

# ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

Sulawesi – Lombok Programme for Earthquake and Tsunami  
Infrastructure Reconstruction Assistance - PETRA

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## Glossary of Terms and Abbreviations

AMDAL	Analisis Mengenai Dampak Lingkungan – Process of environmental impact assessments that will produce ANDAL (ESIA) and RKL-RPL (ESMPs)
ANDAL	Analisis Dampak Lingkungan – Environmental and social impact assessment/statement
APBD	Anggaran Pendapatan dan Belanja Daerah – Local Government Annual Budget
APBN	Anggaran Pendapatan dan Belanja Negara – National Government Annual Budget
AWP	Annual Work Plan
BAPPEDA	Badan Perencanaan Pembangunan Daerah – Regional Development Planning Board
BAPPENAS	Badan Perencanaan Pembangunan Nasional – National Development Planning Board
BLUD	Badan Layanan Umum Daerah - Local Government Public Service Agency
BPLHD	Badan Pengendalian Lingkungan Hidup Daerah - Regional Environmental Management Agency
BPN	Badan Pertanahan Nasional - National Land Agency
BPPS	Bureau for Policy and Programme Support
CCA	Common Country Analysis
CO UNDP	UNDP Country Office
CP Program	Community Participation Program
CPAP	Country Programme Action Plan
DED	Detail Engineering Design
DEH	Directorate of Environmental Health (MOH)
DES	Directorate of Development for Environmental Sanitation (PPLP of MPWH)
DGHS	Directorate General of Human Settlement - Direktorat Jenderal Cipta Karya
DIM	Direct Implementation Modality
DLH	Dinas Lingkungan Hidup – Local Government Environmental Agency
DPU	Dinas Pekerjaan Umum – Local Government Public Works Agency
EA	Environmental Assessment
EAP	Emergency Action Plan
EDSCP	Erosion, Drainage and Sediment Control Plan
ESDD	Environmental and Social Due Diligence
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FPIC	Free Prior and Informed Consent
GHG	Greenhouse Gas
GMO	Genetically Modified Organism
GoI	Government of Indonesia
GRM	Grievance Redress Mechanism
HRBA	Human Rights-based Approach to Development Programming

ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
IPs	Indigenous Peoples
KA-ANDAL	Kerangka Acuan – ANDAL (Terms of Reference of ESIA)
KAT	Komunitas Adat Terpencil - Isolated Indigenous Community
KfW	German state-owned development bank
LAP	Livelihood Action Plan
LARAP	Land Acquisition and Resettlement Action Plan
LARPF	Land Acquisition and Resettlement Policy Framework
LMO	Living Modified Organism
LPAC	Local Project Appraisal Committee
MENLHK	Menteri Lingkungan Hidup dan Kehutanan – Ministry of Environment and Forestry (MoEF)
MHA	Masyarakat Hukum Adat - Indigenous Community
MoEF	Ministry of Environment and Forestry
MoF	Ministry of Finance
MoH	Ministry of Health
MoHA	Ministry of Home Affairs
MPWH	Ministry of Public Works and Housing
NGOs	Non-Government Organizations
NIM	National Implementation Modality
O&M	Operational and Maintenance
OP	Operational Policy
OAI	UNDP's Office of Audit and Investigations
OP	Operational Procedures
PAC	Project Advisory Committee
PAD	Project Appraisal Document
PAH	Project Affected Household
PAPs	Project Affected Persons
PDO	Project Development Objective
PI	Public Involvement
PIP	Project Implementation Plan
PMU	Project Management Unit
POPP	Programme and Operations Policies and Procedures
PP	Peraturan Pemerintahan – Central Government Regulation
PPLP	Directorate for Development of Environmental Sanitation of MPWH
PSC	Project Supervision Consultant

PUSKESMAS	Local Health Centre
QA	Quality Assurance
QPR	Quarterly Project Report
RAP	Resettlement Action Plan
RBx	Regional Bureaus
REDD+	Reducing Emissions from Deforestation and forest Degradation
RENAKSI	Rencana Aksi Rehabilitasi dan Rekonstruksi - Rehabilitation and Reconstruction Action Plan
RKL	Rencana Pengelolaan Lingkungan – Environmental Management Plan
RP	Resettlement Plan
RPF	Resettlement Policy Framework
RPL	Rencana Pemantauan Lingkungan – Environmental Monitoring Plan
SA	Social Assessment
SEA	Strategic Environmental Assessment
SECU	Social and Environmental Compliance Unit
SES	Social and Environmental Standards
SESA	Strategic Environmental and Social Assessment
SESP	Social and Environmental Screening Procedure
SIA	Social Impact Assessment
SRM	Stakeholder Response Mechanism
SWM	Solid Waste Management
TA	Technical Assistance
TPA	Tempat Pembuangan Akhir - Final Solid Waste Disposal Site
UKL-UPL	Upaya Pengelolaan dan Pemantauan Lingkungan – Partial Environmental Impact Management and Monitoring Plan
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change

## 1 Executive Summary

This Environmental and Social Management Framework (ESMF) has been prepared in support of a project proposal for the Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA) to the Government of Indonesia. This project is supported by UNDP in its role as the Implementing Partner working with KfW as the Senior Supplier and Bappenas as the Senior Beneficiary. The project has been screened against UNDP's Social and Environmental Standards (SES) and deemed a Moderate Risk project. Similarly, under the KfW Sustainability Guidelines, the Project is rated as Category B+.

In 2018 Indonesia was struck by two particularly severe natural disasters: a 7.0 magnitude earthquake in West Nusa Tenggara (NTB) on 5 August and, less than eight weeks later - on 28th September - a 7.4 magnitude earthquake, followed by a tsunami and a rare phenomenon known as 'soil liquefaction', in Central Sulawesi. In Lombok 564 people died, 73,000 houses were heavily damaged, and approximately 400,000 people were displaced as a result of the earthquake. Affected infrastructure, besides housing, includes over 600 education facilities and nearly 100 health facilities; the economic livelihoods of local communities, inter alia, have also been severely impacted by the earthquake. In Central Sulawesi, over 2,096 people are known to have died as a result of the disaster, with more than 4,438 people seriously injured and 1,373 people missing. 68,451 houses are estimated to have been directly damaged and over 173,522 people are displaced. Affected public service infrastructure includes 176 health facilities (among which two hospitals, in Palu city and Parigi Moutong, have been severely impacted) and 1,509 education buildings (ranging from elementary schools to universities). Local economic infrastructure has not been immune to damage: 13 market places and 9,718 ha of agricultural land have been adversely impacted.

The ultimate goal of PETRA is to contribute to the rehabilitation and reconstruction of key infrastructure to support the resilient recovery of disaster-affected communities in both provinces. PETRA-supported investments will be delivered through coordinated, inclusive and well-informed (national and sub-national) decision-making processes, with due attention to vulnerable populations and the need to promote gender-sensitive development. 'Build back better' principles will be reflected throughout the initiative, with a view to enhancing the safety, resilience, energy-efficiency, and gender-friendliness of the local infrastructure.

Under that overarching vision to effectively support resilient recovery and reconstruction processes in Central Sulawesi and Lombok and enhance resilience at National-level, UNDP Indonesia is focusing its efforts on the following three areas: (a) Restoration of provision of critical public services and strengthening of governance functions; (b) Supporting livelihoods and economic recovery and (c) Strengthening disaster risk management and preparedness, with a view to enhance resilience and national and local capacities to withstand future shocks.

Output 1 of PETRA will include rehabilitation and reconstruction of partially and fully damaged **infrastructure for critical public services** which cover gender needs and other gender concerns. Interventions will include:

- Multi-Hazard Risk Assessment/ Mapping for Central Sulawesi and Nusa Tenggara Barat.
- Gender sensitive rehabilitation and reconstruction and inclusive emergency preparedness.
- Preparation of PETRA's annual investment plans for local recovery.
- Separate tendering processes for:
  - a. Civil works design and supervision and
  - b. Construction works
- Civil works/Construction.
- Provision of equipment to accelerate the restoration and enhancement of critical public services.

- Provision of formal and on-the-job training to relevant sub-national authorities and community organizations.

Output 2 will include rehabilitation of affected communities' **economic infrastructure** to promote more resilient and sustainable livelihoods for both men and women and it envisages the following interventions:

- Facilitation of community-led processes for the identification and prioritization of critical local economic assets (infrastructure) to be recovered/rehabilitated.
- Conduction of tendering processes for the rehabilitation of prioritized community (economic) infrastructure.
- Civil works/Construction.
- Implementation of small scale, cash-for-work schemes.
- Community-level interventions will mainly consist of community "cash for work activities".
- In the implementation of small scale, cash-for-work schemes, project will promote gender equality by providing gender equal access in participation and equal benefit from the intervention.
- Design and piloting of a solid waste sorting and recycling facility

The proposed project will have physical infrastructure activities for municipal solid waste treatment and disposal facilities, health units, including hospitals and community health centres, educational establishments, including elementary and secondary schools, local irrigation canals and drainage channels, local drainage culverts and bridges; and local markets rehabilitated or reconstructed.

The following is key GoI legislation on environmental and social assessment: **For environmental issues**, the following are the main laws relevant to screening: *Law No. 32/2009 on Environmental Protection and Management* and *Government Regulation (PP) No. 27/2012 on Environmental Permit*, which outlines environmental assessment process (and instruments) required for activities potentially generating adverse environmental and social impacts.

**For social issues**, the following are the main laws relevant to screening: *Law No. 2/2012 and Presidential Regulation No. 71/2012 on Land Acquisition for Public Interest*, and *Presidential Regulations No. 40.2014 on Changes to Presidential Regulation No. 71/2012 on Land Acquisition for Public Interest*.

Since UNDP is the Implementing Partner and its procedures are in unison with those of KfW and IFC, it is proposed that the project be generally implemented under the UNDP's Social and Environmental Standards (SES).

The following table lists key identified risks and proposed mitigation and management measures to address them.



Description	Impact & Probability	Countermeasures / Management Response
Potential environmental risks, especially with the waste management aspects of the project.	Damage to the environment for example the aquifer if the leachate from the waste management facility was not treated appropriately. P = 3 I = 3	Environmental and Social Management Framework to identify and plan for potential risks. Each subproject will have its own environmental and social risk management plan.
Occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	Contaminants during demolition, construction. P = 3 I = 3	Environmental and Social Management Framework to identify and plan for potential risks. Each subproject will have its own environmental and social risk management plan.

The targeted assessments/site-specific assessments will be undertaken once project activities/sub-projects and sites are fully defined. The assessment(s) will be conducted in a manner consistent with GOI regulations and the UNDP SES and lead to the development of appropriately scaled management measures and plans to address the identified risks and impacts.

The screening process initially follows Indonesian government regulations, determining the need for AMDAL (ESIA) or UKL-UPL (ESMPs) for the various sub-projects. Once the required level of assessment is determined and Terms of Reference are approved, any need for additional measures to meet UNDP policy requirements is to be identified by the PMU with UNDP safeguard specialist advice. In the case of sub-projects where no environmental assessment is required, the PMU safeguard personnel will propose necessary consultation measures and grievance handling processes to meet UNDP safeguard policy requirements. Although not fully defined, the project components are already known with a degree of certainty and an analysis of impacts has been undertaken which indicates that management plans for occupational health and safety (OHS), groundwater, air quality, noise and vibration, erosion, drainage and sediment control, traffic management, waste management and monitoring social impacts will be required. The management plans will be consistent with the requirements of the UNDP SES and may be incorporated into an ESMP or elaborated as site-specific plans. In the later event that such are required and in line with GoI legislation, plans to cover indigenous peoples, loss of livelihood, and resettlement will be covered under two separate frameworks – land acquisition and resettlement and indigenous people planning.

To facilitate implementation, a Direct Implementation Modality (DIM) has been selected and approved by GoI. Activities are proceeding using UNDP procurement processes. All activities will be implemented in line with the Government's Master Plan for Central Sulawesi, the Renaksi for Central Sulawesi and the Renaksi for NTB. Funding for the project will be provided by the German Government through the standard Financing Agreement between KfW and UNDP. UNDP will be accountable to the donor for the project implementation and attainment of objectives. PETRA will be subject to financial audits, as per UNDP's audit policy.

PETRA's governance arrangements will consist of two tiers: (i) at a strategic level, a Project Advisory Committee will be established with the participation of relevant stakeholders – BAPPENAS, BNPB, other relevant national and Provincial stakeholders, KfW, German Embassy and UNDP, and (ii) the CO will establish a Project Management Unit (PMU) as an instrument to operationalize PETRA, UNDP will retain ultimate accountability for the achievement of project results.

Material decisions pertaining to PETRA's financial resources, procurement and human resources will be subject to review, clearance, and approvals by UNDP CO – and, as and when required, by other UNDP regional and/or corporate units - in accordance to UNDP's Programme and Operations Policies and Procedures.

The PMU will be led by a Project Manager (PM) hired by UNDP and based in Central Sulawesi; a (smaller) sub-field office in Lombok will be set up under the responsibility of a Field Coordinator (who will report to the Project Manager). A Safeguards Adviser will be included in the team. The PM will be responsible for the day to day management of the project and implementation of activities in line with guidance provided by the CO. S/he will also undertake field visits to Lombok to oversee and support project implementation there. The PM will be assisted by (a) project operation and technical personnel (including engineers and community mobilizers), (b) specialized consultants to be hired for specific tasks.

The project, as all UNDP projects, will be subject to rigorous Quality Assurance processes – including socio-economic and environmental impact assessment for each infrastructure facility selected for rehabilitation and reconstruction. The UNDP Programme Manager will hold the Project Assurance role on behalf of UNDP. UNDP will be responsible for overseeing the implementation and compliance with the ESMF via the collaborating delivery organisations (e.g. contractors, NGOs). The ESMF and developed management plans will be part of any tender documentation. UNDP will be responsible for the revision or updates of this document and relevant management plans during the course of work.

For construction activities, the delivery organisation/site supervisor will be responsible for daily inspections (e.g. environmental inspections, OHS) of the construction site. The UNDP will cross check these inspections by undertaking monthly audits. The Supervising Engineer/Project Manager will supervise the contractor, while the UNDP will be responsible for environment and social issues. The delivery organisation (e.g. contractor, NGO) will be responsible for the day-to-day compliance of the ESMF at the specific project site. Any incidents, including non-conformances to the procedures of the ESMF, are to be recorded using an Incident Record and the details entered into a register. The progress of all corrective actions will be tracked using the register. Any significant incidents and/or accidents, non-conformances and the issue of corrective actions are to be reported to UNDP and KfW. The ESMF and its procedures are to be reviewed at least every two months by UNDP staff.

Delivery organisations (e.g. contractors, NGOs) have the responsibility for ensuring systems are in place so that relevant employees, contractors and other workers are aware of the environmental and social requirements for project implementation, including the ESMF. All project personnel will attend an induction that covers relevant ESMF requirements, including health, safety, environment and cultural requirements.

The UNDP will develop and release updates on the project on a regular basis to provide interested stakeholders with information on project status. Updates may be via a range of media e.g. print, radio, social media or formal reports. A publicized telephone number will be maintained throughout the project to serve as a point of contact for enquiries, concern, complaints and/or grievances. All material must be published in English and Indonesian as appropriate.

Meaningful, effective and informed stakeholder engagement and participation will continue to be undertaken that will seek to build and maintain over time a constructive relationship with stakeholders, with the purpose of avoiding or mitigating any potential risks in a timely manner.

During the design, construction and implementation of any project, a person or group of people may perceive or experience potential harm, directly or indirectly due to the project activities. To achieve this objective, a Grievance Redress Mechanism has been included in the ESMF for this project.

In the event that it is required and in order to comply with Indonesian Government regulations and procedures, grievances which relate to land acquisition will to be solved in accordance with GoI Law

No. 2/2012. In addition to the project-level and national grievance redress mechanisms, complainants have the option to access UNDP's Accountability Mechanism, with both compliance and grievance functions.

Throughout project implementation, field interventions – including civil works- will be subject to robust and evidence-based monitoring and quality assurance. On-the-ground monitoring of civil works activities is carried out by dedicated engineers and field project managers for each sub-project. All civil work activities will be monitored to ensure due compliance with UNDP's social and environmental standards and safe construction practices.

Budgets for the implementation of the EMSF will be determined during the design phase when each subproject has developed their ESMP. An indicative budget for ESMF auditing and implementation has been developed.

## 2 Introduction

This Environmental and Social Management Framework (ESMF) has been prepared in support of a project proposal for the Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA) to the Government of Indonesia. This project is supported by UNDP in its role as the Implementing Partner working with KfW as the Senior Supplier and Bappenas as the Senior Beneficiary.

The project has been screened against UNDP's Social and Environmental Standards (SES) utilizing the UNDP Social and Environmental Screening Procedure (SESP) and deemed a Moderate Risk project. Similarly, under the KfW Sustainability Guidelines, the Project is rated as Category B+.

PETRA includes a range of activities that have not been fully specified in terms of specific locations/components and cannot be fully assessed at this stage for all potential social and environmental risks and impacts. As such, this ESMF has been prepared such that it sets out the principles, rules, guidelines and procedures for screening, assessing, and managing the potential social and environmental impacts of the forthcoming but as yet undefined interventions. It contains measures and plans to avoid, and where avoidance is not possible, to reduce, mitigate and/or offset adverse risks and impacts. The ESMF specifies the most likely applicable social and environmental policies and requirements and how those requirements will be met through procedures for the screening, assessment, approval, mitigation, monitoring and reporting of social and environmental risks and impacts associated with the activities to be supported.

## 3 Project Description

### 3.1 Overview of the Project

In 2018 Indonesia was struck by two particularly severe natural disasters: a 7.0 magnitude earthquake in West Nusa Tenggara (NTB) on 5 August and, less than eight weeks later - on 28th September - a 7.4 magnitude earthquake, followed by a tsunami and a rare phenomenon known as 'soil liquefaction', in Central Sulawesi.

In Lombok, according to the National Disaster Management Authority (BNPB), 564 people died; 73,000 houses were heavily damaged, and approximately 400,000 people were displaced as a result of the earthquake; total loss is estimated at IDR 18,20 trillion (Euro 1 billion). Affected infrastructure, besides housing, includes over 600 education facilities and nearly 100 health facilities; the economic livelihoods of local communities, inter alia, have also been severely impacted by the earthquake.

In Central Sulawesi, over 2,096 people are known to have died as a result of the disaster, with more than 4,438 people seriously injured and 1,373 people missing. 68,451 houses are estimated to have been directly damaged and over 173,522 people are displaced. Affected public service infrastructure includes 176 health facilities (among which two hospitals, in Palu city and Parigi Moutong, have been severely impacted) and 1,509 education buildings (ranging from elementary schools to universities). Local economic infrastructure has not been immune to damage: 13 market places and 9,718 ha of agricultural land have been adversely impacted— with extensive losses being reported in other sectors, such as fisheries and public administration.

**The programmatic response.** Beyond the immediate humanitarian and relief assistance, UNDP has initiated engagements with national and local governments and international partners in support of Central Sulawesi and NTB's recovery efforts. The Sulawesi / Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance ('PETRA' in short) has been designed to contribute to such transition: from the immediate response to longer-term recovery.

The ultimate goal of PETRA is to contribute to the rehabilitation and reconstruction of key infrastructure to support the resilient recovery of disaster-affected communities in both provinces.

It addresses the need to accelerate the restoration of critical public services (such as health and education), improve economic livelihood opportunities for affected communities (both men and women), while, at the same time, enhancing resilience to future shocks in both provinces. It will be guided and informed by gender-sensitive post-disaster needs assessments and will be fully aligned with relevant national and sub-national recovery plans.

PETRA will deliver two outputs, namely: (a) Rehabilitation and reconstruction of partially and fully damaged infrastructure for critical public services; and (b) Rehabilitation of affected communities' economic infrastructure to promote more resilient and sustainable livelihoods.

Lessons learned and knowledge generated by the Project will also be leveraged to inform wider efforts – in other provinces and/or at national level.

PETRA-supported investments will be delivered through coordinated, inclusive and well-informed (national and sub-national) decision-making processes, with due attention to vulnerable populations and the need to promote gender-sensitive development. 'Build back better' principles will be reflected throughout the initiative, with a view to enhancing the safety, resilience, energy-efficiency, and gender-friendliness of the local infrastructure. Accessibility considerations (to enable and facilitate physical access to persons with disabilities) will also inform the design of infrastructure rehabilitation or reconstruction projects. Best practice in social and environmental standards will also be adopted by the Project.

The Project will contribute in the promotion of gender equality by giving consideration to gender concerns, encouraging gender equality in participation, gender equal access and control over livelihood resources and women's leadership. PETRA will consult with women's organizations and gender stakeholders in project's implementation cycle, including at decision making processes. Project will support in tackling gender barriers for equality.

