a. Type of assets	<i>Mention the type of other assets to which the compensation can be paid, for example: well, fence, electrical installation, etc.</i>
b. Number	<i>Number of each type of assets</i>
c. Age of assets	
<b>5. Preferable Compensation in</b>	
a. Cash	

Information about	Content/Remarks
b. Land	
c. Serviced Land	
d. Apartment/Flat	
e. Basic House	
f. Others, please mention:	
<b>6. If resettlement is necessary, what type of assets they want to be relocated</b>	<i>Mention the type of assets PAPs wants to be relocated to the new location</i>

**Remarks:**

- Result of interview above is to be compiled into one integrated table containing the overall information about the land and assets affected by the project. The baseline information shall serve as basis to estimate the price/value of those assets by the independent land valuation team.
- The Compilation Table shall become one of the documents which must be attached to the LARAP report.

**Annex 11: Table of Compilation of PAPs and the Values of Assets**

**TABLE OF COMPILATION OF PAPs AND THE VALUES OF ASSETS**

**Project Name :**  
**Location :**

Name of PAP	Type of Asset																		Asset Price Valuation								
	Land							Structure/Building							Vegetation		Other		Land	Structure	Vegetation	Other					
	Original size	Project affected size	%	Size of remaining land	Status	Function	Condition	Original size	Project affected	%	Size of remaining structure	Status	Condition	Function	Resettle/not	Type	Total number	Type					Total number				

Place, Date/Month/Year,

**Acknowledgement,**

Ratification:

**Head of Bappeda**

**(Project Management /Bupati/Mayor)**



## Annex 12: Minutes of Negotiation

### MINUTES OF NEGOTIATION

We, the undersigned:

Name :

Name :

Occupation :

Job position/office:

Address :

Address :

*Representative of group community*

*Representative of Project Management*

---

**Name of Project**

---

**Location of Project**

---

Herewith would like to state our agreement to obtain compensation for our assets (land and any valuable assets on it) affected by the Project. This mutual agreement is a result of the consultation and negotiation between the community and the Project Management without any pressure from any party. The public consultation took place on: (*mention the day/date/month/year/hour*), in (*mention the address or location of the meetings with the group community in full attendance*).

Land affected by the project is located in:..... (*mention the specific location*), of:..... (m<sup>2</sup>) and values at Rp... per meter square.

Other assets to be affected by the project are:.....(*mention the other types of assets on the affected land, for example: structure and productive vegetation/trees*), valued at (*mention the unit price, for example structure priced at Rp. ... per meter square*).

This statement is duly made without any pressure from any party.

**Place, Date, Year**  
**Parties making the statement,**

(Signature)

(Clear name: **Land Owner**)

**Acknowledgement,**

(Signature)

(Clear name and position: **Project Management/Bupati/Mayor**)

**Attachment:**

- List of and signature of parties making the agreement in the consultation for compensation.
- Clear name and address and signature of parties making the agreement in the public consultation for compensation (*this is NOT an attendance list*).

**Annex 13: Table of Compilation of PAPs, their Assets & Compensation Values Based on Negotiation**

**TABLE OF COMPILATION LIST OF PAPs, THEIR ASSETS & COMPENSATION VALUES BASED ON NEGOTIATION**

Name of PAP	Type of Asset												Agreement Based on Compensation Negotiation			
	Land				Structure/Building				Vegetation		Other asset		Land	Structure	Vegetation	Other
	Size	Status	Function	Condition	Size	Status	Function	Resettle/ not	Type	Total number	Type	Total number				

Venue, Date/Month/Year  
Verification:

**Acknowledged**

**Head of Bappeda**

**(Project Management/Bupati/Mayor)**

## Annex 14: Format of the Statement Letter of Land Donation

### FORMAT OF THE STATEMENT LETTER OF LAND DONATION

I/We, the undersigned herein under:

Name :  
ID Card/KTP No :  
Occupation :  
Address :

As the legitimate owner of the land by virtue of a valid Proof of Entitlement Number ....., Date.... or other valid Proof of.... (specify), hereby confirm that I/we agree to donate land and/or other assets to the Local Government of Province/District/City ..... (specify) to be utilized for the construction of..... for the benefit of the general public.

Project Activities

Location of the land :  
Size of the donated land :  
Size of the remaining land :  
Value of other donated assets :  
Existing land use :  
Ownership status of the land :

*(please mention the land boundary and land ownership status as well as land plot map with marking on clear orientations)*

This statement is duly made without any pressure from anyone.