PETRA's objectives are aligned with the Sustainable Development Goals (SDGs) as well as with the Sendai Framework for Disaster Risk Reduction. Very importantly, the project will be guided and informed by nationally-led and locally driven recovery efforts, with a view to ensure full national and local ownership and sustainability.

### 3.1.1 Description of baseline environmental and socioeconomic conditions

The August Earthquake in Lombok and the September Earthquake and Tsunami in Palu have displaced 100,000's of households, damaged 10,000's of houses, 1,000's of schools and 100's of health facilities, as well as disrupting key economic infrastructure. In response to these two disasters, livelihoods have been destroyed and there is a need to invest over \$1billion to rehabilitate and reconstruct essential public infrastructure and economic infrastructure. Infrastructure needs to be built to be more earthquake resistant and located in areas that are not prone to disasters.

In Central Sulawesi, based on the data released from the national facilitation post (Pospenas) and on the result of the 'Quick Count' exercise by BNPB, covering four affected districts, total damages and losses included, as per 26 October 2018:

- Damages to infrastructure, including 792 km of roads and 10 bridges;
- Damages and losses in agriculture, including 9,718 ha agriculture land, 44 ha fish pond, 152 fishing boats (including engines and equipment);
- Damages and losses in commerce and industry, including 13 market places, 8 unit fish ports/markets; 5,371 units of SMEs; 46 unit kiosks;
- Damage to buildings including 1,509 education buildings (ranging from elementary school to university), 205 government offices (province, city, district, sub-district, village), and 176 health facilities, including two hospitals in Palu City and Parigi Moutong District;

- The Kawantuna Landfill was only partially damaged –including damage to the anaerobic pond. The landfill was designed to manage 150 t/day, however since the Tsunami and Earthquake, all debris has been transported to the Kawantuna Landfill and it is now reaching its full capacity; and,
- An estimated 15,000 houses and residential land around those areas have been destroyed and are in locations areas where tsunami can re-occur. About 17,000 houses are heavily damaged but their location may allow for reconstruction. Around 35,000 families whose houses have been destroyed or damaged need emergency shelter support.

Seven districts and Mataram city in West Nusa Tenggara (NTB) were affected by the earthquake, with the densely populated areas of West Lombok and North Lombok severely impacted. According to BNPB, 73,000 houses were heavily damaged and approximately 400,000 people were displaced.

Approximately 45% of the total damage occurred in the district of North Lombok. The impact of the earthquake in North Lombok resulted in an estimated 101,735 people being displaced. Many houses were either severely damaged, moderately damaged or lightly damaged. In addition, various economic facilities (markets, shops, hotels and other accommodations); transportation and communication networks, and water and sanitation systems were severely disrupted. Many public service facilities were also severely impacted: including one regional general hospital, eight Puskesmas units and 45 Auxiliary Health Centres (or village health clinics) across five sub-districts of North Lombok. Damage to educational facilities was spread evenly in all sub-districts in North Lombok District, with 115 primary schools severely damaged out of a total of 151 schools. In addition, numerous government office buildings and office equipment were affected, which is severely hampering government services in some areas.

### 3.2 Summary of Activities

Under that overarching vision to effectively support resilient recovery and reconstruction processes in Central Sulawesi and Lombok and enhance resilience at National-level, UNDP Indonesia is focusing its efforts on the following three areas: (a) Restoration of provision of critical public services and strengthening of governance functions; (b) Supporting livelihoods and economic recovery and (c) Strengthening disaster risk management and preparedness, with a view to enhance resilience and national and local capacities to withstand future shocks.

#### **Output 1: Rehabilitation and reconstruction of partially and fully damaged infrastructure for critical public services which cover gender needs and other gender concerns**

This is the main output of the project, in terms of programmatic investments. It seeks to contribute to the accelerated restoration of critical services, including on health, education and solid waste management. Under this output, the proposed interventions are the following:

- Technical assistance and advisory support in the finalization/ updating of the **Multi-Hazard Risk Assessment/ Mapping for Central Sulawesi and Nusa Tenggara Barat**. The Risk Assessment will allow to provide a granular analysis of the varying degrees of exposure that different locations have to natural disaster risks – not only tsunami and earthquakes, but other types of disasters including those related to climate change. This constitutes a critical enabler, as it will inform spatial planning and minimum requirements for safe construction. Gender disaggregated data and analysis will be ensured to be available in the updated risk assessment. Significant infrastructure investments should only be undertaken if they are well-informed by sufficiently detailed, location-specific, information on disaster risks. The Government of Indonesia is leading this exercise and has asked UNDP to provide technical assistance to local governments in the geo-spatial risk mapping.
- Additional technical expertise will be provided, including **gender sensitive rehabilitation and reconstruction and inclusive emergency preparedness**. All rehabilitation and reconstruction

works will be assessed to ensure they are appropriate for women, girls and people with disabilities. GBV-risk mitigation will be a concern in infrastructures rehabilitation and reconstruction. For example, adequate and appropriate toilets, ease of access and other facilities required by Indonesian law, like breastfeeding rooms. Technical assistance will work with the rehabilitated infrastructure management teams to develop emergency preparedness plans, in accordance with Indonesian occupational safety and health regulations (Republic of Indonesia, Law No1: 1970 Workplace Safety). These plans will reinforce the need for emergency drills, whether they be in schools, health facilities or other government infrastructure.

- Preparation of **PETRA's annual investment plans for local recovery**, in close consultation with relevant national and local authorities and local communities (men and women). Such plans will be informed by the risk assessment/mapping referred to above and take into consideration socio-economic vulnerabilities of affected communities. They will seek to complement ongoing and planned investment activities, in alignment with the Renaksi (the local Recovery and Rehabilitation Action Plans for both Lombok and Central Sulawesi), BAPPENAS's Master Plan for Rehabilitation and Reconstruction (for Central Sulawesi) and sub-national development plans. 'Build Back Better' principles will be mainstreamed through the investment planning process. UNDP's Social and Environmental Standards and Screening Procedures will be used to inform such planning.
- Undertaking **two separate tendering processes** for
  - (a) Civil works design and supervision and
  - (b) Construction works

This activity entails the preparation and advertisement of relevant tendering documents required for the design, (re)construction/ rehabilitation of the infrastructure identified under PETRA's investment plan, and engineering supervision. It also encompasses the subsequent review, evaluation, selection, negotiation and award of contracts.

The tendering documents will reflect the 'Build Back Better' principles, including standards for improved safety, resilience and energy-efficiency, as well as accessibility (to enable and facilitate physical access to persons with disabilities. Cost-effectiveness considerations (e.g. to minimize maintenance and operations costs) and the need to ensure compliance with UNDP's Social and Environmental Standards will also be reflected in such documentation.

The procurement process will be conducted in two stages:

- First, **Request for Proposals (RFPs)** will be issued through a competitive tendering process – for the submission of architectural services/engineering design (including drawings), detailed scope of construction services, bill of quantities; tender documentation for construction; supervisory services and building approval processes. Tendering documents will include construction services related to environmental and social risk management.
- Second, **'Invitations to Bid' (ITBs)** will be advertised for construction companies to respond to the scope of services defined through the RFPs. ITBs will be preceded by request for 'Expressions of Interest' (Eols), as it will help expedite the tendering process (Eols can be issued while the RFPs are underway). Firms selected through the RFPs can be engaged in the process of review and evaluation of bids once these are received. Bids will include costs related to environmental and social risk management at construction site.
- **Civil works/Construction.** This is the most capital-intensive intervention under PETRA (over 50% of total project funding). Following the award of contract, the Project will closely supervise the timely delivery of civil works - including through the Project's own Resident Engineers and the supervisory firm. Supervision will also seek to ensure due compliance with

Indonesia's Building Code, UNDPs SES, international standards and relevant regulations. Payments will be performance or delivery-based, as per terms of contract. The contract will also include arbitration provisions to address potential disputes between the contractor and UNDP and other risk mitigation measures. Compliance with UNDP's Social and Environmental Standards will also be closely monitored during construction.

- **Provision of equipment to accelerate the restoration and enhancement of critical public services.** This activity will complement the civil works/construction component – and it will be conducted in close coordination with relevant national and local authorities to ensure due alignment with national legal requirements (e.g. for medical equipment). Where possible procurement will be through the Government of Indonesia “e-catalogue” to ensure the equipment is compatible with government regulations and guidelines, meets Indonesian standards (SNI) and can be maintained throughout the warranty period, post asset transfer. It will also be planned in such a manner as to ensure that recurrent costs (e.g. for maintenance and operations) are duly covered by the relevant authority(ies) in their own systems.
- **Provision of formal and on-the-job training to relevant sub-national authorities and community organizations.** A number of capacity development activities will be important to inform, enable and/or facilitate the delivery of the interventions described above, as well as to ensure the sustainability of the results post-project completion. It will target communities (men and women) within the area of coverage of the public service(s) being supported and/or relevant local government officials within concerned provincial or district-level departments. It constitutes a relatively small proportion of total project funds (less than 0.2%) but it will be critical to ensure the effectiveness, ownership and sustainability of the civil works component. Training programmes (formal and/or ‘on the job’) could include the following
  - community engagement in recovery; participatory planning and budgeting,
  - investment programming for recovery,
  - data and information management – including satellite imagery analysis and use of Unmanned Aerial Vehicles (UAVs) for data collection/ recovery management
  - social, environmental and safety standards for infrastructure development; resilient, risk-informed/ climate-smart construction
  - asset management/ maintenance and operations

A learning exchange for local government officials on effective implementation of a recovery programme in Indonesia (e.g. learning from Aceh experience) will also be considered as part of the capacity building programme.

## **Output 2: Rehabilitation of affected communities' economic infrastructure to promote more resilient and sustainable livelihoods for both men and women**

This output focuses on smaller-scale community infrastructure, and it envisages the following interventions:

- **Facilitation of community-led processes for the identification and prioritization of critical local economic assets (infrastructure) to be recovered/rehabilitated** – including, for instance, community bridges, feeder roads, local markets and/or irrigation systems. Due consideration to varying degrees of socio-economic vulnerabilities will be taken into account when prioritizing assets to be rehabilitated. In addition, comprehensive identification and prioritization of critical local economic assessment will be taken with references to consideration on gender needs and interests. Therefore, the Project will consult with both men and women as well as with women's organizations and gender stakeholders. The Project will promote women's leadership in decision making processed in this area of intervention.



- **Conduction of tendering processes** for the rehabilitation of prioritized community (economic) infrastructure. Invitations to Bid (ITB) will be issued to identify construction companies to be contracted for the rehabilitation of small-scale community infrastructure. The preparation of tender documents will be led by PETRA's resident engineers and/or engineering consultants, and with the support of the procurement analyst. This particular intervention will focus on rehabilitation sub-projects that require specialized engineering services and which cannot be adequately delivered by NGOs or through cash-for-work schemes.
- **Civil works/Construction:** Contract management and supervision. Following the tendering processes and the issuance of contracts to selected firms, PETRA will be supervising the civil works through resident engineers and engineering consultants; UNDP CO will also provide oversight (spot checks) to verify the effectiveness, quality and timeliness of the civil works sub-projects, as well as, compliance with the Environmental and Social Management Plans. NGOs/ CSOs may also be engaged by UNDP to manage the community involvement in such infrastructure sub-projects (however all design and construction activities will be undertaken by qualified engineering companies).
- **Implementation of small scale, cash-for-work schemes** through NGOs/CSOs. This intervention will focus on debris management and will complement the more complex civil works that will be delivered through the specialized construction firms (as indicated in the aforementioned activities). PETRA will identify NGOs that have demonstrated experience in the management of cash-for-work schemes for debris management and recycling. Small-scale training of masons and construction workers –promoting local “know how” and public awareness for safe civil works practices – will also be part of the activities expected to be delivered by the NGO.
- **Community-level interventions**, implemented by NGOs/CSOs, will mainly consist of community “cash for work activities”, where the community will provide labour to construct or rehabilitate local infrastructure, like tertiary canals for irrigation or feeder roads; or clear locations from debris, prior to construction. These activities will be managed in line with government regulations, the UNDP ESMF and international standards. For example, UNDP has currently contracted four CSOs in Palu to implement cash for work activities, where compensation is in line with minimum wage regulations for the district, and appropriate OSH standards are being met, as UNDP is providing personnel protective equipment (PPE) and technical guidance.
- **In the implementation of small scale, cash-for-work schemes**, project will promote gender equality by providing gender equal access in participation and equal benefit from the intervention. Project will help in tackling gender stereotypes that may become barriers in supporting gender equality and women's leadership in the implementation of small scale, cash-for-work schemes.
- **Design and piloting of a sorting and recycling facility**, with the engagement of local authorities and communities. PETRA will contract a company to design a sorting and recycling facility to process debris. It will build on UNDP's previous experiences in such types of initiative (e.g. in Aceh), whereby local communities benefit from the income-generating opportunities afforded by sustainable debris and waste management and recycling. PETRA will introduce environmentally sound practices and train communities in sorting, recycling, reusing and retailing material for reconstruction and/or other activities. Men and Women are encouraged to participate in this area of intervention. Project will pay attention to gender equal benefit on income-generating opportunities, especially in providing equal wages, gender sensitive policy at working place, etc.

## Summary of Types of Activities

Based on the above, the proposed project will have physical infrastructure activities of the following types:

- **municipal solid waste treatment and disposal facilities**, using rehabilitated facilities and newly introduced;
- **health units, including hospitals and community health centres**, reconstructed or rehabilitated using 'build-back better' construction standards;
- **educational establishments, including elementary and secondary schools**, reconstructed or rehabilitated using 'build-back better' construction standards;
- **local irrigation canals and drainage channels** rehabilitated or reconstructed;
- **local drainage culverts and bridges** rehabilitated or reconstructed; and
- **local markets** rehabilitated or reconstructed.

## 4 Applicable Legal and Institutional Framework

This section provides a preliminary review of the applicable policy, legal and institutional (PLR) framework related to the potential risks and benefits of the implementation of the proposed activities. It includes a brief review of applicable national legislation, policies and regulations; applicable international agreements; and the UNDP SES.

### 4.1 Legislation, Policies and Regulations

Environmental Assessment in Indonesia is regulated under Indonesian Laws and Regulations. Indonesian Laws and Regulations are divided into three levels – national, provincial and kabupaten/city. For this study, the review will focus on the top level of the Laws and Regulation at the national level. The following Government of Indonesia regulations serve as the basis for the overall approach in this ESMF:

- *Law No. 32 Year 2009 on Environmental Protection and Management*
- *Government Regulation (PP) No. 27 Year 2012 on The Environmental Permit*
- *Minister of Environment Regulation (Permen LH) No. 13 Year 2010 on Environmental Management Efforts and Environmental Monitoring Effort (UKL- UPL) and Statement Letter of Assurance for Implementation of Environmental management and Monitoring (SPPL)*
- *Minister of Environment Regulation (Permen LH) No. 05 Year 2012 on Type of Activities Requiring AMDAL*
- *Minister of Environment Regulation (Permen LH) No. 16 Year 2012 on Guidelines for Preparation of Environmental Documents*
- *Minister of Environment Regulation (Permen LH) No. 17 Year 2012 on Guidelines for Public Participation in Environmental Assessment Process and Environmental Permit*
- *Minister of Environment Regulation (Permen LH) No. 08 Year 2013 on Procedure of Assessment and Examination of Environmental Documents and Environmental Permit Issued Process*
- *Minister of Public Work Regulation No. 10/PRT/M/2008 on Type of Business Plan and/or Activities under Public Works that Required Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) document.*
- *Law No.2 Year 2012 on Land Acquisition for Public Need Development*
- *Presidential Regulation No.71 Year 2012 on Land Acquisition for Public Interest*

- *Presidential Regulation No. 40 Year 2014 on Changes to The Presidential Regulation*
- *Law No. 7 Year 2012 on Social Conflict Handling*
- *Presidential Regulation No. 56 Year 2017 on Community Social Impact Handling*
- *Minister of Social Regulation No.10 Year 2014 On Social Counselling*
- *Government Regulation No. 2 Year 2015 On Social Conflict Handling*
- *Presidential Decree No. 111 Year 1999 on Social Empowerment of Isolated Indigenous Community*
- *Law No.11 Year 2010 on Cultural Property Conservation*
- *Law No.13 Year 2003 Concerning Manpower*

Key sectoral legislation relevant to the development of the various sub-projects includes:

**Municipal solid waste treatment and disposal facilities.** *Law No 18/2008* on Solid Waste was prepared by the Ministry of the Environment and derives from provisions in the Indonesian Constitution for protection of the environment. Amongst other legislation, the recent *Presidential Decree No 97/2017* on a National Policy and Strategy for Management of Household and Household-Type Waste by means of Policy Directives, Strategies, Programmes and Targets for Reducing and Handling Such Waste, is also of relevance.

**Hospitals.** *Health Ministry Regulation No 24/2016* regarding Technical Requirements for Hospital Buildings and Facilities. This regulation sets down the technical standards for building design and architecture and the control of environmental impacts. Requirements for human resources (education and/or certification and training) in the field of building and hospital infrastructure are included.

**Community health centres.** *Health Ministry Regulation No 75/2015* sets down the requirements for location and development of community health centres including detailed layout plans.

**Elementary and secondary schools.** Education Ministry Regulation No 24/2007 concerning Standard Facilities and Infrastructures for Primary Schools, Junior High Schools, and High Schools.

**Irrigation canals and drainage channels.** *Government Regulation No 20/2006* provides for participation of farming communities in the development and management of irrigation systems. Tasks include participation in the initial design, decision making, and implementation of activities in development, upgrading, operation, maintenance and rehabilitation.

Other regulations of particular relevance to PETRA are *Regulation of Minister of Public Works No 45/2007 concerning Technical Guidelines for Construction of State Buildings* and the *Seismic Design Code SNI 1726:2012*.

## 4.2 Environmental Impact Assessment in Indonesia

The following is key legislation on environmental and social assessment:

**For environmental issues,** the following are the main laws relevant to screening: *Law No. 32/2009 on Environmental Protection and Management* and *Government Regulation (PP) No. 27/2012 on Environmental Permit*, which outlines environmental assessment process (and instruments) required for activities potentially generating adverse environmental and social impacts<sup>1</sup>.

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<sup>1</sup> To streamline the implementation of PP No. 27/2012, the State Ministers enacted Minister of Environment Regulations (PERMEN LH) No. 05/2012 on Type of Activities requiring AMDAL, PERMEN LH No.16/2012 on Guidelines for Preparation of Environmental Documents, PERMEN LH No. 17/2012 on Guidelines for Public Participation in Environmental Assessment Process and Environmental Permit, Minister of Public Works

**For social issues**, the following are the main laws relevant to screening: *Law No. 2/2012 and Presidential Regulation No. 71/2012 on Land Acquisition for Public Interest*, and *Presidential Regulations No. 40.2014 on Changes to Presidential Regulation No. 71/2012 on Land Acquisition for Public Interest*.

### 4.3 Environmental Impact Assessment Process

In Indonesia, there are three levels of environmental impact assessment and management measures, based on the project environmental and social impact classification:

- Full environmental impact assessment (AMDAL);
- Environmental Management and Monitoring Efforts (UKL-UPL);
- Statement of Assurance for Implementation of Environmental Management and Monitoring (SPPL).

Implementation of these vary for each administrative region; this translates into differences in responsibility of the proponent and/or variation in requirements for some types of activities between regions. A list of business and/or activities requiring each type of assessment should exist in each region. As such, in the screening of sub-projects through the PETRA implementation period, it will be important to refer to local regulations on environmental assessment.

With regard to project activities which are not included in the Government's list of types of business and/or activities requiring AMDAL and UKL-UPL, there is a requirement to conduct environmental management and monitoring according to the relevant Standard Operating Procedures available and to have a Statement of Assurance for Implementation of Environmental Management and Monitoring (SPPL).

### 4.4 International Agreements and Protocols

Gol is a signatory to a number of international and regional agreements and conventions, which are related to the environment. The main references of relevance for international standards are Sustainability Guideline of KfW Development Bank and World Bank Group Standards, i.e. IFC Performance Standards, IFC General EHS Guidelines and IFC EHS Guidelines for Waste Management Facilities.

#### 4.4.1 KfW Sustainability Guidelines

KfW sustainability guidelines provide principles and procedures to assess environmental, social and climate impacts during the preparation and implementation of projects financed by KfW Development Bank. All projects financed by KfW Development Bank are subject of internal ESDD. Environmental and Social Due Diligence (ESDD) and climate assessment as defined by the guidelines.

#### **Objective and Core Elements**

The objective of ESDD and climate assessment is to anticipate and appraise any foreseeable impacts and risks a project may have on the environment, social factors (including human rights) and the climate, and to identify and prevent any adverse impacts and risks, or minimise them to an acceptable level and (provided that the adverse impact is inevitable but still tolerable) introduce compensation measures. In addition, the assessments should identify, monitor and manage any residual risks. The objective of the climate assessment is also to recognize climate impacts that may impair the achievement of objectives in due time so that, if applicable, required adaptation

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Regulation No. 10/PRT/M/2008 on Types of Business Plan and/or Activities under Public Works Require Environmental Management and Monitoring Efforts (UKL-UPL) documents.

measures can be taken into consideration in the conception phase of the project. The essential elements of the assessments are stated in the following:

- Preliminary appraisal or screening;
- Scoping; and
- In-depth climate adaptation assessment and/or in-depth climate mitigation assessment.

### **Appraisal Standards**

KfW utilize tools of assessment to assess the project compliance in accordance with KfW Development Bank requirements. The project is assessed against the standards of the World Bank Group (i.e. for public agencies the Environmental and Social Safeguards of the World Bank and the IFC Performance Standards for cooperation with the private sector) and their General and sector-specific Environmental, Health and Safety (EHS) Guidelines as well as the Core Labour Standards of the International Labour Organization (ILO).

### **Screening and Categorization**

The screening phase is conducted to identify and appraise the type and scale of any adverse environmental and social impacts or risks that may arise from the planned project, potentials for reducing greenhouse gas emissions and possible climate change impacts on the project that may impair the achievement of objectives. All projects will be classified into one of the following three categories “A”, “B” or “C”, according to the relevance of their potentially adverse environmental and social impacts and risks.

PETRA has potential impacts which are not excessively adverse, limited in number, site-specific and likely reversible. In addition, mitigation measures are expected to be relatively easily designed and implemented. The Project is therefore rated as Category B.

### **Climate Screening**

The climate protection relevance and climate change adaptation relevance are examined when assessing climate relevance. Furthermore, it is assessed whether positive impacts of climate change can be enhanced (potentials) for the development goals, where appropriate.

### **Stakeholder Engagement and Complaints Management**

It is important to include the affected communities and keep the public in the partner country informed through stakeholder engagement. The stakeholder engagement can be in form of public hearings have to be scheduled for the scoping phase of the ESIA process and for the presentation of the draft ESIA report, to consult with the affected people and/or their community representatives, cooperatives or non-governmental organisations (NGOs).

### **Monitoring and Reporting**

Monitoring and reporting for the project is necessary to be conducted. It is in order to effectively monitor any adverse environmental, social and climate impacts and risks. Monitoring tools should be implemented by the recipient of the funds from KfW Development Bank.

## **4.5 UNDP SES**

Since UNDP is the Implementing Partner and its procedures are in unison with the above, it is proposed that the project be generally implemented under the UNDP’s Social and Environmental Standards (SES). These came into effect in January 2015. The SES underpin UNDP’s commitment to mainstream social and environmental sustainability in its Programmes and Projects to support sustainable development. The objectives of the standards are to:

- Strengthen the social and environmental outcomes of Programmes and Projects

- Avoid adverse impacts to people and the environment
- Minimize, mitigate, and manage adverse impacts where avoidance is not possible
- Strengthen UNDP and partner capacities for managing social and environmental risks
- Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people

The SES are an integral component of UNDP's quality assurance and risk management approach to programming. This includes the [Social and Environmental Screening Procedure](#) (see the completed SESP for the project in Annexure I: UNDP SESP for PETRA).

### Key Elements of UNDP's Social and Environmental Standards (SES)

Overarching Policy	Project-Level Standards	Policy Delivery Process & Accountability
<b>Principle 1:</b> Human Rights <b>Principle 2:</b> Gender Equality and Women's Empowerment <b>Principle 3:</b> Environmental Sustainability	<b>Standard 1:</b> Biodiversity Conservation and Sustainable Natural Resource Management <b>Standard 2:</b> Climate Change Mitigation and Adaptation <b>Standard 3:</b> Community Health, Safety and Working Conditions <b>Standard 4:</b> Cultural Heritage <b>Standard 5:</b> Displacement and Resettlement <b>Standard 6:</b> Indigenous Peoples <b>Standard 7:</b> Pollution Prevention and Resource Recovery	<b>Quality Assurance</b> <b>Screening and Categorization</b> <b>Assessment and Management</b> <b>Stakeholder Engagement and Response Mechanism</b> <b>Access to Information</b> <b>Monitoring, Reporting and Compliance Review</b>

The Standards are underpinned by an Accountability Mechanism with two key functions:

- A Stakeholder Response Mechanism (SRM) that ensures individuals, peoples, and communities affected by UNDP projects have access to appropriate procedures for hearing and addressing project-related grievances; and
- A Compliance Review process to respond to claims that UNDP is not in compliance with UNDP's social and environmental policies.

Through the GCF Accreditation Process, the SES are acknowledged to be consistent with the GCF's Environment and Social Standards.

UNDP ensures compliance with the SES for all funds that flow through UNDP's accounts, therefore the SES apply to all sub-projects. An SECU audit investigation will look at compliance with SES as a basis for UNDP compliance.

As set down in Annexure I: UNDP SESP for PETRA, the project is rated as Moderate. **Standard 3:** Community Health, Safety and Working Conditions and **Standard 7:** Pollution Prevention and Resource Recovery are specifically relevant. Specific management plans to be prepared include OHS, Groundwater, Air quality, Noise and Vibration, Erosion, drainage and sediment control and Monitoring social impacts.

## 5 Potential Social and Environmental Impacts and Procedures for Addressing Them

### 5.1 Social and Environmental Impacts

The project has been screened against UNDP's Social and Environmental Standards utilizing the UNDP Social and Environmental Screening Procedure. The Social and Environmental Screening Template (Annexure I: UNDP SESP for PETRA) was prepared and the project deemed to be a Moderate Risk project. The SESP provides the rationale for the risk categorization. The Table below further addresses identified risks by project component and the proposed mitigation and management measures to address them.

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
1	Potential environmental risks, especially with the waste management aspects of the project.	18/12/2018	Pollution Prevention and Resource Efficiency	Damage to the environment for example the aquifer if the leachate from the waste management facility was not treated appropriately.  P = 3 I = 3	Environmental and Social Management Framework to identify and plan for potential risks. Each subproject will have its own environmental and social risk management plan.	Project Manager	Project Manager	June 2019	No change
2	Occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	18/12/2018	Community Health, Safety and Working Conditions	Contaminants during demolition, construction  P = 3 I = 3	Environmental and Social Management Framework to identify and plan for potential risks. Each subproject will have its own environmental and social risk management plan.	Project Manager	Project Manager	June 2019	No Change



## 5.2 Procedures to Address Social and Environmental Impacts

The purpose of this section is to ensure that project activities once fully defined are screened for risks and appropriate assessment and management measures are adopted. In addition, it serves as a “commitment plan” listing the key assessments and management plans that will need to be undertaken and budgeted for. This includes plans mandated by the UNDP SES, where relevant.

The ESMF identifies potential social and environmental risks and impacts from project activities and outlines strategies and procedures for identifying risks and impacts from as yet fully defined project components and for managing those risks and minimizing undesirable environmental and social impacts. Further, the ESMF identifies stakeholder engagement processes and a Grievance Redress Mechanism for stakeholders with concerns and/or complaints regarding the project.

### 5.2.1 Screening for further social and environmental risks and impacts

PETRA includes a number of components and their specific locations that remain to be fully defined and assessed. Once the project activities are fully specified, the project SESP will be updated to review the fully specified components and to determine whether additional social and environmental impacts may be present and need to be assessed and managed. Where the screening of the fully defined projects components identifies potential social and environmental risks that could be categorized as High Risk, these components will be redesigned to eliminate and/or minimize such risks. Project components that may still present High Risks after redesign will be excluded.

The SESP will also be updated if there are any significant changes in the project’s design or context that may materially change its social and environmental risk profile.

### 5.2.2 Assessment and management of social and environmental risks and impacts

This section specifies the types of additional social and environmental analyses/assessments and management plans that will need to be undertaken/developed to address the risks/impacts identified by the additional screening in the above section. This will involve targeted assessments of specific issue areas, including site-specific assessments the development of site-specific ESMPs, plus a comprehensive AMDAL process that encompasses all project components.

Annexure II: Indicative Outline for ESMP provides an indicative outline for the development of an ESMP once project activities have been fully specified and assessed.

The targeted assessments/site-specific assessments will be undertaken once project activities/sub-projects and sites are fully defined. The assessment(s) will be conducted in a manner consistent with GOI regulations and the UNDP SES and lead to the development of appropriately scaled management measures and plans to address the identified risks and impacts.

Where there are gaps, steps must be taken to ensure the UNDP policy requirements are met. Additional focused studies, supplementary ESIA, ESMPs, and further documentation of land acquisition processes, resettlement planning and planning with indigenous peoples, or additional public consultation may be required. Documentation of consultation processes, grievance mechanisms and its implementation are other possible additional steps required to fill gaps and meet UNDP safeguard requirements.

The screening process initially follows Indonesian government regulations, determining the need for AMDAL (ESIA) or UKL-UPL (ESMPs) for the various sub-projects. Once the required level of assessment is determined and Terms of Reference are approved, any need for additional measures to meet UNDP policy requirements is to be identified by the PMU with UNDP safeguard specialist advice. It is recommended, for the sake of efficiency, that when scoping and preparing the Terms of Reference for the AMDAL, reference to UNDP policies is made and appropriate study boundaries, methods and consultations are planned for. In this way, the need for additional studies including supplementary ESIA can be minimized or avoided.

In the case of sub-projects where no environmental assessment is required, the PMU safeguard personnel will propose necessary consultation measures and grievance handling processes to meet UNDP safeguard policy requirements. The PMU will be responsible for implementing agreed measures (refer also to General Management Structure and Responsibilities). Similarly, in the case of sub-projects requiring or possessing UKL-UPL level permits, for which there is no requirement for public consultation with this level of assessment in Indonesia, the PMU safeguard personnel will propose a level of consultation commensurate with the anticipated impacts, and monitor its implementation, with documentation of stakeholder engagement activities.

The Project will be required to prepare documents in accordance with Indonesian Government legislation as outlined in 4.3 Environmental Impact Assessment Process. Annexure IV: Types of Activities Requiring AMDAL (ESIA) or UKL-UPL provides complete details of scope of works for the sectors which will require special environmental studies under Indonesian law.

Although not fully defined, the project components are already known with a degree of certainty and an analysis of impacts has been undertaken. Annexure III: Key Environmental and Social Indicators and Management Measures provides guidance on management plans for the following:

- Occupational health and safety<sup>2</sup>
- Groundwater
- Air quality
- Noise and vibration
- Traffic management
- Waste management
- Erosion, drainage and sediment control

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<sup>2</sup> Refer to P24 [https://info.undp.org/sites/bpps/SES\\_Toolkit/default.aspx](https://info.undp.org/sites/bpps/SES_Toolkit/default.aspx)

- Monitoring social impacts

Based on the above initial analysis, these management plans will need to be elaborated after project details and sites are confirmed. The management plans will be consistent with the requirements of the UNDP SES and may be incorporated into an updated ESMF or elaborated as site-specific plans. If articulated as site-specific plans, the project ESMF and site-specific ESMPs will be updated to note the need for such plans and which activities cannot proceed until such plans are in place.

In the event that such are required, this would also include plans for dealing with:

- indigenous peoples,
- loss of livelihood, and
- resettlement.

With regard to these plans, PETRA will be required to follow quite specific Indonesian legislation as detailed in

## Annexure VI: Land Acquisition and Resettlement Framework and

Annexure VII: Indigenous Peoples Planning Framework. In the event that the possible need for such plans is identified a “decision-point” review process will be implemented involving all key stakeholders, prior to proceeding further.

The UNDP SES and SESP require that in all cases required social and environmental assessments and adoption of appropriate mitigation and management measures must be completed, disclosed, and discussed with stakeholders prior to implementation of any activities that may cause adverse social and environmental impacts.

### 5.2.3 Assumptions Underpinning the ESMF

The following assumptions have been made in the preparation of this ESMF:

- preparation of ANDAL, UKL-UPL and SPPL documents will be done in lieu of, but with full regard to, UNDP’s Environmental and Social Impact Assessment, and
- no activities will take place in protected areas.

## 6 Implementation and Operation

### 6.1 General Management Structure and Responsibilities

To facilitate implementation, a Direct Implementation Modality (DIM) has been selected to implement the project. The Government of Indonesia has approved this implementation modality. Through the DIM modality, activities can start as soon as possible, using UNDP procurement processes. All activities will be implemented in line with the Government’s Master Plan for Central Sulawesi, the Renaksi for Central Sulawesi and the Renaksi for NTB.

The partnership between KfW and UNDP Indonesia for recovery interventions in Central Sulawesi and Nusa Tenggara Barat (NTB/Lombok) has been agreed to by BAPPENAS, and was endorsed by the IMDDFDR Steering Committee, during a meeting on November 4th, 2018. The KfW and UNDP Indonesia project will be administered under the ‘Single Project’ financing mechanism.

Funding for the project will be provided by the German Government through the standard Financing Agreement between KfW and UNDP. In line with the Agreement, UNDP will be the executing entity and administrative authority for the project. The project will be fully aligned with government priorities and strategies for recovery and disaster risk reduction. Consistently with the Direct Implementation (DIM) modality, UNDP will be accountable to the donor for the project implementation and attainment of set objectives in an effective, efficient and transparent manner. UNDP will ensure that all contractors have in place the systems and means to implement any management measures pertaining to the RISKS, and to monitor all projects from design to implementation on SES. UNDP environment team members will be responsible for on-going Project audits.

Regular consultations with partners and stakeholders, will be undertaken at technical level to ensure that the project implementation is synchronized with broader recovery and reconstruction efforts. Critical project information (e.g. on project budgets, expenditures; progress reports; procurement, etc.) will also be regularly uploaded through UNDP’s Transparency Portal (<https://open.undp.org/>), which contains a wide range of data and information on UNDP’s development projects worldwide.

PETRA will be subject to financial audits, as per UNDP’s audit policy.

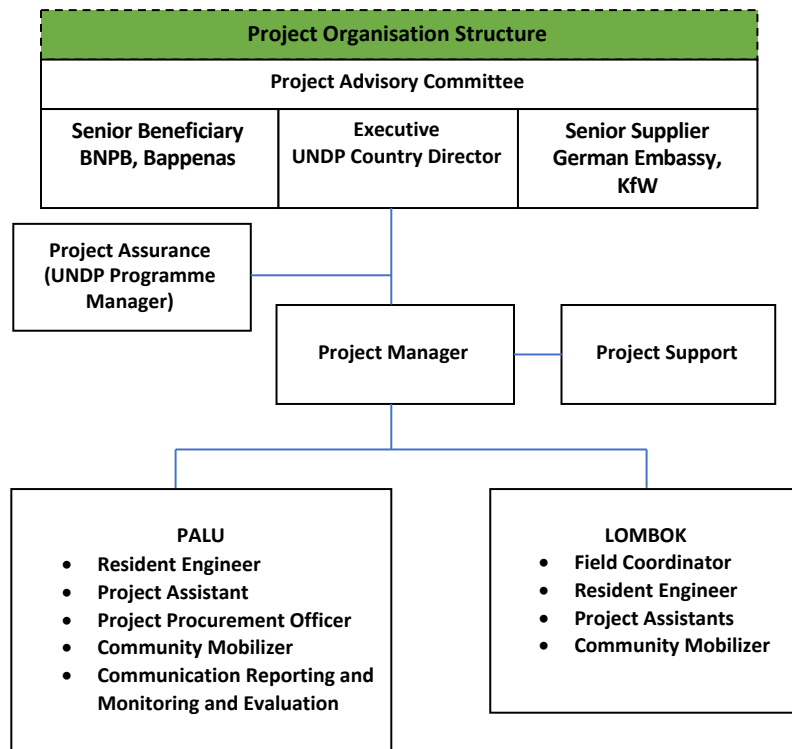


Figure 1: Project organization structure

A high-level PMU structure is shown in Figure 1: Project organization structure and the key roles are discussed below.

#### 6.1.1 Management Arrangement

Under the Direct Implementation Modality (DIM), UNDP Indonesia Country Office (CO) will assume the overall responsibility in the implementation of PETRA. DIM is a modality whereby UNDP assumes full responsibility in management of project inputs in order to deliver on planned project outputs.

PETRA's governance arrangements will consist of two tiers:

##### Project Advisory Committee

At a strategic level, a Project Advisory Committee will be established with the participation of relevant stakeholders – BAPPENAS, BNPB, other relevant national and Provincial stakeholders, KfW, German Embassy and UNDP. The Committee will provide strategic guidance to PETRA and facilitate due coordination to ensure PETRA's investment priorities (investment plan) contribute to the Reconstruction Master Plan in the most effective way. The committee will also advise on scaling up project experiences and lessons learned widely across different provinces and at the national level. It will typically meet twice a year; however, ad hoc meetings can be arranged on a need basis.

Quarterly meetings will be arranged between UNDP CO and KfW to provide strategic guidance and steering to the project implementation. Decisions about investment priorities, modifications in work plans, re-allocation of budget along the budget lines, etc. will be taken during these meetings.

The second tier of PETRA's governance system will address project implementation, assurance (or quality control) and oversight dimensions.

##### Project Management Unit (PMU)

The CO will establish a Project Management Unit (PMU) as an instrument to operationalize PETRA, UNDP will retain ultimate accountability for the achievement of project results. Material decisions pertaining to PETRA's financial resources, procurement and human resources will be subject to

review, clearance, and approvals by UNDP CO – and, as and when required, by other UNDP regional and/or corporate units - in accordance to UNDP's Programme and Operations Policies and Procedures.

The PMU will be led by a Project Manager (PM) hired by UNDP and based in Central Sulawesi; a (smaller) sub-field office in Lombok will be set up under the responsibility of a Field Coordinator (who will report to the Project Manager). The PM will be responsible for the day to day management of the project and implementation of activities in line with guidance provided by the CO. S/he will also undertake field visits to Lombok to oversee and support project implementation there. The PM will be assisted by (a) project operation and technical personnel (including engineers and community mobilizers), (b) specialized consultants to be hired for specific tasks.

To facilitate implementation, UNDP Indonesia can also leverage the technical support and advisory services available through UNDP's Bangkok Regional Hub and UNDP's Headquarters. CO capacities will be augmented on a need basis during the implementation of the project, leveraging UNDP's extensive global network of corporate, regional and country-level technical resources and capacities.

#### 6.1.2 Project Assurance

PETRA will be implemented according to UNDP's procedures, rules and regulations, which are premised on the highest standard of transparency, accountability, efficiency and effectiveness. The project, as all UNDP projects, will be subject to rigorous Quality Assurance processes – including assess socio-economic and environmental impact assessment for each infrastructure facility selected for rehabilitation and reconstruction. UNDP's financial management protocols and oversight procedures, coupled with the organization's own Enterprise Resource Planning (ERP) system (known as 'ATLAS'), ensures that financial transactions (including project's financial transactions) are duly recorded and traceable through an online platform - accessible 24/7 to UNDP's management and to UNDP's corporate Office of Financial Resource Management, UNDP's Office of Audit and Investigations and UNDP's Independent Evaluation Office. In line with UNDP's rules and regulations, review/clearance of high-value procurement activities will be undertaken by the regional office or HQs.

The UNDP Programme Manager will hold the Project Assurance role on behalf of UNDP.

### 6.2 Project Delivery and Administration

#### 6.2.1 Project Delivery

UNDP as the Implementing Partner – through the PMU, Project Manager and subsidiary departments and the delivery organisations (e.g. contractors and/or NGOs) – will implement the project. In addition, collaboration with local government, existing NGOs and local communities is expected by UNDP.

#### 6.2.2 Administration of Environmental and Social Management Framework

UNDP will be responsible for overseeing the implementation and compliance with the ESMF via the collaborating delivery organisations (e.g. contractors, NGOs). UNDP will contract an SES expert to oversee the ESMF and ESMPs. The ESMF and developed management plans and will be part of any tender documentation. UNDP will be responsible for the revision or updates of this document and relevant management plans during the course of work.

UNDP are accountable for the provision of specialist advice on environmental and social issues to the delivery organisations (e.g. contractors, NGOs) and for environmental and social monitoring and reporting. The UNDP or its delegate will assess the environmental and social performance of the delivery organisations (e.g. contractors, NGOs) in charge of delivering each component throughout the project and ensure compliance with the ESMF. During operations the delivery organisations will

be accountable for implementation of the ESMF. Personnel working on the project have accountability for preventing or minimizing environmental and social impacts.

For construction activities, the delivery organisation/site supervisor will be responsible for daily inspections (e.g. environmental inspections, Occupational Health & Safety) of the construction site. The UNDP will cross check these inspections by undertaking monthly audits. The Supervising Engineer/Project Manager will supervise the contractor, while the UNDP will be responsible for environment and social issues.

The delivery organisation (e.g. contractor, NGO) will be responsible for the day-to-day compliance of the ESMF at the specific project site. The delivery organisation (e.g. contractor, NGO) will maintain and keep all administrative and social and environmental records which would include a log of complaints and incidents together with records of any measures taken to mitigate the cause of the complaints or incidents (see below sections on incident reporting and on complaints).