*Place, date this mutual agreement is signed*

The land donator  
Acknowledgement,  
Signature (Land owner)

(name)

the donated land receiver,  
Signature (on behalf of the Provincial/District/City Government)  
Camat as PPAT

(name)

Signature of Lurah/Village head

(name)

Signature of witnesses  
Name 1 signature  
Name 2 signature  
Name 3 signature

Signature of inheritance:  
Name 1 signature  
Name 2 signature  
Name 3 signature

## Annex 15: Format of the Statement on Permit for Land Use

### FORMAT OF THE STATEMENT ON PERMIT FOR LAND USE

I, the undersigned below:

Name :  
ID Card/KTP No :  
Occupation :  
Address :

As the legitimate owner of the land by virtue of a valid Proof of Entitlement Number ..... Date ..... or other valid Proof of ..... (please specify) hereby declare that I allow my land to be used by the Province/District/City Government of ..... (please specify) to be utilized for construction work of ... for ... year for the benefit of the general public.

Land Location :  
Land size to be lent :  
Remaining land size :  
Existing Land Use :  
Land Ownership Status :

*(please mention the land boundary and land ownership status as well as land plot map with marking on clear orientations)*

This statement is duly made without any pressure and shall be used as properly.

Place and date of the agreement

Party giving the permit

Party receiving the permit on behalf of Province/District/City Govt

Signature of the Land Owner

Signature of Camat as PPAT

Rp.6000 Stamp Duty

(name)

(name)

Signature of the Lurah/Village Chief

(name)

Signature of the witnesses

1st Name	Signature
2nd Name	Signature
3rd Name	Signature

Signature of the inheritance

1st Name	Signature
2nd Name	Signature
3rd Name	Signature
Etc.	

## Annex 16: Format of the Statement Letter on Permit for Land Easement

### FORMAT OF THE STATEMENT LETTER ON PERMIT FOR LAND EASEMENT

I, the undersigned below:

Name :  
ID Card/KTP No :  
Occupation :  
Address :

As the legitimate owner of the land by virtue of a valid Proof of Entitlement Number ..... Date ..... or other valid Proof of ..... (*please specify*) hereby declare that I allow my land to be passed upon by the facility of..... to be constructed/developed by the Province/District/City ..... (*please specify*) to be utilized for the benefit of the general public.

Land Location :  
Land size to be passed on :  
Existing Land Use :  
Land Ownership Status :  
(*please mention the land boundary and land ownership status as well as land plot map with marking on clear orientations*)

This statement is duly made without any pressure and shall be used as properly.

Place and date of the agreement

Party giving the permit                      Party receiving the permit on behalf of Province/District/City Govt

Signature of the Land Owner              Signature of Camat as PPAT

Rp.6000 Stamp Duty

(name)    (name)

Signature of the Village Chief

(name)

Signature of the witnesses

1st Name                      Signature  
2nd Name                      Signature  
3rd Name                      Signature

Signature of the inheritance

1st Name                      Signature  
2nd Name                      Signature  
3rd Name                      Signature  
Etc.

## Annex 17: Format for IPs Plan

### FORMAT FOR IPs PLAN

The following template presents the outline of an IPs Plan. The template can be further developed based on field conditions and as per characteristics of the Project Activity.