#### 6.2.3 Social and environmental procedures, site and activity-specific work plans/instructions

Social and environmental procedures provide a written method describing how the management objectives for a particular project element are to be obtained. They contain the necessary detail to be site or activity-specific and are required to be followed for all construction works. Site and activity-specific work plans and instructions are to be issued consistent with the ESMF. Each site will therefore have a specific ESMP based on the ESMF.

#### 6.2.4 Social and environmental incident reporting

Any incidents, including non-conformances to the procedures of the ESMF, are to be recorded using an Incident Record and the details entered into a register. For any incident that causes or has the potential to cause material or significant social and/or environmental harm, the site supervisor/designated officer shall notify the Project Manager and UNDP within 36 hours. The delivery organisation/contractor must cease work until remediation has been completed as per the approval of the UNDP.

#### 6.2.5 Daily and weekly inspection checklists

A daily social and environmental checklist (including OHS issues) is to be completed at each work site by the relevant site supervisor/designated officer and maintained within a register. A weekly social and environmental checklist is to be completed and will include reference to any issues identified in the daily checklists completed by the designated officer(s). The completed checklist is to be forwarded to UNDP for review and follow-up if any issues are identified.

#### 6.2.6 Corrective Actions

Any non-conformances to the ESMF are to be noted in weekly social and environmental inspections and logged into the register. Depending on the severity of the non-conformance, the site supervisor/designated officer may specify a corrective action on the weekly site inspection report. The progress of all corrective actions will be tracked using the register. Any non-conformances and the issue of corrective actions are to be advised to UNDP.

#### 6.2.7 Review and auditing

The ESMF and its procedures are to be reviewed at least every two months by UNDP staff. The objective of the review is to update the document to reflect knowledge gained during the course of project delivery/construction and to reflect new knowledge and changed community standards (values).

The ESMF will be reviewed and amendments made if:

- There are relevant changes to social and environmental conditions or generally accepted management practices; or



- New or previously unidentified social and environmental risks are identified; or
- Information from the project monitoring and surveillance methods indicate that current control measures require amendment to be effective; or
- There are changes to environmental legislation that are relevant to the project; or
- There is a request made by a relevant regulatory authority.

Any changes are to be developed and implemented in consultation with UNDP Staff and KfW. When an update is made, all site personnel are to be made aware of the revision as soon as possible, e.g. through a tool box meeting or written notification.

#### 6.2.8 Capacity Building and Training

Delivery organisations (e.g. contractors, NGOs) have the responsibility for ensuring systems are in place so that relevant employees, contractors and other workers are aware of the environmental and social requirements for project implementation, including the ESMF.

All project personnel will attend an induction that covers relevant ESMF requirements, including health, safety, environment and cultural requirements.

All workers engaged in any activity with the potential to cause serious social and/or environmental harm (e.g. handling of hazardous materials) will receive task specific training. A toolkit which enables site managers to quickly communicate OHS standards on a regular basis will be prepared and made available to contractors.

## 7 Stakeholder Engagement

### 7.1 General Communications

The UNDP will develop and release updates on the project on a regular basis to provide interested stakeholders with information on project status. Updates may be via a range of media e.g. print, radio, social media or formal reports. A publicized telephone number will be maintained throughout the project to serve as a point of contact for enquiries, concern, complaints and/or grievances. All material must be published in English and Indonesian as appropriate.

### 7.2 Stakeholder Consultation and Information Disclosure<sup>3</sup>

The project builds on extensive stakeholder engagement and consultations which will continue throughout project implementation, including in the identification, assessment, and development of management measures for forthcoming project activities. The project was discussed with a wide range of stakeholders including relevant government departments, industry groups, NGOs, and individual community members and approved by Government. Extensive on-ground consultation has been undertaken during the design of the project.

Meaningful, effective and informed stakeholder engagement and participation will continue to be undertaken that will seek to build and maintain over time a constructive relationship with stakeholders, with the purpose of avoiding or mitigating any potential risks in a timely manner. The scale and frequency of the engagement will reflect the nature of the activity, the magnitude of potential risks and adverse impacts, and concerns raised by affected communities.

Stakeholders will have access to relevant project information in order to understand potential project-related opportunities and risks and to engage in project design and implementation. Specifically, the following information will be made available:

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<sup>3</sup> Refer also to the UNDP Guidance Note: Stakeholder Engagement.

- Stakeholder engagement plans and summary reports of stakeholder consultations,
- Social and environmental screening reports (SESP) with project documentation (30 days prior to approval),
- Draft social and environmental assessments, including any draft management plans (30 days prior to finalization),
- Final social and environmental assessments and associated management plans,
- Any required social and environmental monitoring reports.

This information is to be disclosed in a timely manner, in an accessible place, and in a form and language understandable to affected persons and other stakeholders. These elements of effective disclosure are briefly elaborated below:

- Timely disclosure: information on potential project-related social and environmental impacts and mitigation/management measures will be provided in advance of decision-making whenever possible. In all cases, draft and final screenings, assessments and management plans must be disclosed and consulted on prior to implementation of activities that may give rise to potential adverse social and environmental impacts.
- Accessible information: Appropriate means of dissemination will need to be considered in consultation with stakeholders. This could include posting on websites, public meetings, local councils or organizations, newsprint, television and radio reporting, flyers, local displays, direct mail.
- Appropriate form and language: Information needs to be in a form and language that is readily understandable and tailored to the target stakeholder group.

### 7.3 Grievance Redress Mechanism<sup>4</sup>

During the design, construction and implementation of any project, a person or group of people may perceive or experience potential harm, directly or indirectly due to the project activities. The grievances that may arise can be related to social issues such as eligibility criteria and entitlements, disruption of services, temporary or permanent loss of livelihoods and other social and cultural issues. Grievances may also be related to environmental issues such as excessive dust generation, damages to infrastructure due to construction related vibrations or transportation of raw material, noise, traffic congestions, decrease in quality or quantity of private/ public surface/ ground water resources during irrigation rehabilitation, damage to home gardens and agricultural lands, etc.

In order to comply with Indonesian Government regulations and procedures grievances which relate to land acquisition will be solved in accordance with Law No. 2/2012 and its implementing regulations (including amendments). Refer also to Annexure VI: Land Acquisition and Resettlement Framework.

Should such a situation arise, there must be a mechanism through which affected parties can resolve such issues in a cordial manner with the project personnel in an efficient, unbiased, transparent, timely and cost-effective manner. To achieve this objective, a Grievance Redress Mechanism has been included in the ESMF for this project.

The Grievance Redress Mechanism has been designed to:

- a. be a legitimate process that allows for trust to be built between stakeholder groups and assures stakeholders that their concerns will be assessed in a fair and transparent manner;

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<sup>4</sup> Refer also to the [UNDP Supplemental Guidance: Grievance Redress Mechanism](#)

- b. allow simple and streamlined access to the Grievance Redress Mechanism for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;
- c. provide clear and known procedures for each stage of the Grievance Redress Mechanism process, and provides clarity on the types of outcomes available to individuals and groups;
- d. ensure equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a concern, complaints and/or grievances;
- e. to provide a transparent approach, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it; and
- f. enable continuous learning and improvements to the Grievance Redress Mechanism. Through continued assessment, the learnings may reduce potential complaints and grievances.

The GRM will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. The GRM will not impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

Information about the Grievance Redress Mechanism and how to make a complaint and/or grievance must be communicated during the stakeholder engagement process and placed at prominent places for the information of the key stakeholders.

All complaints and/or grievances regarding social and environmental issues can be received either orally (to the field staff), by phone, in complaints box or in writing to the UNDP or the Contractor. A key part of the grievance redress mechanism is the requirement for the PMU and construction contractor to maintain a register of complaints and/or grievances received at the respective project site offices. The following information will be recorded:

- a. time, date and nature of enquiry, concern, complaints and/or grievances;
- b. type of communication (e.g. telephone, letter, personal contact);
- c. name, contact address and contact number;
- d. response and review undertaken as a result of the enquiry, concern, complaints and/or grievances; and
- e. actions taken and name of the person taking action.

#### 7.3.1 UNDP SRM and SECU

In addition to the project-level and national grievance redress mechanisms, complainants have the option to access UNDP's Accountability Mechanism, with both compliance and grievance functions. The Social and Environmental Compliance Unit investigates allegations that UNDP's Standards, screening procedure or other UNDP social and environmental commitments are not being implemented adequately, and that harm may result to people or the environment. The Social and Environmental Compliance Unit is housed in the Office of Audit and Investigations and managed by a Lead Compliance Officer. A compliance review is available to any community or individual with concerns about the impacts of a UNDP programme or project. The Social and Environmental Compliance Unit is mandated to independently and impartially investigate valid requests from locally impacted people, and to report its findings and recommendations publicly.

The Stakeholder Response Mechanism offers locally affected people an opportunity to work with other stakeholders to resolve concerns, complaints and/or grievances about the social and environmental impacts of a UNDP project. Stakeholder Response Mechanism is intended to supplement the proactive stakeholder engagement that is required of UNDP and its Implementing Partners throughout the project cycle. Communities and individuals may request a Stakeholder Response Mechanism process when they have used standard channels for project management and quality assurance and are not satisfied with the response (in this case the project level grievance redress mechanism). When a valid Stakeholder Response Mechanism request is submitted, UNDP focal points at country, regional and headquarters levels will work with concerned stakeholders and Implementing Partners to address and resolve the concerns. Visit [www.undp.org/secu-srm](http://www.undp.org/secu-srm) for more details. The relevant form is attached at the end of the ESMF.

## 8 Monitoring and Evaluation of ESMF Implementation

Throughout project implementation, field interventions – including civil works- will be subject to robust and evidence-based monitoring and quality assurance. On-the-ground monitoring of civil works activities is carried out by dedicated engineers, other relevant specialists, and field project managers for each sub-project. All civil work activities will be monitored to ensure due compliance with UNDP’s social and environmental standards and safe construction practices.

*Table 1: Summary of ESMF Implementation Activities*

Monitoring Activity	Purpose	Frequency	Expected Action	Roles and Responsibilities	Cost (if any)
Development of ANDAL, UKL-UPL and SPPL	Carried out and drafted in a participatory and gender responsive manner, in- depth analysis of potential social and environmental impacts, as well as identification / validation of mitigation measures linked to projects activities.	Quarters one and two of programme implementation	Risks and potential impacts are assessed according the site of implementation and the modality, with support of external consultants and participation of project team and stakeholders; management actions are identified and incorporated into project implementation strategies.	Project Manager with the support of UNDP will launch the AMDAL process. A group of consultants will lead the process and garner the expertise needed. Stakeholders will review the terms of reference and validate the findings. The Consultants and the team will ensure that relevant changes and updates are made to the ESMF and again validated by stakeholders.	\$XXX
Site-specific screening results	Documenting site-specific screening results and outcomes to ensure appropriate measures in place before implementation is initiated	As above	As above	As above	\$XXX
Development of Site-Specific Management Plans	As above	As above	As above	As above	\$XXX
Track progress of ESMF implementation	Application of mitigation measures, as well as any required changes to ESMF, including site-specific plans as required by applicable SES, will be monitored through a participatory process,	Quarterly, or in the frequency required for each measure.	Slower than expected progress will be addressed by project management.	Collection of data will be ascribed to various stakeholder groups and the PMU. The project management unit, and particularly the safeguards and gender officer, will integrate the mitigation measures into	\$XXX

Monitoring Activity	Purpose	Frequency	Expected Action	Roles and Responsibilities	Cost (if any)
	and with results reported to Project Board on bi-annual basis.			the overall monitoring and reporting framework of the project.	
Stakeholder engagement, disclosure and grievance mechanism	Ensure that environmental and social impacts to the local community and project personnel are minimised.	Continuous	On-going community consultation. Provisions made to publicise project disclosure and grievance mechanism to all stakeholders.	Project Manager with the support of UNDP will initiate consultation and grievance mechanism awareness activities.	\$XXX
Capacity building activities	Capacity building activities for comprehensive implementation of ESMF.	Continuous	Implementation of capacity building programs in line with specific ESMFs.	Project Manager with the support of UNDP will initiate capacity building programs as appropriate to sub-projects.	\$XXX
Implementation of mitigation and monitoring of potential impacts identified in ANDAL and ESMFs	Permanent and participatory implementation and monitoring of impacts and mitigation measures, in accordance with Environmental and Social Management Plan - ESMF (to be revised and updated once the ANDAL is completed)	Continuous	Implementation of ESMF; participatory monitoring of ANDAL findings (i.e. identifying and aligning indicators, monitoring potential impacts and risks); integration of ESMF into project implementation strategies	The PMU will be responsible for the implementation of the mitigation measures in conjunction with stakeholders in various parts of the project, including relevant local government units.	\$XXX
Review and update of ESMF	Provide further amendments to the ESMF as and when further indicators and management measures are identified.	Every two months	Further edition of ESMF for subsequent amendments to and implementation of ESMFs	Project Manager with the support of UNDP will initiate the reviews.	\$XXX
Learning	Knowledge, good practices and lessons learned regarding social and environmental risk management will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.	Bappenas with the Project management unit, the communications officer, and the learning units of the project, including sub-national and local partners.	
Bi-Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Bi-Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	Bappenas with the Project Advisory Committee.	
Review and adapt activities and approach as necessary	Internal review of data and evidence from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.	PMU, Bappenas	

Monitoring Activity	Purpose	Frequency	Expected Action	Roles and Responsibilities	Cost (if any)
Project Report	As part of progress report to be presented to the Project Board and key stakeholders, analysis, updating and recommendations for risk management will be included.	Annually, and at the end of the project (final report)		PMU	
Project Review (Project Advisory Committee)	The project's governance mechanism (i.e., project board) will hold regular project reviews during which an updated analysis of risks and recommended risk mitigation measures will be discussed.	At least annually	Any risks and/ or impacts that are not adequately addressed by national mechanisms or project team will be discussed in project board. Recommendations will be made	Project Advisory Committee	

## 9 Budget for ESMF Implementation

A budget has been prepared for the implementation of the ESMF as follows:

Item	Cost
ESMF Updating and Auditing	\$20,000
General ESMF Expenses	\$10,000
Stakeholder Engagement Workshops	\$10,000
Grievance Redress Mechanisms	\$10,000
<b>Total</b>	<b>\$50,000</b>

# Annexures

## Annexure I: UNDP SESP for PETRA

The objectives of the SESP are to: (a) Integrate the SES Overarching Principles (human rights, gender equality and environmental sustainability); (b) Identify potential social and environmental risks and their significance; (c) Determine the Project's risk category (Low, Moderate, High); and (d) Determine the level of social and environmental assessment and management required to address potential risks and impacts.

### Project Information

Project Information	
1. Project Title	Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance
2. Project Number	
3. Location (Global/Region/Country)	Indonesia

### Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

#### QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?

##### **Briefly describe in the space below how the Project mainstreams the human-rights based approach**

The project will consult all stakeholders including the poor and vulnerable throughout the project cycle. Any potential impacts will be identified and will be addressed in a timely way. The project's approach is community based/participatory enhancing the knowledge of right holders to understand what rights they have to claim services from the State. The project will provide stakeholders access to an effective grievance redress mechanism.

##### **Briefly describe in the space below how the Project is likely to improve gender equality and women's empowerment**

The project will actively involve women throughout the project cycle. All rehabilitation and reconstruction works will be assessed to ensure they are appropriate for women, girls and people with disabilities. For example, adequate and appropriate toilets, ease of access and other facilities required by Indonesian law, like breastfeeding rooms.

##### **Briefly describe in the space below how the Project mainstreams environmental sustainability**

The project will follow International standards, including UNDP SES, and Indonesian law to ensure environmental sustainability is mainstreamed throughout. The Environmental Management Plans (EMP) will ensure all infrastructure address any potential environmental risks post-handover. All EMP will be discussed with the beneficiary of the infrastructure to ensure it is understood, budget allocated to operate and maintain the assets post-handover. All infrastructure will be designed to minimise environmental impact where ever possible.

## Part B. Identifying and Managing Social and Environmental Risks

<b>QUESTION 2: What are the Potential Social and Environmental Risks?</b>	<b>QUESTION 3: What is the level of significance of the potential social and environmental risks?</b>  <i>Note: Respond to Questions 4 and 5 below before proceeding to Question 6</i>			<b>QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?</b>
<p>Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any “Yes” responses). If no risks have been identified in Attachment 1 then note “No Risks Identified” and skip to Question 4 and Select “Low Risk”. Questions 5 and 6 not required for Low Risk Projects</p>	<p>Note: Estimate the level of significance (i.e. potential impact) and probability for each identified social and environmental risk.</p> <p>Rate Impact (“I”) and Probability (“P”) on a scale of 1 (low) to 5 (high). Significance is determined based on the combination of Probability and Impact.</p>			<p>i. Describe briefly the social and environmental assessments that may be required (per SES) and/or that may already have been conducted. Note: High Risk projects require full Environmental and Social Impact Assessments (ESIA) or Strategic Social and Environmental Assessments (SESA).</p> <p>ii. Summarize the measures for avoiding and, if avoidance is not possible, mitigating and managing potential adverse social and environmental impacts.</p>
<b><i>Risk Description</i></b>	<b><i>Impact and Probability (1-5)</i></b>	<b><i>Significance (Low, Moderate, High)</i></b>	<b><i>Comments</i></b>	<b><i>Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.</i></b>
<p>Risk 1: Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?</p>	<p>I = 1 P = 4</p>	<p><b>Medium</b></p>	<p><b>The project will construct an integrated landfill facility. Also support to medical facilities will result in possible management of medical waste management</b></p>	<p><b>EIA (AMDAL) in line with International standards and Indonesian Law</b></p>



Risk 2 Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	I = 3 P = 4	<b>Medium</b>	<b>Debris management and recycling activities.</b>	<b>OSH Risk management strategy to minimise potential risks. Use of PPE, safe disposal of waste.</b>
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**QUESTION 4: What is the overall Project risk categorization?**

Select one (see <a href="#">SESP</a> for guidance)	Comments
<i>Low Risk</i>	
<i>Moderate Risk</i>	X
<i>High Risk</i>	

**QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?**

Check all that apply	Comments
<i>Principle 1: Human Rights</i>	X Conflict risk – Stakeholder engagement, grievance mechanism
<i>Principle 2: Gender Equality and Women’s Empowerment</i>	
<i>1. Biodiversity Conservation and Natural Resource Management</i>	
<i>2. Climate Change Mitigation and Adaptation</i>	
<i>3. Community Health, Safety and Working Conditions</i>	X OSH risk assessment and management plan
<i>4. Cultural Heritage</i>	
<i>5. Displacement and Resettlement</i>	
<i>6. Indigenous Peoples</i>	
<i>7. Pollution Prevention and Resource Efficiency</i>	X Municipal and medical waste management strategies

Signature	Date	Name
QA Assessor		<Name> Programme Manager
QA Approver		Sophie Kemkhadze Deputy Country Director
PAC Chair		Sophie Kemkhadze Deputy Country Director

## Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
<b>Principles 1: Human Rights</b>		
1.	Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	NO
2.	Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? <sup>5</sup>	NO
3.	Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	NO
4.	Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	NO
5.	Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	NO
6.	Is there a risk that rights-holders do not have the capacity to claim their rights?	NO
7.	Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	NO
8.	Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	YES
<b>Principle 2: Gender Equality and Women's Empowerment</b>		
1.	Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	NO
2.	Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	NO
3.	Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	NO
4.	Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services?  <i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i>	NO

<sup>5</sup> Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
<b>Principle 3: Environmental Sustainability:</b> Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below		
<b>Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management</b>		
1.1	Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services?  <i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	NO
1.2	Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	NO
1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	NO
1.4	Would Project activities pose risks to endangered species?	NO
1.5	Would the Project pose a risk of introducing invasive alien species?	NO
1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	NO
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	NO
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water?  <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	NO
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	NO
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	NO
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area?  <i>For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.</i>	NO

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
<b>Standard 2: Climate Change Mitigation and Adaptation</b>		
2.1	Will the proposed Project result in significant <sup>6</sup> greenhouse gas emissions or may exacerbate climate change?	NO
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	NO
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)?  <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	NO
<b>Standard 3: Community Health, Safety and Working Conditions</b>		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	YES
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	NO
3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	NO
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	YES
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	NO
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	NO
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	YES
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labour standards (i.e. principles and standards of ILO fundamental conventions)?	NO
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	NO
<b>Standard 4: Cultural Heritage</b>		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	NO

<sup>6</sup> In regards to CO<sub>2</sub>, 'significant emissions' corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	NO
<b>Standard 5: Displacement and Resettlement</b>		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	NO
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	NO
5.3	Is there a risk that the Project would lead to forced evictions? <sup>7</sup>	NO
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community-based property rights/customary rights to land, territories and/or resources?	NO
<b>Standard 6: Indigenous Peoples</b>		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	NO
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	NO
6.3	<p>Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)?</p> <p><i>If the answer to the screening question 6.3 is “yes” the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk.</i></p>	NO
6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	NO
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	NO
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	NO
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	NO
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	NO
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	NO

<sup>7</sup> Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
<b>Standard 7: Pollution Prevention and Resource Efficiency</b>		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	YES
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	YES
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs?  <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol</i>	NO
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	NO
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	NO

## Annexure II: Indicative Outline for ESMP

Below is an indicative outline for the development of an ESMP once project activities have been fully specified and assessed. A number of elements of the SMF feed directly into the ESMP. Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information. The following Annexure on Key Environmental and Social Indicators and Management Measures is an integral part of the ESMP but is provided separately for ease of use.