Title of Chapter/Sub-Chapter	Content/Remarks
<b>1. DESCRIPTION OF THE PROJECT</b>	Summary Description of Project Activity (concerning area boundary, location, type of occupation, area size, area of influence, etc.)
<b>2. SUMMARY OF SOCIAL ASSESSMENT</b>	<b>2.1. Baseline Data on IPs</b> <ul style="list-style-type: none"><li>• Baseline information on the demographic, social, cultural, and political characteristic of the IPs community, the land and territories traditionally owned or customarily used or occupied and the natural resources that they depend</li><li>• Identification of key project stakeholders and elaboration of culturally appropriate process for consulting with the IPs at each stage of project cycle</li></ul> <b>2.2. Summary of results of the free, prior, and informed consultations with the affected Indigenous Peoples' communities that was carried out during Project Activity's preparation and led to broad community support for the Project Activity</b> <ul style="list-style-type: none"><li>• Identification of potential adverse and positive effects of Project Activity of the affected IPs within the Project Activity's area of influence</li><li>• Development of measures necessary to avoid adverse effects or identification of measures to minimize, mitigate, or compensate for such effects and ensure that IPs receive culturally appropriate benefits from the Project Activity</li><li>• Mechanism to prepare and implement the public consultation with the Indigenous People (consultation concerning the draft Project Activity plan, etc. as relevant), to include: determination of location and schedule of consultation, information dissemination /invitation, etc.</li><li>• Public consultation process</li><li>• Result/resolution and mutual agreement obtained during consultation meeting.</li><li>• Number and representative of organization/institution presented by participants in the said consultation meeting.</li></ul> <b>2.3. A framework for ensuring the free, prior, and informed consultations with the affected IPs communities during project implementation</b>
<b>3. ACTION PLAN (INPUTS FROM THE RESULTS OF THE SOCIAL ASSESSMENT)</b>	<b>3.1. Activities for IPs to receive social and economic benefits</b>
	<b>3.2. Activities to avoid, minimize, mitigate, or compensate for adverse effects</b>
	<b>3.3. Measures to Enhance the Capacity of the Project Management</b>
	<b>3.4. Consultation with the affected IPs on the Draft IPs Plan</b>
<b>4. COST ESTIMATE AND FINANCING PLAN</b>	In form of table containing information about: type of activity, party in charge, timeline/milestones, cost, funding source, and remarks.
<b>5. INSTITUTIONAL ARRANGEMENT TO IMPLEMENT IPP</b>	<ul style="list-style-type: none"><li>• Agencies responsible for managing the implementation of the Indigenous Peoples Plan</li><li>• Agencies responsible for reporting and monitoring on the implementation of the Indigenous Peoples Plan</li><li>• Arrangements for monitoring of the implementation of the Indigenous Peoples Plan by the affected IPs</li></ul>
<b>6. GRIEVANCE REDRESS MECHANISM ACCESSIBLE TO THE AFFECTED IPs</b>	<ul style="list-style-type: none"><li>• Mechanism for managing grievances as suggested by the results of the Social Assessment results</li></ul>
<b>7. PROJECT MONITORING, EVALUATION, AND REPORTING OF IPP IMPLEMENTATION</b>	Includes arrangement for free, prior, and informed consultation with the affected IPs <ul style="list-style-type: none"><li>• Explaining the Work Plan for monitoring implementation of IPs and Reporting Mechanism.</li><li>• Monitoring on progress implementation of IPs Plan</li><li>• Monitoring on process implementation of IPs Plan</li><li>• Reporting on implementation of (report to whom, which format to use, and deadline for submission of the report).</li></ul>
<b>ATTACHMENT</b>	Attach original or copy of documents as relevant to IPs Plan, for example:
	<ul style="list-style-type: none"><li>• Information about the Project Activity (Map)</li><li>• Table containing Baseline Data of IPs</li><li>• Minutes of Dissemination and Consultation Meetings</li><li>• Minutes of Agreement on Compensation Plan (if any) based on the consultations</li><li>• Other relevant documentation</li></ul>

## Annex 18: Social Assessments of IPs

### SOCIAL ASSESSMENTS of IPs

- Description of Project Activity
  - Information about the Project Activity's site and condition of the cultural community
1. Social Economic Characteristics of the affected Indigenous Peoples' community
    - a. General Characteristics of IPs
    - b. Specific characteristics of IPs
      - Cultural Social Institutions
      - Economic Condition and Source of livelihood for villagers
      - Cultural practices
      - Etc.
    - c. Stakeholders assessments
  2. Consultation process during the Social Assessment reflecting a free, prior and informed consultation that leads to broad support from the affected IPs community on the proposed Project Activity.
  3. Findings and potential Project Activity's impacts (positive and adverse).
    - a. Any potential negative (*give examples*)
      - Economic domination by outsiders
      - Transfer of *ulayat* rights
      - ...
    - b. Proposed Mitigation (*give example*)
      - Mitigation related to domination by outsiders
      - ...
    - c. Potential positive impacts and efforts to maximize these impacts
  4. Proposed Action Plans in form of a table containing (to be included in the Draft IPP):
    - Plan to maximize the positive impacts
    - Negative issues as findings from the study which needs mitigation
    - The mitigation program
    - Project Activities within the mitigation framework
    - Location where the impact and mitigation is going to be done
    - Consultation framework for preparing and implementing IPP
    - Institution in charge for preparing and implementing IPP
    - Schedule for implementation
    - Budget
    - Source of budget
    - Remarks (other matters needs to be put in the report)