An ESMP may be prepared as part of the Environmental and Social Impact Assessment (ESIA) or as a stand-alone document.<sup>8</sup> The content of the ESMP should address the following sections:

**(1) Mitigation:** Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (b) describes – with technical details – each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c) estimates any potential social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, indigenous peoples).

**(2) Monitoring:** Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

**(3) Capacity development and training:** To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

**(4) Stakeholder Engagement:** Outlines plan to engage in meaningful, effective and informed consultations with affected stakeholders. Includes information on (a) means used to inform and involve affected people in the assessment process; (b) summary of stakeholder engagement plan for meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project

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<sup>8</sup> This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions.



implementation; and (c) description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

**(5) Implementation action plan (schedule and cost estimates):** For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

## Annexure III: Key Environmental and Social Indicators and Management Measures

The following is a list key management plans which are to be included in the ESMPs as considered relevant.

### **A. Occupational Health and Safety (OHS)**

#### **Background**

The Project Manager shall develop and implement an OHS Management System as a vehicle for managing the OHS hazards and risks and as an instrument for continual i.e. stepwise progressive improvement in UNDP's management of OHS. Safety and Health in Construction Convention, 1988 (No.167) of International Labour Organisation (ILO) is the key convention concerning safety and health in construction. In August 2015, Indonesia ratified ILO's Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The convention defines activities under construction and specifies preventive and protective provisions to be in place for the construction sites. In addition, UNDP's SES includes provisions related to community health, safety and working conditions (Standard 3), including the need to respect and promote workers' rights and that project workers have safe and healthy working conditions to prevent accidents, injuries, and diseases.

Clearly defined roles and responsibilities of key personnel along with authority and availability of resources are essential for planning and managing the OHS elements under the framework. As part of the OHS framework for action, the Project Manager shall establish, implement and maintain procedures for identifying and accessing the legal and other OH&S requirements that are applicable to it.

The site specific ESMP's shall include occupational health and safety measures including safety of workers and other persons, noise, maintenance of equipment, prevention of spread of diseases, debris, cleanliness, ease of movement, any social disputes and general appearance of the subproject including tree planting, etc.

#### **Performance Criteria**

The following performance criteria are set for the project:

1. Establishment of an OHS organisation with clear roles, responsibilities, authority and resources.
2. Identification and monitoring of compliance for key regulations.
3. Presence and implementation of procedures on hazards identification and risk assessment.
4. Establishment and implementation of Contractors OHS Management Plans.

## Monitoring

Monitoring and evaluation are an integral part of OHS management. Systematic monitoring and evaluation require attention to different aspects at all stages of implementation and includes proactive and reactive monitoring. Proactive monitoring involves assessing presence of key elements of systems, procedures and protocols for controls in place.

The Project Manager shall establish, implement and maintain procedures to monitor and measure OH&S performance on a regular basis. These procedures shall provide for both qualitative and quantitative measures, proactive and reactive measures of performance. The Project Manager shall establish, implement and maintain procedures to record, investigate and analyse incidents. The Project Manager shall also establish, implement and maintain procedures which define requirements for identifying and correcting nonconformities and taking actions to mitigate their OH&S consequences

Indicators serve a key role to monitor the OHS performance of the implementing organizations. The indicators shall include qualitative indicators as well as quantitative ones. The Project Manager shall develop appropriate lists of indicators based on particular activities.

## Reporting

The Project Manager shall ensure that internal audits of the OHS management system are conducted at planned intervals to determine whether the OHS management system conforms to planned arrangements for OHS management; has been properly implemented and is maintained; and is effective in meeting the organization's policy and objectives

The results of incident investigations, incidents of nonconformity with the OHS management system, corrective action and preventive action shall be documented and maintained. Monthly reports on OHS are to be provided to UNDP, KfW and Bappenas.

### *Occupational Health and Safety Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
OHS1: Health and safety issue of the construction workers	OHS1.1 Establishment of an OHS organisation with clear roles, responsibilities, authority and resources.	Project start	Project manager	Annual review of compliance with key regulations.
	OHS1.2 Completion of hazards identification and risk assessment for each sub-project.	Sub-Project start	Project manager	Included in Monthly OHS Report.
	OHS1.3 Conduct safety induction before work start. PPE utilization for workers. Conduct regular site inspections, submit reports and oversee corrective action.	Construction and operation phases	Project manager	Monthly or as directed by UNDP

## **B. Groundwater**

### **Background**

Project specific groundwater studies have not been undertaken.

### **Performance Criteria**

The following performance criteria are set for the project:

5. no significant decrease in the quality and quantity of groundwater as a result of construction and operational activities in proximity to the projects;
6. effective implementation of site-specific EDSCPs and other measures to protect groundwater.

By following the management measures set out in the ESMF the project will not have a significant impact on water quality across the broader area.

### **Monitoring**

Refer to the Table below for the monitoring requirements for groundwater.

Ongoing monitoring should form part of the operation of the boreholes.

### **Reporting**

During the project groundwater quality should be assessed initially and then at least every two months. Initial assessment should cover a wide range of parameters (e.g. depth to water, pH, DO, conductivity, nitrates, phosphates, faecal coliforms, heavy metals, turbidity, hydrocarbons) to provide a baseline and to confirm suitability for intended use. Subsequent monitoring parameters will be determined on need.

All water quality monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The WHO must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to water quality is exceeded.

### Groundwater Management Measures

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
GW1: Increase of gross pollutants, hydrocarbons, metals and other chemical pollutants into the groundwater and/or surface water environment.	GW1.1 Conduct regular surface and groundwater quality monitoring in location where the groundwater is likely to be impacted, including assessing the changes to groundwater quality.	Construction and operation phases	Project manager	Two monthly or as directed by UNDP.
	GW1.2: Prevent contaminated surface water from entering aquifers via boreholes and wells - protect from runoff and flooding and keep surrounds clean.	All phases	All personnel	On-going
	GW1.3: Designated areas for storage of fuels, oils, chemicals or other hazardous liquids should have compacted impermeable bases and be surrounded by a bund to contain any spillage. Refuelling to be undertaken in areas away from water systems.	Entire construction and operation phase	All personnel	On-going
	GW1.4: Check all vehicles, equipment and material storage areas daily for possible fuel, oil and chemical leaks. Undertake refuelling at designated places away from water systems.	All phases	All personnel	Daily and maintain records
	GW 1.5: Minimise the use of herbicides, pesticides and other chemicals and use only biodegradable herbicides that have minimal impact on water quality and fauna. Use only as per directions.	All phases	All personnel	Monthly reporting to UNDP

### C. Air Quality

#### Background

All construction activities have the potential to cause air quality nuisance.

The project areas are predominantly village or rural in character. Existing air quality reflects those environments, with dust being the main air quality nuisance.

Workers involved in construction and operation activities should be familiar with methods minimising the impacts of deleterious air quality and alternative construction procedures as contained in Indonesian Government legislation or good international industry practice.

## Performance Criteria

The following performance criteria are set for the construction of the projects:

1. release of dust/particle matter must not cause an environmental nuisance;
2. undertake measures at all times to assist in minimising the air quality impacts associated with construction and operation activities; and
3. corrective action to respond to complaints and/or grievances is to occur within 48 hours.

## Monitoring

A standardized air monitoring program has been developed for the projects (see Table below). The program is subject to review and update at least every two months from the date of issue. Importantly:

1. the requirement for dust suppression will be visually observed by site personnel daily and by UNDP staff when undertaking routine site inspections; and
2. Vehicles and machinery emissions – visual monitoring and measured when deemed excessive.

## Reporting

All air quality monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The UNDP must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to air quality is exceeded.

### *Air Quality Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
AQ1: Increase in dust levels at sensitive receptors.	AQ1.1 Implement effective dust management measures in all areas during design, construction and operation.	Pre and during construction	All personnel	Daily and maintain records
	AQ1.2: Source sufficient water of a suitable quality for dust suppression activities complying with any water restrictions.	During construction	Project manager	Daily and maintain records

## D. Noise and Vibration

### Background

All construction and operation activities have the potential to cause noise nuisance. Vibration disturbance to nearby residents is likely to be caused through the use of vibrating equipment. Blasting is not required to be undertaken as part of this project. The use of machinery or introduction of noise generating

facilities could have an adverse effect on the environment and residents if not appropriately managed. Contractors involved in construction activities should be familiar with methods of controlling noisy machines and alternative construction procedures as contained within good international industry practice. The detail, typical equipment sound power levels, provides advice on project supervision and gives guidance noise reduction. Potential noise sources during construction may include:

1. heavy construction machinery;
2. power tools and compressors;
3. delivery vehicles.

### **Performance Criteria**

The following performance criteria are set for the construction of the projects:

1. noise from construction and operational activities must not cause an environmental nuisance at any noise sensitive place;
2. undertake measures at all times to assist in minimizing the noise associated with construction activities;
3. no damage to off-site property caused by vibration from construction and operation activities; and
4. corrective action to respond to complaints and/or grievances is to occur within 48 hours.

### **Monitoring**

A standardized noise monitoring program is to be developed for the projects. The program will be subject to review and update at least every two months from the date of issue. Importantly, the site supervisor will:

1. ensure equipment and machinery is regularly maintained and appropriately operated; and
2. carry out potentially noisy construction activities during 'daytime' hours only.

### **Reporting**

All noise monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The UNDP must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to noise is exceeded.

### Noise and Vibration Management Measures

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
N1: Increased noise levels	N1.1 Select plant and equipment and specific design work practices to ensure that noise emissions are minimized during construction and operation.	Pre and during construction	Contractor	Maintain records
	N1.2: Specific noise reduction devices such as silencers and mufflers shall be installed as appropriate to site plant and equipment.	Pre and during construction	Contractor	Maintain records
	N1.3 Consultation with nearby residents in advance of construction if noise generating construction activities are to be carried out.	Construction phase	All personnel	Daily and maintain records
	N1.4 All incidents, complaints and non-compliances related to noise shall be reported in accordance with the site incident reporting procedures and summarized in the register.	Construction phase	Project manager	Maintain records
N2: Vibration due to construction	N2.1 Identify properties and structures that will be sensitive to vibration impacts resulting from construction and operation of the project.	Pre and during construction	Contractor	Maintain records
	N2.2 Design to give due regard to temporary and permanent mitigation measures for noise and vibration from construction and operational vibration impacts.	Pre- construction	Contractor	Maintain records
	N1.4 All incidents, complaints and non-compliances related to vibration shall be reported in accordance with the site incident reporting procedures and summarized in the register.	Construction phase	Project manager	Maintain records

## E. Erosion, Drainage and Sediment Control

### Background

The earthworks for cell construction at solid waste disposal sites require considerable volumes of excavation and fill embankments. Locations of potentially high intensity rainfall require special attention to prevent erosion, provide interim drainage to protect adjacent areas and prevention of sediment in nearby drainage channels or marine environments.

Soil erosion depends on several parameters such as type of soil, slope, vegetation, the nature of topography and rainfall intensity. The loss of soil stability and soil erosion can take place due to the removal of vegetation cover, and numerous construction activities. It can cause the loss of soil fertility and induce slope instability. Land preparation for the project could result in blockage or alteration of natural flow paths causing changes in the drainage patterns in the area. Effective and efficient mitigation measures can not only reduce but could improve the conditions over the existing conditions.



In the project area rainfall occurs mostly in the wet season which runs from November to April. Rainfall can have a significant impact on the ability to manage environmental impacts, particularly in terms of managing drainage, erosion and sedimentation. Therefore, activities which involve significant disturbance of soil or operating with drainage lines and waterways should be planned to be undertaken during the driest months. It is also important to ensure that all required erosion and sediment control mechanisms are in place before the onset of the wet season.

### **Performance Criteria**

The following performance criteria are set for the projects:

1. no build-up of sediment in the aquatic environments and/or surface and/or groundwater as a result of construction and operation activities;
2. no degradation of water quality on or off site of all projects;
3. all water exiting the project site and/or into groundwater systems is to have passed through best practice erosion, drainage and sediment controls; and effective implementation of site-specific Erosion, Drainage and Sediment Control Plan (EDSCP).

By following the management measures set out in the ESMF, construction and operation activities of the projects will not have a significant impact as a result of sedimentation across the broader area.

### **Monitoring**

Having water of a quality that is fit for purpose is important. Water quality can affect plant growth, livestock health, soil quality, farm equipment and domestic use. The quality of a water source is also variable depending upon weather and external inputs.

Evaporation increases the concentrations of salts while a flush of water dilutes salts but may increase sediment and fertilisers, and manure or nutrient runoff. Monitoring should be done regularly and more frequently in summer or in periods of prolonged moisture stress.

### **Reporting**

All water quality monitoring results and/or incidents will be tabulated and reported as outlined in the ESMF. The WHO must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to water quality is exceeded.

### *Erosion, Drainage and Sediment Control Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
E1: Loss of soil material and sedimentation to the surface and/or groundwater systems from site due to earthwork activities	E1.1: Develop and implement an EDSCP for any surface works, embankments and excavation work, water crossings and stormwater pathways.	Construction phase	All personnel	Maintain records
	E1.2: Ensure that erosion and sediment control devices are installed, inspected and maintained as required.	Construction phase	All personnel	Maintain records
	E1.3: Schedule/stage works to minimise cleared areas and exposed soils at all times.	Pre and during Construction	Project manager	Maintain records
	E1.4: Incorporate the design and location of temporary and permanent EDSC measures for all exposed areas and drainage lines. These shall be implemented prior to pre-construction activities and shall remain onsite during work	Pre and during construction	Project manager	Maintain records
	E1.5: Locate stockpile areas away from drainage pathways, waterways and sensitive locations.	Pre and during construction	Project manager	Maintain records

## **F. Traffic Management**

### **Background**

Traffic safety should be promoted by all project personnel during displacement to and from the workplace, and during operation of project equipment on private or public roads. Prevention and control of traffic related injuries and fatalities should include the adoption of safety measures that are protective of project workers and of road users, including those who are most vulnerable to road traffic accidents.

### **Performance Criteria**

The following performance criteria are set for the project:

1. zero traffic accidents occur due to project construction works;
2. disruption to local traffic is minimised through limiting use of local roads during peak or other sensitive times; and
3. no complaints received regarding construction traffic.

## Reporting

The UNDP as implementing agency must be notified immediately in the event of any traffic accidents, any failure of contractors to implement or operate agreed traffic controls, and complaints regarding construction traffic.

### *Traffic Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
TM1: Disruption, noise and increased air pollution.	TM1.1: Consultation with the local communities concerning measures to minimise adverse environmental and social impacts due to project traffic.	Pre and during construction phase	Project manager	Maintain records
	TM1.2: Ensure Project personnel are licenced and properly trained in vehicle operation and road safety practices.	Construction phase	Project manager	Maintain records
	TM1.3: Where appropriate provide for clear separation of pedestrian traffic from construction vehicle traffic.	Construction phase	Project manager	Maintain records
	TM1.4: Ensure project vehicles are properly serviced and maintained especially with regard to noise and engine emissions.	Construction phase	Project manager	Maintain records

## G. Waste Management

### Background

As the implementing agency, the UNDP advocate good waste management practice. The preferred waste management hierarchy and principles for achieving good waste management is as follows:

1. waste avoidance (avoid using unnecessary material on the projects);
2. waste re-use (re-use material and reduce disposing);
3. waste recycling (recycle material such as cans, bottles, etc.); and
4. waste disposal (all putrescible and/or contaminated waste to be dumped at approved landfills).

### Performance Criteria

The following performance criteria are set for the project:

1. waste generation is minimised through the implementation of the waste hierarchy (avoidance, reduce, reuse, recycle);
2. no litter will be observed within the project area or surrounds as a result of activities by site personnel;
3. no complaints received regarding waste generation and management; and
4. waste oils will be collected and disposed or recycled off-site.

### Reporting

The UNDP as implementing agency must be notified immediately in the event of any suspected instances of material or serious environmental harm, or if a determined level with respect to waste is exceeded.

#### *Waste Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
WM1: Production of waste and excessive use of resources	WM1.1: Preference shall be given to materials that can be used to construct the project that would reduce the direct and indirect waste generated.	Pre and during construction	Contractor	Maintain records
	WM1.2: Daily waste management practices shall be carried out.	Pre-construction	Contractor	Maintain records
	WM1.3: The use of construction materials shall be optimised and where possible a recycling policy adopted.	Entire construction and operation phase	Contractor	Maintain records
	WM1.4: Separate waste streams shall be maintained i.e. general domestic waste, construction and contaminated waste. Specific areas on site shall be designated for the temporary management of the various waste streams.	During construction	Contractor	Daily and maintain records
	WM1.5: Any contaminated waste shall be disposed of at an approved facility.	During construction	Contractor	Maintain records
	WM1.6: Fuel and lubricant leakages from vehicles and plant shall be immediately rectified.	Entire construction and operation phase	Contractor	Maintain records
	WM1.7: Disposal of waste shall be carried out in accordance with the Government of Indonesia requirements.	During construction	Project Manager	Maintain records

## **H. Monitoring Social Impacts**

### **Background**

The project has been designed with the assistance of stakeholders and aims to provide benefits to the broader community. Notwithstanding, as with any project that involves construction, some dissatisfaction can occur, and conflicts may arise. It is important that potential areas of tension are recognised early, and appropriate actions taken to avoid or minimise conflict.

The project and its sub-projects do not require involuntary resettlement or acquisition of land although they may impact on land during construction activities which will be temporary in nature.

### **Performance Criteria**

The following performance criteria are set for the project:

The project has been designed with the assistance of stakeholders and aims to provide benefits to the broader community. Notwithstanding, as with any project that involves construction, some dissatisfaction can occur, and conflicts may arise. It is important that potential areas of tension are recognised early, and appropriate actions taken to avoid or minimise conflict.

The project and its sub-projects do not require involuntary resettlement or acquisition of land although they may impact on land during construction activities which will be temporary in nature.

1. the community has been consulted and project elements have been designed with their informed consultation and participation throughout the project in accordance with project Stakeholder Engagement Plan;
2. all stakeholders are appropriately represented;
3. avoid adverse impacts to local community during construction and operations and where not possible, minimise, restore or compensate for these impacts;
4. cultural heritage is not adversely impacted;
5. community health and safety is protected and overall well-being benefits derived from the project;
6. complaint and grievance mechanisms are put in place and proactively managed; and
7. long-term social benefits are achieved.

Local stakeholders and community members have a key role to play in the implementation and monitoring of the project.

Consultation with stakeholders will continue. This will help ensure that stakeholders continue to be aware of the project, its progress and any changes in the project. It will also assist in identifying any issues as they arise.

UNDP will be responsible for advisory support and extensions services to local beneficiaries along with being responsible for distributing material inputs and providing technical training and backstopping in the implementation of programme activities.

### Reporting

Records of all consultations are to be kept and reported on monthly basis.

The UNDP must be notified in the event of any individual or community complaint or dissatisfaction and ensure the Grievance Redress Mechanism is complied with.