## Annex 19: Minutes of Consultation Meeting with IPs

### MINUTES OF CONSULTATION MEETING WITH IPs

Name of Project Activity :  
Date/ Month/ year :  
Time :  
Place :

#### **Socialization/Dissemination of information about Project Activity**

- Project Management should carry out information dissemination to the IPs concerning the objective and benefit of the Project Activity in detail and including any potential positive and negative impacts, physical and non-physical due to the Project Activity. The territorial boundary for such scope of impact in particular should be defined.
- Project Management should inform the IPs of the IPs Plan.
- Project Management should provide maps, designs and other related materials for Project Activity.
- It is recommended that socialization and consultation are done in a manner that is culturally acceptable by the IPs community and local language is used, as appropriate.

#### **Consultation**

- Project Management should encourage IPs to actively participate in the discussions during the consultation meetings.
- The overall question-and-answer and recommendation/conclusions should be recorded in this Minutes of Meeting.

#### **Summary of the meeting:**

- .....
- .....

#### **Representatives agreed on the Minutes**

No	Name of the Community members	Job position	Signature
1		Head of Tribe	
2		Head of Village	
3		Head of Hamlet	
4			
5			

#### **Attachment**

- Full attendance list
- Photo documentation



**Annex 20: Summary of Documentation for Grievance Management (example)**

<b>Date of Complaint</b>	<b>Type of Complaint</b>	<b>Name/Address of the of Complainants</b>	<b>Follow-up</b>	<b>Agency in Charge</b>	<b>Follow-up activity</b>	<b>Date of Follow-Up</b>
3 December 2010	The roadway made by the contractor destroyed the fence without any repair	Amir (received from sms 0813555666)	Contractor has been asked to do the repair on site, and already done	SKPD Bina Marga	SMS from Grievance Redress Unit to the sender's number	6 December 2010

**Annex 21: Availability Potential of Indigenous Peoples in the Program Participating Provinces \*)**

No	Provinces	Districts with Indigenous Peoples**
1	Central Kalimantan	Barito Selatan, Barito Timur, Barito Utara, Gunung Mas, Kapuas, Katingan, Kotawaringin Barat, Kotawaringin Timur, Lamandau, Murung Raya, Sukamara
2	North Maluku	Halmahera Barat, Halmahera Selatan, Halmahera Timur, Halmahera Utara, Kepulauan Sula
3	East Java	Banyuwangi, Bojonegoro, Bondowoso, Magetan, Ponorogo, Sumenep, Trenggalek, Tulungagung
4	Jambi	Bungo, Merangin, Muaro Jambi, Sarolangun, Tanjung Jabung Timur, Tebo
5	West Sulawesi	Majene, Mamasa, Mamuju Utara, Mamuju
6	Lampung	No identified IPs
7	Bengkulu	Bengkulu Selatan, Bengkulu Utara, Kaur, Lebong, Seluma
8	West Java	Ciamis, Cianjur, Garut, Majalengka, Sukabumi, Sumedang, Tasikmalaya
9	Central Java	Cilacap, Demak, Pati, Semarang
10	West Kalimantan	Bengkayang, Kapuas Hulu, Landak, Melawi, Pontianak, Sambas, Sanggau, Sekadau, Sintang
11	North Sulawesi	Bolaang Mongondow, Kep. Sangihe, Kep. Talaud, Minahasa Selatan, Minahasa Utara
12	South Sulawesi	Bantaeng, Barru, Bulukumba, Enrekang, Luwu Utara, Luwu, Maros, Palopo, Sidenreng Rappang, Soppeng, Tanah Toraja, Wajo
13	West Nusa Tenggara	Bima, Dompu, Lombok Barat, Sumbawa Barat, Sumbawa
14	East Nusa Tenggara	Alor, Belu, Ende, Flores Timur, Kupang, Lembata, Manggarai Barat, Sikka, Sumba Barat, Sumba Timur, Timor Tengah Selatan, Timor Tengah Utara
15	Bali	Bangli, Karangasem
16	Bangka Belitung	Bangka Barat, Bangka Selatan, Bangka Tengah, Bangka Timur, Belitung
17	Banten	Lebak, Pandeglang
18	Gorontalo	Boalemo, Bone Bolango, Gorontalo
19	South Kalimantan	Balangan, Banjar, Hulu Sungai Selatan, Hulu Sungai Tengah, Kota Baru, Tabalong, Tanah Bumbu, Tanah Laut, Tapin
20	East Kalimantan	Berau, Kutai Barat, Kutai Kertanegara, Kutai Timur, Pasir
21	Riau Islands	Bintan, Karimun, Lingga
22	Maluku	Buru, Kepulauan Aru, Maluku Tengah, Maluku Tenggara Barat, Seram Bagian Barat
23	Riau	Bengkalis, Indragiri Hilir, Indragiri Hulu, Kep. Meranti, Pelalawan, Rokan Hilir, Rokan Hulu, Siak
24	Central Sulawesi	Banggai Kepulauan, Banggai, Donggala, Morowali, Parigi Moutong, Poso, Tojo Una-Una, Toli-Toli
25	South East Sulawesi	Bombana, Buton, Kolaka Utara, Kolaka, Konawe Selatan, Konawe, Muna, Wakatobi
26	West Sumatera	Kepulauan Mentawai, Lima Puluh Koto, Pasaman
27	South Sumatera	Banyuasin, Lahat, Muara Enim, Musi Banyuasin, Musi Rawas, Ogan Ilir, Ogan Komering Ilir, Ogan Komering Ulu, OKU Selatan
28	North Sumatera	Deli Serdang, Humbang Hasundutan, Langkat, Mandailing Natal, Nias Selatan, Pakpak Bharat, Serdang Bedagai, Simalungun, Tapanuli Selatan, Tapanuli Tengah, Tapanuli Utara, Toba Samosir
29	DI Yogyakarta	No identified IPs