### *Social Impact Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
D1: Negative perception and/or social tension related to the change of land use	D1.1: Carry out community consultation on the purpose and benefits of making changes to land use.	Pre-construction	Project manager	Maintain records
	D1.2: Get community buy-in on any change of land use.	Pre-construction	Project manager	Maintain records
	D1.3: Ensure compliance with Grievance Redress Mechanism process.	Entire construction and operation phase	Project manager	Maintain records
D2: Public nuisance caused by construction/operation activities (e.g. noise, dust etc)	D2.1: Carry out community consultation prior to undertaking activities.	Pre-construction	Project manager	Maintain records
	D2.2: Implement appropriate management plans (groundwater, air, EDSCP).	Construction and operation	Site supervisor	Daily and maintain records
	D2.3: Ensure compliance with Grievance Redress Mechanism process.	Entire construction and operation phase	Project manager	Maintain records

## Annexure IV: Types of Activities Requiring AMDAL (ESIA) or UKL-UPL (ESMPs)

No.	Sector	Type of Activities	UKL-UPL*	AMDAL**	Remarks for AMDAL**
1.	Solid waste disposal facilities	Construction of domestic waste landfill disposal with the system a controlled landfill / sanitary landfill including its supporting installation	<ul style="list-style-type: none"> <li>- area of landfill &lt; 10 ha</li> <li>- total capacity &lt; 10,000 ton</li> </ul>	<ul style="list-style-type: none"> <li>- area of landfill &gt; 10 ha</li> <li>- total capacity ≥ 100,000 ton</li> </ul>	<ul style="list-style-type: none"> <li>a. Adjustments to the area of the landfill with landfill capacity</li> <li>b. Paradigm change from place final disposal / storage becomes the final processing site.</li> <li>c. Law 18 of 2008 concerning Waste Management where the 3R concept is part of the description Landfill AMDAL activities. It's no longer "open dumping" but as a place final processor, so there is composting and landfill gas (waste to energy). for normal incinerators for small capacity (&lt;100 tons per day) the process is not perfect so the impact can be more important</li> </ul>
		Landfill in tidal areas	<ul style="list-style-type: none"> <li>- area of landfill &lt; 5 ha</li> <li>- total capacity &lt; 5,000 ton</li> </ul>	All capacity / quantity	This landfill arrangement is more stringent than in other regions. Technically, tidal areas are not recommended for landfill. But for some areas that have no choice in other regions can still be allowed to build landfills in tidal areas.
		Development of transfer station	< 1,000 ton / day	≥ 500 ton / day	Location transfer stations are generally located inside or on the outskirts of the city and are built on limited land area.
		Construction of Integrated Waste Management installation	< 500 ton	≥ 500 ton / day	To encourage private / public interest
		Processing with incinerator	< 500 ton/day	All capacity	Domestic waste processing regardless of capacity must be equipped with EIA because currently domestic waste is still mixed with B3 waste.
		Composting Plant	50 ton/day < capacity < 100 ton / day	≥ 500 ton / day	Composting plant capacity is enlarged to encourage private / community interest in composting

No.	Sector	Type of Activities	UKL-UPL*	AMDAL**	Remarks for AMDAL**
2.	Hospital	Social function and culture including building for school, health service, culture, laboratory and general service building	$5,000 \text{ m}^2 \leq \text{area} \leq 10,000 \text{ m}^2$	General building construction criteria: - Land area, or $\geq 5 \text{ ha}$ - Building $\geq 10,000 \text{ m}^2$	General building construction criteria The amount calculated is based on: a. Land acquisition. b. Land carrying capacity. c. Level of daily water needs. d. Waste produced. e. Effect of development on the surrounding environment (vibration, noise, air pollution, etc.) f. KDB (building base coefficient) and KLB. (building area coefficient) g. The number and type of trees that may be lost. h. Social conflicts due to land acquisition (generally located near the city center which has a density) high). i. High-rise building structures and basements cause problems dewatering and disturbance of masts stake in water source aquifers around. j. Generating movement (traffic) and the needs of settlements of a large workforce. k. Generate movements and visitor parking needs. l. Waste production, domestic waste m. Local puddles / floods.
3.	Health Centre	Social function and culture including building for school, health service, culture, laboratory and general service building	$5,000 \text{ m}^2 \leq \text{area} \leq 10,000 \text{ m}^2$	General building construction criteria: - Land area, or $\geq 5 \text{ ha}$ - Building $\geq 10,000 \text{ m}^2$	Same as building construction criteria above



No.	Sector	Type of Activities	UKL-UPL*	AMDAL**	Remarks for AMDAL**
4.	School	Social function and culture including building for school, health service, culture, laboratory and general service building	5,000 m <sup>2</sup> ≤ area ≤ 10,000 m <sup>2</sup>	General building construction criteria: - Land area, or ≥ 5 ha - Building ≥ 10,000 m <sup>2</sup>	Same as building construction criteria above
5.	Irrigation Channel (Irrigation Area)	New development	500 ha < area < 2,000 ha	≥ 3,000 ha	a. resulting in changes in microclimate patterns and regional ecosystems b. always need headworks and buildings large appurtenant structures that have the potential to change existing ecosystems c. resulting in significant mobilization of labor in the region surrounding areas, both during implementation and after implementation d. need large land acquisition so that it has the potential to cause social impacts e. adjusting to PP No. 20 of 2006 concerning irrigation, related the authority and responsibility of the Central Government for the development and management of irrigation systems with an area of 3,000 ha
		Increase with additional area	500 ha < area < 2,000 ha	≥ 1,000 ha	a. Potential to cause negative impacts due to ecosystem changes in the area. b. Requires additional buildings that have the potential to change the existing ecosystem. c. Resulting in human mobilization that can have an impact social. d. Change in water balance
		Paddy field forming, area (grouping)	100 ha < area < 500 ha	≥ 500 ha	a. Need a lot of heavy equipment. b. Water Change

No.	Sector	Type of Activities	UKL-UPL*	AMDAL**	Remarks for AMDAL**
6.	Road	Construction and / or upgrading of roads with widening that requires land acquisition (outside the road):	in a metropolitan city / large <ul style="list-style-type: none"> <li>- length of road with land acquisition area; or 1 km &lt; length &lt; 5 km</li> <li>- extensive land acquisition 2 ha &lt; area &lt; 5 ha</li> </ul>	in a metropolitan / large city <ul style="list-style-type: none"> <li>- length of road with land acquisition area; or ≥ 5 km with the land acquisition ≥ 20 Ha</li> <li>- extensive land acquisition ≥ 30 ha</li> </ul>	Traffic generation, noise, vibration, high emissions, visual disturbances and social impacts
		Construction and / or upgrading of roads with widening that requires land acquisition (outside the road):	in medium city <ul style="list-style-type: none"> <li>- length of road with land acquisition area; or 3 km &lt; length &lt; 10 km</li> <li>- extensive land acquisition 5 ha &lt; area &lt; 10 ha</li> </ul>	in medium city <ul style="list-style-type: none"> <li>- length of road with land acquisition area; or ≥ 5 km with the land acquisition ≥ 30 Ha</li> <li>- extensive land acquisition ≥ 40 ha</li> </ul>	-
		Construction and / or upgrading of roads with widening that requires land acquisition (outside the road):	in village <ul style="list-style-type: none"> <li>- length of road with land acquisition area; or 10 km &lt; length &lt; 30 km</li> <li>- extensive land acquisition 10 ha &lt; area &lt; 30 ha</li> </ul>	in village <ul style="list-style-type: none"> <li>- length of road with land acquisition area; or ≥ 5 km with the land acquisition ≥ 40 Ha</li> <li>- extensive land acquisition ≥ 50 ha</li> </ul>	-

No.	Sector	Type of Activities	UKL-UPL*	AMDAL**	Remarks for AMDAL**
7.	Government Building	Building construction  Business function including office building, trade, industry, hotel, tourism and recreation and building storage	$5,000 \text{ m}^2 \leq \text{area} \leq 10,000 \text{ m}^2$	General building construction criteria:  - Land area, or $\geq 5 \text{ ha}$ - Building $\geq 10,000 \text{ m}^2$	General building construction criteria  The amount calculated is based on: a. Land acquisition. b. Land carrying capacity. c. Level of daily water needs. d. Waste produced. e. Effect of development on the surrounding environment (vibration, noise, air pollution, etc.) f. KDB (building base coefficient) and KLB. (building area coefficient) g. The number and type of trees that may be lost. h. Social conflicts due to land acquisition (generally located near the city center which has a density) high). i. High-rise building structures and basements cause problems dewatering and disturbance of masts stake in water source aquifers around. j. Generating movement (traffic) and the needs of settlements of a large workforce. k. Generate movements and visitor parking needs. l. Waste production, domestic waste m. Local puddles / floods.

**Notes:**

\* UKL/UPL as per Circulation Letter Environmental No. B.5362/Dep/I-1/LH/07/2010 regarding List of Type of Business or Activities that required UKL/UPL

\*\* AMDAL as per Minister of Environment No 05 of 2012 on Type of Business and/or Activities that must have AMDAL

## Annexure V: ToR for Project-level Grievance Redress Mechanism

### I. Mandate

The mandate of the GRM will be to:

- i. receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively "*Grievance*") alleging actual or potential harm to affected person(s) (the "*Claimant(s)*") arising from Project;
- ii. assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies and commissions, CSOs and NGOs, and other natural resource users (collectively, the "*Stakeholders*");
- iii. Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

### II. Functions

The functions of the GRM will be to:

- iv. Receive, Log and Track all Grievances received;
- v. Provide regular status updates on Grievances to Claimants, Policy Board (PB) members and other relevant Stakeholders, as applicable;
- vi. Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution;
- vii. Process and propose solutions and ways forward related to specific Grievances within a period not to exceed sixty (60) days from receipt of the Grievance;
- viii. Identify growing trends in Grievances and recommend possible measures to avoid the same;
- ix. Receive and service requests for, and suggest the use of, mediation or facilitation;
- x. Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings and outcomes);
- xi. Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process;
- xii. Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed;
- xiii. Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM;
- xiv. Monitor follow up to Grievance resolutions, as appropriate.

### III. Composition

The GRM will be composed of UNDP as the Secretariat and either:

- (a) A standing GRM Sub-Committee made up of UNDP, KfW and Bappenas members; and/or
- (b) Ad hoc GRM Task Teams in response to specific requests for grievance

The GRM Sub-Committee will be balanced in composition (government and non-government) and should not include any PB members with a direct interest or role in the grievance/dispute.

### IV. UNDP as Implementing Partner

In its role as GRM Secretariat, UNDP will perform the following core functions:

- Publicize the existence of the GRM and the procedure for using it;
- Receive and log requests for dispute resolution;
- Acknowledge receipt to the requestor;
- Determine eligibility;
- Forward eligible requests to the PB for review and action, and
- Track and document efforts at grievance/dispute resolution and their outcomes.

## **V. Project Board**

The Project Board would perform the following core functions: GRM Sub-Committee and/or GRM Task Team will:

- Take direct action to resolve the grievance/dispute (e.g. bring the relevant parties together to discuss and resolve the issue themselves with oversight by the PB);
- Request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the PB took an appropriate administrative action to deal with a complaint;
- Refer the grievance/dispute to independent mediation, while maintaining oversight; or
- Determine that the request was outside the scope and mandate of the PB and refer it elsewhere (e.g. Ministry of Justice and Police or to the courts).

## **VI. Communicating a Grievance**

### *(i) Who can Submit a Grievance?*

A Grievance can be sent by any individual or group of individuals that believes it has been or will be harmed by the Project.

If a Grievance is to be lodged by a different individual or organization on behalf of those said to be affected, the Claimant must identify the individual and/or people on behalf of who the Grievance is submitted and provide written confirmation by the individual and/or people represented that they are giving the Claimant the authority to present the Grievance on their behalf. The GRM will take reasonable steps to verify this authority.

### *(ii) How is the Grievance Communicated?*

The GRM shall maintain a flexible approach with respect to receiving Grievances in light of known local constraints with respect to communications and access to resources for some Stakeholders. A Grievance can be transmitted to the GRM by any means available (i.e. by email, letter, phone call, meeting, SMS, etc.). The contact information is the following:

[UNDP to add address, phone number, fax, etc.]

To facilitate communications with and between the GRM and potential Claimants, the GRM will receive support from the PB members' institutions and relevant local government units.

### *(iii) What information should be included in a Grievance?*

The Grievance should include the following information:

- a. the name of the individual or individuals making the Complaint (the "Claimant");
- b. a means for contacting the Claimant (email, phone, address, other);

- c. if the submission is on behalf of those alleging a potential or actual harm, the identity of those on whose behalf the Grievance is made, and written confirmation by those represented of the Claimant's authority to lodge the Grievance on their behalf;
- d. the description of the potential or actual harm;
- e. Claimant's statement of the risk of harm or actual harm (description of the risk/harm and those affected, names of the individual(s) or institutions responsible for the risk/harm, the location(s) and date(s) of harmful activity);
- f. what has been done by Claimant thus far to resolve the matter;
- g. whether the Claimant wishes that their identity is kept confidential; and
- h. the specific help requested from the GRM.

## **VII. Logging, Acknowledgment, and Tracking**

All Grievances and reports of conflict will be received, assigned a tracking number, acknowledged to Claimant, recorded electronically, and subject to periodic updates to the Claimant as well as the office file.

Within one (1) week from the receipt of a Grievance, the GRM will send a *written* acknowledgement to Claimant of the Grievance received with the assigned tracking number.<sup>9</sup>

Each Grievance file will contain, at a minimum:

- i. the date of the request as received;
- ii. the date the written acknowledgment was sent (and oral acknowledgment if also done);
- iii. the dates and nature of all other communications or meetings with the Claimant and other relevant Stakeholders;
- iv. any requests, offers of, or engagements of a Mediator or Facilitator;
- v. the date and records related to the proposed solution/way forward;
- vi. the acceptance or objections of the Claimant (or other Stakeholders);
- vii. the proposed next steps if objections arose;
- viii. the alternative solution if renewed dialogues were pursued;
- ix. notes regarding implementation; and
- x. any conclusions and recommendations arising from monitoring and follow up.

## **IX. Maintaining Communication and Status Updates**

Files for each Grievance will be available for review by the Claimant and other Stakeholders involved in the Grievance, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Claimant if previously requested.

The GRM will provide periodic updates to the Claimant regarding the status and current actions to resolve the Grievance. Not including the acknowledgment of receipt of the Grievance, such updates will occur within reasonable intervals (not greater than every thirty (30) days).

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<sup>9</sup> Oral acknowledgments can be used for expediency (and also recorded) but it must be followed by a written acknowledgment.

## **X. Investigation and Consensus Building**

Within one (1) week of receiving a Grievance, UNDP will notify the PB and any other relevant institutions of the receipt of the Grievance.

The PB will identify a specific team of individuals drawn from the PB and/or their respective institutions to develop a response to the Grievance. The names of these individuals will be made available to the Claimant.

The designated PB members [hereafter called Task Team] will promptly engage the Claimant and any other relevant Stakeholders deemed appropriate, to gather all necessary information regarding the Grievance.

Through the PB members, the GRM will have the authority to request from relevant Government institutions any information (documents or otherwise) relevant to resolving the Grievance and avoiding future Grievances of the same nature.

As necessary, the Task Team will convene one or more meetings with relevant individuals and institutions in [national capital], or elsewhere in [name of country] as needed.

The objective of all investigative activities is to develop a thorough understanding of the issues and concerns raised in the Grievance and facilitate consensus around a proposed solution and way forward.

The PB members will procure the cooperation of their respective staff with the investigation.

At any point during the investigation, the Task Team may determine that an onsite field investigation is necessary to properly understand the Grievance and develop an effective proposed solution and way forward.

## **XI. Seeking Advisory Opinion and/or Technical Assistance**

At any point after receiving a Grievance and through to implementation of the proposed solution and way forward, the Task Team may seek the technical assistance and/or an advisory opinion from any entity or individual in [country] or internationally which may reasonably be believed to be of assistance.

## **XII. Making Proposed Actions and Solutions Public and Overseeing Implementation**

The Task Team will communicate to the Claimant one or more proposed actions or resolutions and clearly articulate the reasons and basis for proposed way forward.

If the Claimant does not accept the resolution, the Task Team will engage with the Claimant to provide alternative options.

If the Claimant accepts the proposed solution and way forward, the GRM will continue to monitor the implementation directly and through the receipt of communications from the Claimant and other relevant parties. As necessary, the GRM may solicit information from the relevant parties and initiate renewed dialogue where appropriate.

## **XII. Monitoring and Evaluation**

Bi-annually, the GRM will make available to the public, a report describing the work of the GRM, listing the number and nature of the Grievances received and processed in the past six months, a date and description of the Grievances received, resolutions, referrals and ongoing efforts at resolution, and status of implementation of ongoing resolutions. The level of detail provided with regard to any individual Grievance will depend on the sensitivity of the issues and Stakeholder concerns about confidentiality, while providing appropriate transparency about the activities of the GRM. The report will also highlight key trends in emerging conflicts, Grievances, and dispute resolution, and make recommendations regarding:

- i. measures that can be taken by the Government to avoid future harms and Grievances; and
- ii. improvements to the GRM that would enhance its effectiveness, accessibility, predictability, transparency, legitimacy, credibility, and capacity.

### **XIII. Mediation**

For the option of independent mediation, mediators on the roster/panel should have at least the following qualifications:

- professional experience and expertise in impartial mediation;
- knowledge of disaster recovery in Indonesia and the region, including an understanding of indigenous and tribal culture and practices;
- Indonesian and local language proficiency;
- availability in principle for assignments of up to 20 days; and
- willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

If mediation succeeded in resolving the dispute or grievance, the outcome would be documented by the UNDP and reviewed by the Task Team. If it were unsuccessful, stakeholders would have the option to return to the Task Team for assistance.

### **XIV. Without Prejudice**

The existence and use of this GRM is without prejudice to any existing rights under any other complaint mechanisms that an individual or group of individuals may otherwise have access to under national or international law or the rules and regulations of other institutions, agencies or commissions.



## Annexure VI: Land Acquisition and Resettlement Framework

### Table of Contents

- A. Introduction
- B. Objective
- C. Definition
- D. Laws and Regulation Related to Land Acquisition and Resettlement
- E. Likely Category of Project Affected Persons
- F. Preparation and approval process of LARAP
- G. Eligibility Criteria for Defining Various Categories of PAPs
- H. Methods of Affected Assets Valuation
- I. Forms of Compensation
- J. Consultations and disclosures
- K. Voluntary Land Donation
- L. Grievance Redress Mechanisms (GRM)
- M. Organizational & Financing Arrangements
- N. Monitoring and Reporting
- O. Implementation Arrangement

*Attachment 1: Format of Land Acquisition and Resettlement Action Plan*

*Attachment 2: Summary of Voluntary Land Donation Protocol*

*Attachment 3: Format of the Statement Letter on Land Donation*

*Attachment 4: Format of the Statement on Permit for Land Use*

*Attachment 5: Format of the Statement on Permit for Land Easement*

### DEFINITIONS

Terms	Meaning
Government	The Government of the Republic of Indonesia
Project	Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA)
Provincial government	The <i>propinsi</i> government, headed by a governor or <i>gubernur</i>
Local government	Municipal ( <i>kota</i> ) government (headed by a mayor or <i>walikota</i> ) or district or regency ( <i>kabupaten</i> ) government (headed by a district head/regent or <i>bupati</i> )
Sub-project	Project component implemented at the provincial and/or <i>kabupaten/kota</i> level

## A. Introduction

This Land Acquisition and Resettlement Policy Framework (LARPF) has been prepared in support the Environmental and Social Management Framework (ESMF) for the Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA). Government of Indonesia is working with UNDP in its role as the Implementing Partner for PETRA for the project. KfW is the Senior Supplier and Bappenas the Senior Beneficiary for the work. The project has been screened against UNDP's Social and Environmental Standards (SES) utilizing the UNDP Social and Environmental Screening Procedure (SESP) and deemed a Moderate Risk project.

PETRA includes a range of activities that have not been fully specified in terms of specific locations/components and cannot be fully assessed at this stage for all potential social and environmental risks and impacts. Thus, to allow flexibility during project implementation of the PETRA where some proposed activities may require additional land, temporarily or permanently, this Land Acquisition and Resettlement Policy Framework (LARPF) is developed. The project will ensure that only small-scale land acquisition will take place, which will not have any significant impact on the owners. A Land Acquisition and Resettlement Action Plan (LARAP) will be prepared during project implementation (after the screening, verification and confirmation stage) in the likely event that the sub-project activities will involve land acquisition and/or resettlement. The UNDP requires the project to avoid involuntary resettlement where feasible, and where it is not feasible to be avoided, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.

It is currently envisaged that the proposed project will have the following physical infrastructure activities:

- **health units, including hospitals and community health centres**, reconstructed or rehabilitated using 'build-back better' construction standards;
- **educational establishments, including elementary and secondary schools**, reconstructed or rehabilitated using 'build-back better' construction standards;
- **municipal solid waste treatment and disposal facilities**, using rehabilitated facilities and newly introduced;
- **local irrigation canals and drainage channels** rehabilitated or reconstructed;
- **local drainage culverts and bridges** rehabilitated or reconstructed; and
- **local markets** rehabilitated or reconstructed.

## B. Objective

1. The purpose of this Policy Framework is to provide requirements to the Project Management Unit (PMU) on the principles, process, procedures, and organizational arrangements to be applied to sub-projects requiring land acquisition and resettlement in preparing a Land Acquisition and Resettlement Action Plan (LARAP). A LARAP may need to be prepared during project implementation, once specific planning information of the sub-projects is known.
2. As a framework, LAPRF provides general guidance not only for the preparation and implementation of small-scale land acquisition but also for the bigger scale land acquisition and/or resettlement. Protocol for voluntary land donation will also be provided to anticipate land acquisition through voluntary land donation that may take place.
3. The overall objectives and principles of land acquisition and resettlement in this project are to ensure that:
  - a) Land acquisition and resettlement should be avoided where feasible, or minimized,

exploring all viable alternative sub-project designs;

- b) Where it is not feasible to avoid land acquisition and resettlement, activities of land acquisition and resettlement should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the project affected persons (PAPs) to share the sub-project benefits. The PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing the land acquisition and resettlement programs.
- c) PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-land acquisition and resettlement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Overall, the PAPs' living conditions should not be worse-off due the land taking by the project, while at the same time they should benefit from the project.