30	North Kalimantan	Nunukan, Bulungan, Malinau
----	---------------------	----------------------------

\*) List of names and locations of IPs in the village level is included in the World Bank Study on IPs Screening (2010) and is available at the Ministry of Finance and Ministry of Public Works

\*\*) The Districts listed in the table are eligible for participation in the Program but their participation is subject to confirmation

## Annex 22: Format of of Identification on Environmental and Social Component

### FORMAT OF IDENTIFICATION ON ENVIRONMENTAL AND SOCIAL COMPONENT

No	Pass through or inside conservation forest, national park/natural reserve/hunting park	Pass through or inside protected forest/production forest/natural sanctuary/tourism forest	Pass through or at hilly areas with high slope	Pass through or inside /approach the river edge	Pass through or inside dense settlement	Pass through or inside rice paddy/plantation/fish pond area	Pass through train railway	Pass through or at office area/industrial area/manufacture	Pass through religious building	Pass through school	Pass through market	Pass through or inside coastal area, mangrove, swamp, peat	Pass through or at cultural reserve area	Pass through or inside vulnerable community (Isolated Indigenous Group/Poor community)	Land acquisition activity	Screening Result
1	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	No <input type="checkbox"/>	
2	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	
3	If "yes" continue: Name of the conservation forest	If "yes" continue: Type of forest	If "yes" continue: Level of slope	If "yes" continue: Distance from river edge with the road	If "yes" continue: Name of village/Sub-district:	If "yes" continue: Type that passed through: rice paddy; plantation	If "yes" continue: Type of crossing/underpass/overpass	If "yes" continue: Name/type of office/manufacture	If "yes" continue: type/name of religious building	If "yes" continue: name/type of school	If "yes" continue: market name	If "yes" continue: describe:	If "yes" continue: type of cultural reserve	If "yes" continue: name of Isolated Indigenous Group	If "yes" continue: Size of acquired area: Number of PAP:	
4	Length of passed forest (km/m):	Length of passed forest (km/m):	Length of passed sloped area (km/m):	Length of passed road (km/m):	Length of passed road (km/m):	Length of passed road (km/m):	Number of crossing:	Number of office/manufacture:	Number of religious building:	Number of school:	Number of market:	If "yes" continue: length (km/m)	Length of passed road (km/m):	Number of Households (HH):	Number of Households (HH):	
5	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	Location: Sta... to Sta...	

Source: Guideline for Environmental Management Plan by DG of Bina Marga no 09/BM/09 ([www.binamarga.pu.or.id](http://www.binamarga.pu.or.id))

Note: As per The Regulation of MPW No. 15/PRT/M/2010 the irrigation sub sectors will follow the prevailing MPW guidelines related to this matter.