- 4. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs and should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them.

### **C. Definition**

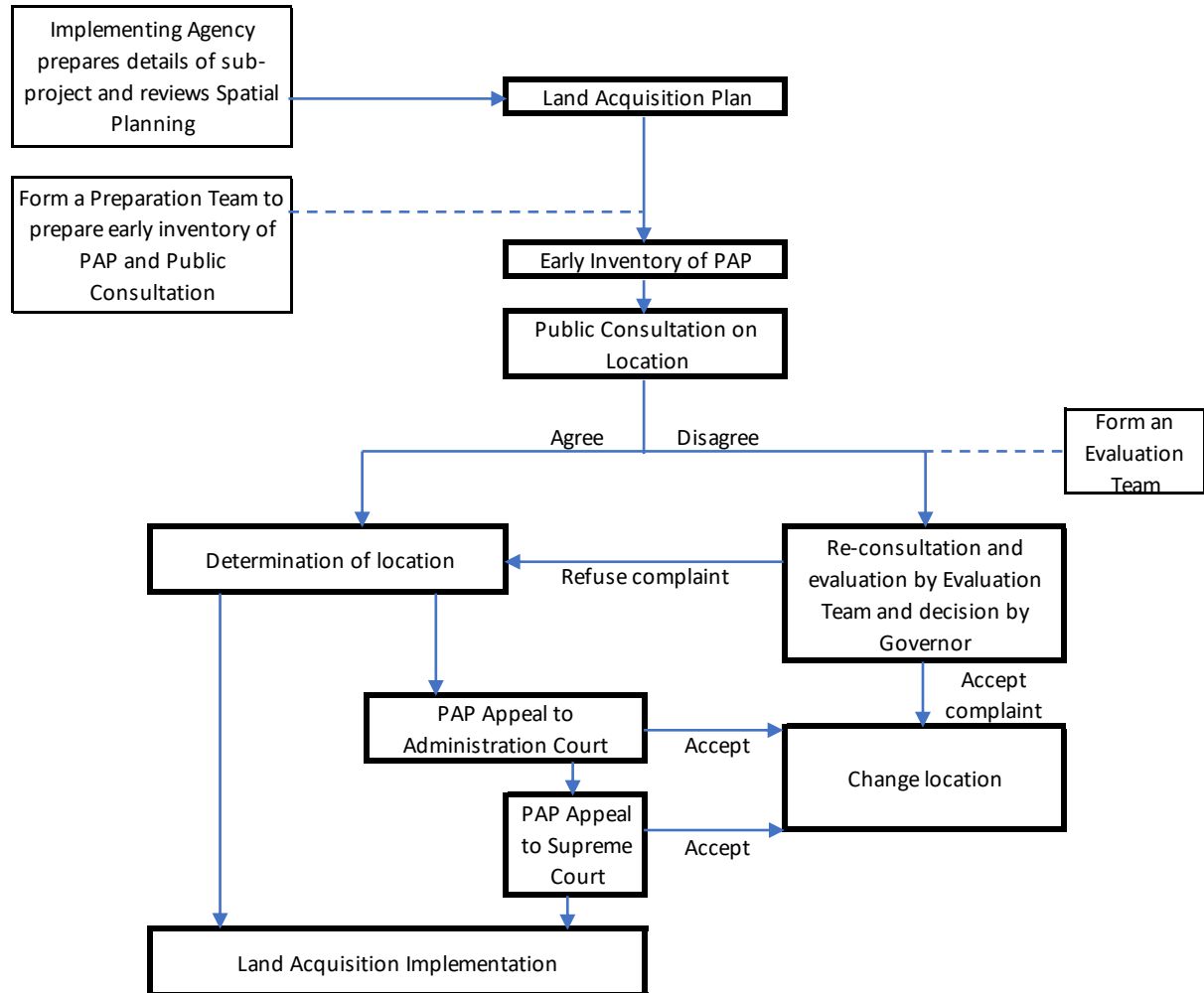
- 5. In this project, involuntary resettlement includes land acquisition implemented under the eminent domain principle that could involve physical and economic displacement. As practice in various ODA supported projects in Indonesia, understanding of involuntary resettlement includes land acquisition implemented under the Indonesian laws and regulations, and resettlement (or relocation). Hence, as the common practice in other ODA supported projects, Land Acquisition and Resettlement Action Plan (LARAP) is the term commonly used that is equivalent with the Loss of Livelihood and Resettlement Plans of UNDP SESP.
- 6. This framework applies for the following situation:
  - a. Impacts caused by sub-projects resulting in involuntary land acquisition, relocation, loss of assets or loss of access to assets, loss of income sources or means of livelihood whether or not the Project Affected Persons (PAPs) must move to another location; resulting in the involuntary restriction of access to legally designated parks and protected areas that would result in adverse impacts on the livelihoods of the PAPs.
  - b. Activities resulting in involuntary land acquisition and resettlement in linked activities, regardless of financing sources that are:
    - Directly and significantly related to the PETRA sub-project;
    - Necessary to achieve the objectives of the sub-project; and
    - Carried out or planned to be carried out contemporaneously with the sub-project.

### **D. Laws and Regulation Related to Land Acquisition and Resettlement**

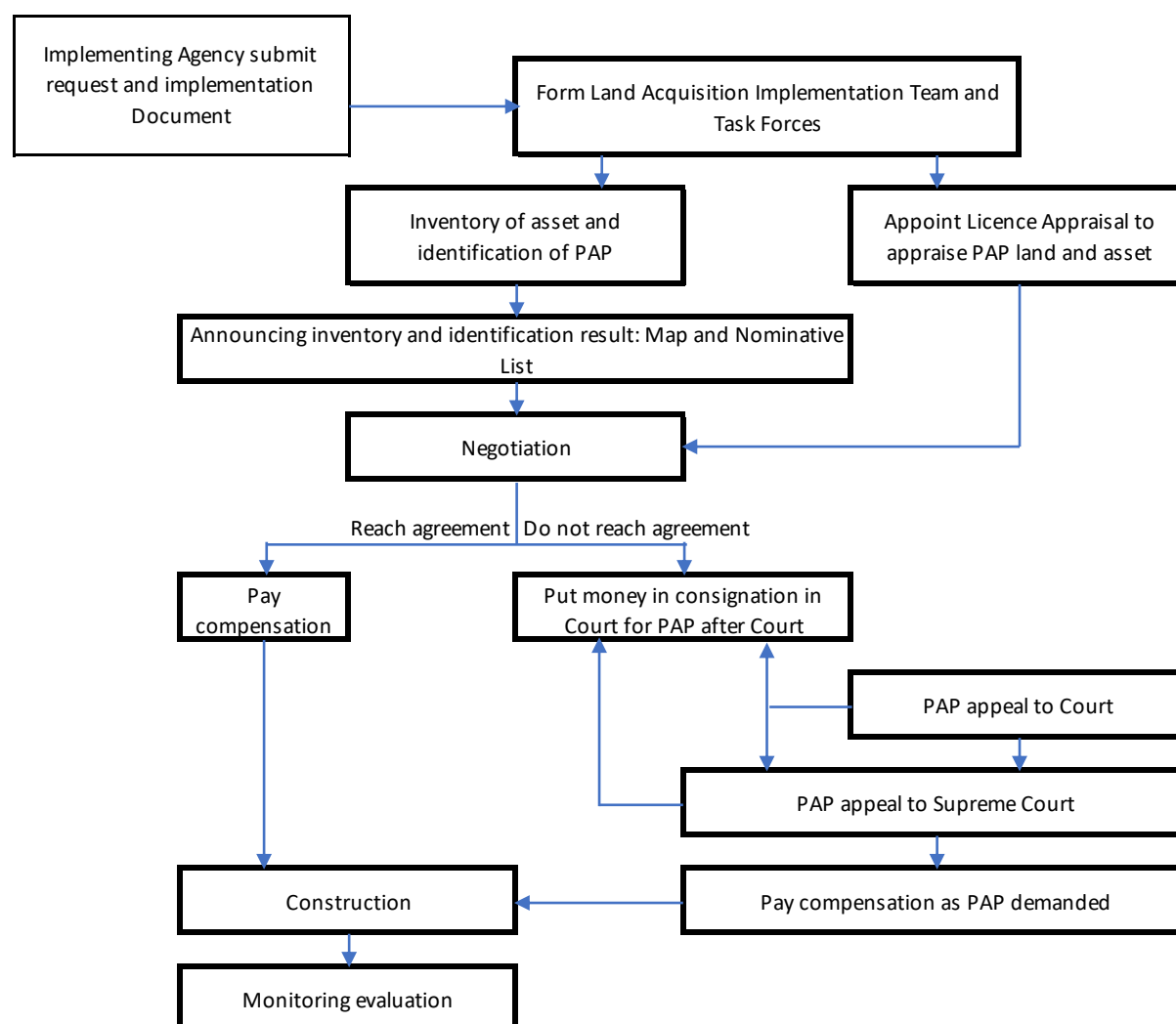
- 7. This framework relies on Government of Indonesia laws and regulations to the extent that they are in compliance with the UNDP requirements. GOI laws and regulations include:
  - a. Law No. 2/2012 on Land Acquisition for Project Activity for Public Interest;
  - b. Presidential Regulation No. 71/2012 on Land Acquisition and its amendments; and
  - c. Regulation of the Head of BPN RI No. 5/2012 on Technical Guidelines on the Implementation of the Land Acquisition.
- Land acquisition process based on Law 2/2012 is shown in **Figure 1** and **Figure 2**.
- 8. The amendment of Presidential Regulation No. 71/2012 on Land Acquisition (Presidential

Regulation No. 40/2014) allows that land acquisition for an area less than 5 Ha to be carried out directly by the agency requiring the land based on willing-buyer-willing seller principle, exchange or other schemes agreed by the two parties. In this case, the required land should be located in one area, and can be obtained in one fiscal year. The agency requiring the land may use licensed appraisers to assess the affected assets.

**Figure 1: Preparation Stage of Land Acquisition Process based on Law 2/2012**



**Figure 2: Implementation Stage of Land Acquisition Process based on Law 2/2012**



### E. Likely Category of Project Affected Persons

9. It is anticipated that the landfill rehabilitation or construction activities would involve some small land acquisition for some PETRA sub-projects. The project anticipates that there would be two general categories of PAPs in this project: (1) persons affected by the acquisition of privately-owned land; (2) persons affected who have lived on the government (state or local government)'s land but do not own the occupied land. These occupants fall into four categories: (a) persons who own and occupy dwellings and other structure built on state or government land without any recognizable legal right or claim to the land they occupy; (b) renters of dwellings and other structures built on state or government land without any recognizable legal right or claim to the land they occupy; (c) encroachers, i.e., persons who extend their personal holdings by encroaching adjacent state or government land; (d) squatter landlords, i.e. persons who derive illegal rents from structures built on state or government land, but do not occupy such structures. Identification of the PAPs will be done during the preparation of LARAP through the census survey.
10. A LARAP should adopt measures to ensure that the PAPs are:
  - a. Informed about their options and rights pertaining to resettlement;
  - b. Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

- c. Provided prompt and effective compensation at full replacement costs for losses of assets attributable directly to the project.
11. If the impacts include physical relocation, a LARAP should also include measures ensuring that the PAPs are:
    - a. Provided assistance (such as moving allowance) during relocation; and
    - b. Provided with residential housing, or housing sites, or else, as required and agreed with the PAPs to at least equivalent the situation in the old sites.
  12. Where necessary to achieve the objectives of land acquisition and resettlement, a LARAP should also include measures to ensure that PAPs are:
    - a. Offered support after displacement for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
    - b. Provided with development assistance in addition to compensation.

#### **F. Preparation and approval process of LARAP**

13. During the sub-project preparation, the PMU will identify activities that will likely involve land acquisition and resettlement and identify the scale of impact of the land acquisition, based on estimated number of affected people and size of land to be taken based on the detail engineering design (DED). Number of affected peoples and/or scale of land acquisition will define whether the PMU should prepare a draft full LARAP or an Abbreviated LARAP:
  - Full LARAP is required when land acquisition affects more than 200 people, takes more than 10% of household productive assets and/or involves physical relocation;
  - Abbreviated LARAP is acceptable if fewer than 200 persons are affected but land acquisition is minor, less than 10% of all productive assets of the affected households is taken.
14. The content is more or less equivalent with the combination of activities under the Land Acquisition Plan and the Inventory and Identification of Land Ownerships, Use and Utilization of Land under the Implementation of Land Acquisition Stage under the national law and regulations. The content of a full LARAP and an Abbreviated LARAP are presented in **Attachment 2**. There are no fundamental differences in terms of achieving objectives of equality and compensating social cost; however, there are some procedural differences between an Abbreviated LARAP and LARAP. The LARAP is more detailed and takes longer to complete. A LARAP needs to include a review of the legal and institutional framework whereas an Abbreviated LARAP does not. An Abbreviated LARAP can be based on an asset census with each affected household while a LARAP requires both an asset census and a community socio-economic survey to provide a monitoring benchmark for understanding how PAPs' socio-economic conditions have changed. Since physical works will be in the existing system, if land acquisitions are involved, they will be in small-scale that will only need Abbreviated LARAPs.
15. The PMU will prepare the LARAP in collaboration mainly with the Land Agency (BPN). The Local Government Planning Agency (Bappeda) will also be consulted particularly to ensure that the LARAP is in conformity with the city spatial development plan, as well as to inform them of the potential estimated budget needs for implementing land acquisition and resettlement. The Draft LARAP will be shared with the PAC/PMU (DGWR) for review. Finally, the reviewed LARAP will be shared with the UNDP for approval. During the LARAP preparation, the PMU will be guided and assisted by the Regional Safeguards Specialist of PMU.

#### **G. Eligibility Criteria for Defining Various Categories of PAPs**

16. PAPs eligible for compensation for the affected assets are those (a) who have land rights ownership; (b) who have land management/use ownership; (c) who have "nadzir" for the

donated land of “wakaf”; (d) land owners for land that used to be owned by adat; (e) “masyarakat hukum adat” (MHA or Adat Community); (f) those who occupy or use state land with good intention/faith; (g) those who hold basic control of land; and/or (h) those who own building/structure, plants and other things related to the land.

## H. Methods of Affected Assets Valuation

17. As required by Law No. 2/2012 and its implementation regulations, values of affected assets will be assessed by licensed appraisers, which will be assigned by the provincial BPN in accordance with the national procurement regulations. The values defined by the licensed appraisers will be used as a basis for negotiation with the PAPs. Types and compensation level will be defined based on the negotiation results between the PMU (who need the land for the sub-project) and the land or property owners. Value assessment will be carried out on per affected land plot basis which include land, space above and beneath land, buildings or structures, plants, things that relate to the affected land and/or other loss that can be valued (e.g. non-physical loss that can be equivalent with monetary value; loss of jobs or income earning sources, cost for moving, cost for change of profession, and value for remaining property). The remaining property that is no longer physically or economically feasible can be also compensated if the owners prefer to do so. Land valuation/appraisal by the licensed appraisers will be carried out based on the MAPPI (Indonesian Society of Appraisers) Standards as specified in MAPPI Guidelines (*Standar Penilaian Indonesia* (SPI) 306).

18. Entitlements Matrix for the Project Affected Persons can see in **Table 9** below.

**Table 9: Entitlements Matrix for the Project Affected Persons**

Project Affected Persons	Entitlements	Expected Outcomes
Land/asset owners who lose land and/or other assets	Compensation for loss of land and other assets based on value assessment carried out by licensed appraisers	Land/asset owners will be fully compensated for the loss of land and asset
Land/asset owners who lose temporarily or permanently their sources of income or livelihoods	Compensation for loss of sources of income or livelihoods based on value assessment for non-physical carried out by licensed appraisers	Land acquisition/resettlement will not result in the impoverishment of the affected land/asset owners
Persons who own and occupy dwellings and other structure built on state or government land without any recognizable legal right or claim to the land they occupy	Compensation for loss of dwellings and other structure, for income sources or livelihoods and resettlement assistance, based on the assessment of the licensed appraisers	Compensation received and resettlement assistance provided will enable households to gain access to adequate housing or to a place that can be legally occupied and land acquisition will not result in the impoverishment of the affected persons.
Renters of dwellings and other structures built on state or government land without any recognizable legal right or claim to the land they occupy	The project considers providing sufficient time (at least 2 months from the cut-off date/at the time of census survey) for the renters to find another place	Renters will find place to rent or to live in accordance to their needs

Project Affected Persons	Entitlements	Expected Outcomes
Encroachers, i.e., persons who aggrandize or extend their personal holdings by encroaching adjacent state or government land	Do not entitle for any compensation for the affected assets that encroached the state or government land	Do not have incentive to encroach state or government land in the future
Squatter landlords, i.e. persons who derive illegal rents from structures built on state or government land but do not occupy such structures.	Do not entitle for any compensation	Do not have incentive to do similar renting scheme in other areas or in the future

#### I. Forms of Compensation

19. Compensation may take several forms: (a) cash; (b) land replacement; (c) resettlement to other site; (d) shares ownership; or (e) other forms of compensation that are agreed both by the PAPs and the agency requiring the land. Compensation may take combination of these depending on the agreements between the PAPs and the agency requiring the land.

#### J. Consultations and Disclosures

20. Consultations and disclosures for acquiring land start from the planning, preparation, and implementation phase. In brief summary, Law No. 2/2012 and its implementing regulations specify that consultations should be carried out in the following activities:
- At planning stage: plan of the location of sub-project, purpose of the development, steps and time frame for land acquisition, roles of licensed appraisers in the asset valuation, incentive or compensation that would be provided for the PAPs, eligible assets or object for compensation, and responsibility and rights of the eligible PAPs. Consultations will use public meetings, media and information in the closest villages/urban neighbourhoods. Consultations will adopt dialogue approach, and can take place more than one time, depending on the need and agreement reached. Agreement will be put in writing. The defined sub-project location requiring land will be disclosed to public in the media, websites of the provincial and city government as well as in the website of the agency requiring the land.
  - BPN will consult the owners of the asset during the inventory and the identification of the affected assets. Results of the inventory will be disclosed in the sub-project area (village/*kelurahan*) or *kecamatan* (sub-district) offices for 14 days to receive complaints.
  - Results of asset valuation done by the licensed appraisers will be provided to the PAPs and used as the basis for negotiations.
  - LARAP document will be disclosed in the *kelurahan*/village where the sub-project requiring land acquisition is located and in posted in the project (MPWH) website ([www.pu.go.id](http://www.pu.go.id)).

#### K. Voluntary Land Donation

21. Voluntary land donation is a common approach in Indonesia for acquiring the land, in particular under the community-based program. Under the PETRA, there may be activities that require small areas of land for community purposes, which may be acquired through land donation. As such, guidance on the voluntary land donation (VLD) for the PMU is required. Consultations and disclosure for acquiring land start from the planning, preparation, and implementation phase. The protocol on conducting VLD refers to Law No. 2/2012 and its implementing regulations and provided in **Attachment 3**.



**L. Grievance Redress Mechanisms (GRM).**

22. Process, procedures, requirements as well time for complaints to be solved during the land acquisition process will follow Law No. 2/2012 and its implementing regulations (including amendments).

**M. Organizational & Financing Arrangements**

23. Organizational arrangements for the process of acquiring land will follow the Law No. 2/2012 and its implementing regulations (including amendments). The PMU will work closely with the land agency (BPN) who is mainly in charge of the process of land acquisition. LARAP will be prepared based on the information provided by the Land Acquisition Plan and Inventory and Identification Report of the BPN. The draft LARAP will be reviewed by PMU and approved by the UNDP. Implementation of the LARAP will be overseen and monitored by the regional implementing unit and regular implementation report will be provided to the PAC and the UNDP. Land acquisition process should be completed prior to the start of the construction.
24. Funds should cover compensation, operational and supporting costs during the planning, preparation, implementation, handover of results, administration and management, and socialization. Confirmation on the scope of land that will have to be acquired for a sub-project will be confirmed during or after the DED is completed. In principle, the funding will be available from the Central Budget (APBN) and/or Local Budget (APBD) or combination of these, under the agency who needs the land. Requirement for the operational and supporting budget from APBN is regulated by the Ministry of Finance, whereas that from APBD is regulated by the Ministry of Home Affairs.

**N. Monitoring and Reporting**

25. The PMU, assisted by the Regional Safeguards Specialist of PMU, will monitor the LARAP preparation and implementation. Process of preparing and content of LARAP will be ensured in reference to the LARPF. Implementation of LARAP will be monitored based on indicators as specified in the approved LARAP, which includes among others: (a) consultation process; (b) eligible PAPs; (c) agreed compensation level and forms; (d) payment of compensation and delivery of assistance; (e) follow-up on the legal process of the acquired land/remaining land; (f) the effectiveness of complaint handling mechanisms; (g) number, type of complaints and follow up; (h) disclosures of the LARAP and transparency during the process of land acquisition; etc. The monitoring report of LARAP implementation will be submitted to the UNDP. The summary of the report will be included in the Quarterly Project Report (QPR).

**O. Implementation Arrangement**

26. PMU will be responsible for training the respective staff to undertake the work of consultation, screening, analyses and preparing LARAP and addressing any grievances.
27. The Project Managers of individual sub-projects and local authorities are responsible for undertaking all works related to land acquisition and resettlement activities and implementing the LARAP (arrange adequate staff and budget) under guidance of the PMU's Team.

## **Attachment 1: Format of Land Acquisition and Resettlement Action Plan**

### **A. Format of Full LARAP**

A full LARAP shall include, at minimum, the elements below, as relevant. If any component is not relevant to the activity/sub-project's circumstances, it needs to be explained in the full LARAP.

#### **1. Description of Sub-project.**

A general description of the sub-project/activity and identification of the site.

#### **2. Potential Impacts.**

Identification of: (a) components of sub-project that would require land and/or relocation; (b) areas to be affected by the sub-project (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 full 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; vulnerable and gender;
- b. Inventory of land parcels and structures affected by the sub-project, covering the following information:
  - Size of total land parcels affected, size of land to be acquired by the sub-project, and size of the remaining land;
  - Ownership status of the land and structure affected by the sub-project and proof of ownerships;
  - Function of land affected by the sub-project;
  - 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 sub-project (trees, crops, wells, fences, etc.).
- c. Total number of PAPs and households affected by the sub-project (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.

#### **5. Socio-economic Study**

The Socio-economic Study must be conducted in the early stage of the sub-project preparation and with the involvement of the potentially PAPs. The Study must include the following components:

Census results and asset inventory, including the following information:

- a. The results of the census of the PAPs in paragraph 4 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 sub-project;
- 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:

- a. The identification of agencies responsible for resettlement activities and NGOs that may have a role in sub-project implementation;

- b. An assessment of the institutional capacity of such agencies and NGOs; and
- c. 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 licensed appraisers.

#### 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 sub-project. 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 sub-project, which requires land acquisition).

#### 14. Participatory Process

Participation of affected community and host community is crucial. This requires:

- a. 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;
- b. A summary of the views expressed by the PAPs and how these views are being considered in the LARAP;
- c. 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);
- d. 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
- e. 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 Redress Procedures

The procedures must be accessible (inexpensive and easy) by any third party to obtain settlement for any dispute arising from the sub-project, as listed in Full 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 a full 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 services 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 sub-project'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 UNDP; 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.

### **B. Format of 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 Activities. An Abbreviated LARAP shall include, at minimum, the following components:

#### **1. Description of the Project Activity**

General description concerning the sub-project and identification of the site.

#### **2. Potential various impacts that may occur**

The identification includes: (i) components of sub-project 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.

#### **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 licensed appraisers.

#### **6. Public consultation with local community members who will lose their land and other assets**

This include activities to (a) inform the PAPs about various impacts of the sub-project, available options for compensation and resettlement assistance, and procedures to obtain compensation, and (b) 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 sub-project's implementation.

*9. Cost and Budget*

Costs estimations for land acquisition are required by the sub-project.

*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.

*12. Monitoring and Evaluation*

Plan for monitoring toward land acquisition and resettlement activity by the implementing agency.

## Attachment 2: Summary of Voluntary Land Donation Protocol

In brief summary, Law No. 2/2012 and its implementing regulations specify that consultations should be carried out in the following activities:

- a. The land donor will receive direct benefit from the sub-project.
- b. The land donor is not categorized as poor.
- c. The land donor is the legitimate owner of such lands.
- d. The land donations must apply to agreed priority sub-project.
- e. Purpose and impacts of proposed activities on donated land must be fully explained to the donor.
- f. The land donations shall not cause relocation nor cause the landowner to lose their land and livelihood in a significant manner.
- g. The donated land is <10% of the total productive land size.
- h. The donated land is not in dispute.
- i. The location and land size is identified by PAPs and verified by facilitators, community forum and it should be free from any environmental impact and health risk.
- j. There are no structures of historic or cultural value on the donated land.
- k. The land donor shall receive clear and complete information about their rights. The landowner needs to be informed about their rights to receive compensation before making the decision to donate the land voluntarily. The donor may request monetary or non-monetary benefits or incentive as a condition for donation.
- l. All family members of the donor must be aware of the donation. Individuals using or occupying community or collective lands must also be aware of the donation.
- m. For community or collective land, donation can only occur with the consent of individuals using or occupying the land.
- n. Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses).
- o. Any donated land that is not used for its agreed purpose is returned to the donor.
- p. In addition, the following aspects need to be carried out:
  - (i) Community facilitators should provide an opportunity to land owners to have an independent consultation prior to making the decision to voluntarily donate their land for the sub-project.
  - (ii) Consultation with landowners concerning land donation must guarantee that no pressure is applied to land owners in the process of deciding on whether to donate land.
  - (iii) Landowners have the right to refuse the land donation and project management should take measures to identify alternative locations for the facilities. The right of refusal is specified in the donation document the donor will sign.
  - (iv) Voluntary land donations must be documented in a legal document, the Statement Letter for Land Donation, to be signed by landowners, facilitators and head of village, community forum, witnesses, as well as heirs. A template Statement Letter for Land Donation is provided in **Attachment 3**.
  - (v) If the land is only permitted for land use or for easement, a Statement Letter is required



and should be signed by landowners, facilitators, and head of village, community forum, and witnesses, as well as heirs. A format for the Statement Letter on the Permit for Land Use is presented in **Attachment 5** and the Format of the Statement Letter on Permit for Land Easement is presented in **Attachment 6**.

- (vi) The community group should attach all other documentation related to voluntary land donation including minutes of meetings, grievances and procedures for the settlement of disputes.
- (vii) Grievance mechanism should follow the project's grievance mechanism. If necessary, the grievance process involves the participation of reviewers who are not directly affiliated with the project implementers or not traditional leaders who are a party to the donation process.
- (viii) An original copy of the Statement Letter should be kept both by the landowner and by the community forum as part of the proposal. A copy of the Statement Letter should be put in the village/*kelurahan* office. The proposal should be made available for the public.
- (ix) The donated land should be legally processed for its ownership status after the land is donated.
- (x) Any taxes to be paid by the land donor for the registration of the land transfer, if applicable, should be covered in full by the project.
- (xi) PMU is also responsible for maintaining the record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise.

### Attachment 3: Format of the Statement Letter on 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

The donated land receiver,

Acknowledgement,

Signature (Land owner)

Signature (on behalf of the Provincial/District/  
City Government)  
Camat as PPAT

Rp.6000 Stamp Duty

(name)

(name)

Signature *Lurah*/Village Head

Signature of Community Board of Trustees

(name)

(name)

Signature of Witnesses

Signature of inheritance

Name 1            signature

Name 2            signature

Name 2            signature

Name 1            signature

Name 2            signature

Name 2            signature

Attachment: Sitemap of land to be donated and photo.

*Remarks: Original copy of this letter will be kept by the land donor and by the community forum as part of the proposal. A copy of the letter should be archived in the kelurahan/village office.*

## Attachment 4: Format of the Statement on Permit for Land Use

I, 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 ..... (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.

Location of the land :  
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 from anyone.

*Place, date this mutual agreement is signed*

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 *Lurah*/Village Head

Signature of Community Forum

(name)

(name)

Signature of Witnesses

Signature of inheritance

Name 1                      signature

Name 1                      signature

Name 2                      signature

Name 2                      signature

Name 2                      signature

Name 2                      signature

Attachment: Sitemap of land to be donated and photo.

*Remarks: Original copy of this letter will be kept by the land donor and by the community forum as part of the proposal. A copy of the letter should be archived in the kelurahan/village office.*

## Attachment 5: Format of the Statement on Permit for Land Easement

I, 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 ..... (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 from anyone.

*Place, date this mutual agreement is signed*

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 *Lurah*/Village Head

Signature of Community Forum

(name)

(name)

Signature of Witnesses

Signature of inheritance

Name 1 signature

Name 1 signature

Name 2 signature

Name 2 signature

Name 2                      signature

Name 2                      signature

Attachment: Sitemap of land to be donated and photo.

*Remarks: Original copy of this letter will be kept by the land donor and by the community forum as part of the proposal. A copy of the letter should be archived in the kelurahan/village office.*

## Annexure VII: Indigenous Peoples Planning Framework

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### DEFINITIONS

Terms	Meaning
Government	The Government of the Republic of Indonesia
Project	Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA)
Provincial government	The <i>propinsi</i> government, headed by a governor or <i>gubernur</i>
Local government	Municipal ( <i>kota</i> ) government (headed by a mayor or <i>walikota</i> ) or district or regency ( <i>kabupaten</i> ) government (headed by a district head/regent or <i>bupati</i> )
Sub-project	Project component implemented at the provincial and/or <i>kabupaten/kota</i> level



## **A. Introduction**

This Land Acquisition and Resettlement Policy Framework (LARPF) has been prepared in support the Environmental and Social Management Framework (ESMF) for the Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA). Government of Indonesia is working with UNDP in its role as the Implementing Partner for PETRA for the project. KfW is the Senior Supplier and Bappenas the Senior Beneficiary for the work. The project has been screened against UNDP's Social and Environmental Standards (SES) utilizing the UNDP Social and Environmental Screening Procedure (SESP) and deemed a Moderate Risk project.

PETRA includes a range of activities that have not been fully specified in terms of specific locations/components and cannot be fully assessed at this stage for all potential social and environmental risks and impacts. Thus, to allow flexibility during project implementation of the PETRA where some proposed activities may require

While indigenous peoples are often associated with rural and remote areas, it is recognized that in Indonesia's urban context there are increasingly development and encroachment of urban activities on indigenous peoples' lands. The IPPF is provided to ensure screening to identify the presence of indigenous peoples, processes to assess and mitigate any impacts on these segments of the population.

## **B. Objective**

1. The primary objectives of the Framework are:
  - a. Ensure that IPs participate in and benefit from the Project;
  - b. Avoid or minimize potentially adverse effects of the Project on IPs, and if it is unavoidable, develop and implement mitigation measures based on free, prior, and informed consultation resulting in broad supports from the impacted IPs communities;
  - c. Maximize the potential positive effects of the Project on the IPs, based on free, prior, and informed consultations with the IPs ensuring that the design and implementation of the Project incorporate aspirations and needs of the IPs;
  - d. This is in line with the national objective in empowering indigenous communities including with various development activity programs available within their location, and if necessary, ensuring their protection, reinforcement, development, through advocating to improve their social prosperity.

## **C. Definition**

2. The Government of Indonesia defines Indigenous Peoples as Isolated Indigenous Community (*Komunitas Adat Terpencil/KAT*). The national legislation, Presidential Decree No. 111/1999 on Social Empowerment of Isolated Indigenous Community sets the criteria of indigenous community as follows: a) in form of small, closed and homogenous community; b) social infrastructure supported by familial relationship; c) in general geographically remote and relatively difficult to reach; d) in general live with sub-system economy; e) its equipment and technology is simple; f) dependency to local environment and natural resources are relatively high; g) limited access of social, economic, and political services.
3. The terms "indigenous peoples", "indigenous ethnic minorities" and "tribal groups", describe social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. For the purposes here, "indigenous people" is the term that will be used to refer to these groups.
4. Indigenous people are commonly among the poorest segments of a population. According to the Bank policy, the term "Indigenous Peoples" is used in generic sense to refer to a distinct, vulnerable, social and cultural group processing the following characteristics in varying degrees:

- a) a close attachment to ancestral territories and to the natural resources in these areas;
  - b) self-identification and identification by others as members of a distinct cultural group;
  - c) an indigenous language, often different from the national language; and
  - d) presence of customary cultural, economic, social or political institutions.
5. For the purpose of this Framework, the definition of IP will follow both the criteria of the Bank and the national legislation under Ministry of Social Affairs.

#### **D. Laws and Regulation Related to IPs**

6. This framework takes into account issues related to IPs as included in the following Law and Regulations:
- a. UUD 1945 (Amendment) Chapter 18, clause #2 and Chapter 281 clause # 3;
  - b. Law No. 41 on Forestry (plus Constitutional Court Decision No. 35/PUU-X/2012);
  - c. MOHA Regulation No. 52/2014 on the Guidelines on the Recognition and Protection of MHA;
  - d. Ministerial Regulation of MOH No. P.62/2013 (adjustment of Ministerial Regulation No. P.44/2012) on the Establishment of Forest Area;
  - e. Joint Regulation of MOHA, Ministry of Forest, Ministry of Public Works and Land Agency No. 79/2014 on Procedures to Settle Land Ownership Conflict in Forest Area;
  - f. Regulation of the Minister of Land Agency and Spatial development No. 9/2015 on the Procedures to Establish the Land Communal rights on the MHA Land and Community Living in the Special Area;
  - g. Law No. 6 / 2014 on Village; and
  - h. Law No. 18/2013 on Prevention and Alleviation of Deforestation (UUP3H).

Additionally regard to be given to Ensure UNDP guidance on indigenous peoples is used: [https://info.undp.org/sites/bpps/SES\\_Toolkit/default.aspx](https://info.undp.org/sites/bpps/SES_Toolkit/default.aspx), and guidance on the outline for an IPP: [https://info.undp.org/sites/bpps/SES\\_Toolkit/layouts/15/WopiFrame.aspx?sourcedoc=/sites/bpps/SES\\_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/Indigenous%20Peoples%20Plan%20Indicative%20Outline.docx&action=default](https://info.undp.org/sites/bpps/SES_Toolkit/layouts/15/WopiFrame.aspx?sourcedoc=/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/Indigenous%20Peoples%20Plan%20Indicative%20Outline.docx&action=default)

#### **E. Screening for Indigenous Peoples among the Affected Populations**

- 7. Once the sub-project areas are defined (annually), the PMU will screen, verify and confirm on the presence of the IPs in reference to the above characteristics. In doing so, PMU will consult experts, local universities or NGOs who have good knowledge or have worked on IPs in the area and use available references e.g. IP Study 2016 by the World Bank and other sources. Further, PMU will consult the communities concerned and neighboring communities to confirm that they are IPs.
- 8. In the case that the presence of IPs is confirmed and they will be part of or affected by the project, PMU under the guidance of Safeguard Specialist, or assisted by consultants if necessary, will carry out a Social Assessment (SA) at the village level. Principles of free, prior and informed consultations, with the affected IPs communities will be adhered to and documented. Potential adverse and positive effects of the project will be identified during the SA preparation.

#### **F. Social Assessment and Consultation**

- 9. During the preparation of the sub-project proposal and/or sub-project approval, a Social Assessment process will be undertaken to define the nature and scope of impacts on the IP among the affected populations. By gathering both qualitative and quantitative data in the sub-project areas, the basic social and economic profile of beneficiary population or project affected people will be developed.

10. The Social Assessment (SA) will be undertaken by qualified social scientists (or consultants). The SA will gather relevant information on the following: demographic data; social, cultural and economic situation; and social, cultural and economic impacts - positive and negative. It may form part of the AMDAL, or a supplement to the AMDAL (EIA), or be developed as a stand-alone document on social conditions and impacts.
11. The Social Assessment will become a basis for formulating specific measures to consult with, and give opportunity for IP populations in participating decision making related to the sub-project, should they so desire. The Social Assessment process itself is often the method by which such consultations are undertaken; however, they can be undertaken as a separate exercise.

### **Indigenous Peoples Plan**

12. An Indigenous Peoples Plan (IPP) will be prepared by PMU under the guidance of a Safeguard Specialist during the sub-project implementation (after the screening, verification and confirmation stage) in the event that IPs will likely be affected by sub-project activities. In cases where IPs communities are the beneficiaries of the sub-project(s), such as in the Community Participation (CP) program, full consultation and participation in decision making are mainstreamed into program cycles. In the case that a sub-project needs to acquire land belonged to IPs community or individual of the IPs community, the LARPF (Land Acquisition and Resettlement Policy Framework) applies.
13. Free, prior and informed consultations will be conducted through a series of meetings, including separate group meetings: indigenous village chiefs; indigenous men; and indigenous women, especially those who live in the zone of influence of the proposed work under sub-project. Discussions will focus on sub-project impacts, positive and negative; and recommendations for design of sub-projects. If the SA indicates that the proposed sub-project will cause adverse impact or that the IP community rejects the proposal, the sub-project will not be approved (and therefore no further action is needed). If the IP supports the sub-project implementation an IPP will be developed to ensure that the IP will receive culturally appropriate opportunities to benefit from the sub-project activities.
14. The IPP is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed. It will include the following elements, as needed:
  - a. A summary of Social Assessment;
  - b. A summary of results of the free, prior, and informed consultation that was carried out during sub-project preparation;
  - c. A framework for ensuring free, prior, and informed consultation with the affected indigenous communities during project implementation;
  - d. An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits culturally appropriate;
  - e. The cost estimates and financing plan for the IPP;
  - f. Accessible grievance mechanism, which takes into account the availability of customary mechanism;
  - g. Monitoring, evaluation and reporting mechanism.
15. The IPP of each sub-project should be reviewed by the PMU and approved by the UNDP before sub-project implementation begins.
16. The IPP should be disclosed publicly in a local language so that accessible to the affected indigenous community as well as posted at the project/MPWH website ([www.pu.go.id](http://www.pu.go.id))

17. In the case that IPs constitute the beneficiaries of the project, the design and implementation of the sub-project(s) will accommodate the aspirations and needs of the IPs.
18. For the areas where IPs communities are identified, regional implementing unit will organize training for relevant facilitators in how to work with IPs communities in a meaningful way and in good faith to identify mechanisms for effective participation through free, prior and informed consultations, and address specific challenges in working with such groups. For example, how to deal with groups that may be in conflict with the larger community, etc.
19. Because the IPs communities speak a language different from Bahasa Indonesia, if they are not fluent in the national language, then facilitation and socialization will be held in a language that these communities can easily understand. Relevant brochures and documents will be translated in the appropriate language. Provision has been made in the project budget to allow for additional translations of relevant project documents.
20. The above aims at ensuring that IPs communities participate fully in the project with free, prior and informed consultations, are aware of their rights and responsibilities, and are able to voice their needs during the community forum establishment as well as developing the community work plan.

#### **G. Principles if a Sub-Project Affects Indigenous Peoples**

21. There are a number of main steps to be applied when the IPs are presence in the sub-project area and are part of the beneficiaries, in relation to the development of Indigenous Peoples Plan (IPP).
22. PMU will ensure that free, prior and informed consultations are undertaken, in a language spoken by, and location convenient for, potentially affected IPs. The views of IP are to be taken into account during preparation and implementation of any sub-project, while respecting their current practices, beliefs and cultural preferences. The outcome of the consultations will be documented into the sub-project documents.
23. If the IPs conclude that the subproject will be beneficial to them, and that any minor adverse impacts, if any, can be mitigated, a plan to assist them will be developed based on consultation with the IPs and local representatives. The community should also be consulted to ensure that their rights and culture are respected. The assistance may also include institutional strengthening and capacity building of indigenous villages and community groups working with the sub-project.
24. Where the indigenous peoples speak a language different from Bahasa Indonesia, relevant brochures and documents will be translated in the appropriate language. Provision has been made in the project budget to allow for additional translations of relevant project documents.
25. These steps will be aimed at ensuring that indigenous people participate fully in the project, are aware of their rights and responsibilities, and are able to voice their needs during the social/economic preliminary survey/exercise and in the formulation of the sub-projects and operational policies. In addition, they will be encouraged to submit subproject proposals that cater to their group's needs, if necessary.

#### **H. Grievance Redress Procedures**

26. The project has a complaint system that allows community members to raise issues or complaints at sub-project (village) level to the national level. The project has designated contact numbers for complaints via phone-calls and short text message (SMS) systems. There are designated staff members at the PMU responsible for following-up on complaints and ensuring that they are handled adequately. Where IPs communities are concerned, the facilitators under CP component will ensure that grievance redress mechanisms are developed in culturally appropriate ways in close collaboration with the relevant group.

#### **I. Reporting, Monitoring and Documentation**

27. Besides specific attention to IP issues in supervision and monitoring, PMU will include these matters in their progress reporting (Quarterly Progress Report). The World Bank supervision missions will periodically pay special attention to ensure that the subprojects affecting IPs afford benefits to them and no adverse impacts on them.

**J. Implementation Arrangement**

28. PMU will be responsible for training the respective project implementing unit or local authorities to undertake the work of consultation, screening, social assessment, analyses and preparing IPPs and addressing any grievances.
28. PMU of individual sub-projects and local authorities are responsible for undertaking all those works related to IPs and implementing the IPP (arrange adequate staff and budget) under the guidance of the regional implementing unit.