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INDONESIA

ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP) PALU  
SUB-PROJECT: SCHOOLS AND COMMUNITY HEALTH CENTRES  
2020

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2020



**PT. YODYA KARYA** (Persero)

ARCHITECTS ENGINEERING &  
MANAGEMENT CONSULTANT

Center  
65-661  
GHS 1001

**In Joint Venture with**



PT. BUMI HARMONI INDOGUNA  
KONSULTAN TEKNIK DAN MANAJEMEN



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## Glossary of Terms and Abbreviations

AMDAL	<i>Analisis Mengenai Dampak Lingkungan</i> – Process of environmental impact assessments that will produce ANDAL (ESIA) and RKL-RPL (ESMPs)
ANDAL	<i>Analisis Dampak Lingkungan</i> – Environmental and social impact assessment/statement
AWP	Annual Work Plan
BAPPENAS	<i>Badan Perencanaan Pembangunan Nasional</i>
BPLHD	<i>Badan Pengendalian Lingkungan Hidup Daerah</i> - Regional Environmental Management Agency
CO UNDP	UNDP Country Office
DED	Detail Engineering Design
DLH	<i>Dinas Lingkungan Hidup</i> –Local Government Environmental Agency
EDSCP	Erosion, Drainage and Sediment Control Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FGD	Focus Group Discussion
GBVH	Gender-Based Violence and Harassment
GRM	Grievance Redress Mechanism
ILO	International Labour Organization
KA-ANDAL	<i>Kerangka Acuan</i> – ANDAL (Terms of Reference of ESIA)
OAI	UNDP's Office of Audit and Investigations

OHS	Occupational Health and Safety
PAC	Project Advisory Committee
PETRA	Sulawesi-Lombok Programme for Earthquake and Tsunami Reconstruction Assistance
PIP	Project Implementation Plan
PMU	Project Management Unit
PPE	Personal Protective Equipment
PSC	Project Supervision Consultant
PUSKESMAS	<i>Pusat Kesehatan Masyarakat</i> (Local Health Centre)
QPR	Quarterly Project Report
RENAKSI	<i>Rencana Aksi Rehabilitasi dan Rekonstruksi</i> - Rehabilitation and Reconstruction Action Plan
SA	Social Assessment
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
UKL-UPL	<i>Upaya Pengelolaan dan Pemantauan Lingkungan</i> – Partial Environmental Impact Management and Monitoring Plan

## CHAPTER I INTRODUCTION

The following document is based on the Environmental and Social Management Framework document which was prepared and approved by the PAC in June 2019. A number of elements of the ESMF feed directly into the ESMP. Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information. The ESMP, when approved by the PAC, will be included in its entirety in the bidding documents for the construction of schools and community health centre facilities in Central Sulawesi as part of PETRA project. The reconstruction activities of schools and community health centres (PUSKESMAS) take place in four administrative areas, namely Palu City with four school units, Sigi District with seven school units and one PUSKESMAS, Donggala District with three school units and one PUSKEMAS, and Parigi Moutong District with seven school units. Outputs which will be achieved through the implementation of the Central Sulawesi-Lombok Programme for Earthquake and Tsunami Reconstruction Assistance (PETRA) activities include:

*Table 1: Project Locations*

No.	District	Sub-District	Village	Reconstruction
1	Palu	Tatanga	Boyaoge	SDN 21 Palu
2	Palu	Tatanga	Pengawu	SDN Pengawu
3	Palu	Palu Timur	Besusu Tengah	SMPN 14 Palu
4	Palu	Mantikulore	Talise	SMKN 8 Palu
5	Sigi	Sigi Biromaru	Jono Oge	SD INPRES Jono Oge
6	Sigi	Sigi Biromaru	Sidera	SMKN 1 Sigi
7	Sigi	Sigi Biromaru	Sidera	SDN Bulupountu Jaya
8	Sigi	Sigi Biromaru	Sidondo IV	SDN Lompio
9	Sigi	Kulawi	Bolapapu	PUSKESMAS Kulawi
10	Sigi	Kulawi	Bolapapu	SMPN 3 Sigi
11	Sigi	Kulawi	Boladangko	SDN Boladangko
12	Sigi	Kulawi Selatan	Gimpu	SDN 2 Gimpu
13	Donggala	Sirenja	Lande Tovea	SMPN 3 Sirenja
14	Donggala	Balaesang Tanjung	Malei	PUSKESMAS Malei
15	Donggala	Labuan	Labuan Induk	SMPN 1 Labuan
16	Donggala	Sindue Tobata	Sindue	SMPN Satap 3 Sindue Tobata
17	Parigi Moutong	Kasimbar	Kasimbar	SDN 3 Kasimbar
18	Parigi Moutong	Siniu	Marantale	SD Inpres Marantale
19	Parigi Moutong	Parigi Utara	Toboli	SDN Toboli
20	Parigi Moutong	Parigi Barat	Parigimpuu	SDN Parigimpuu
21	Parigi Moutong	Torue	Purwosari	SDN Purwosari
22	Parigi Moutong	Parigi Selatan	Sumber Sari	SMPN 2 Satap Parigi Selatan
23	Parigi Moutong	Parigi Utara	Toboli	SMPN 1 Parigi Utara

### Land Acquisition

All works are proposed to be constructed on the original sites, except for the Boladangko elementary school (SD Negeri Boladangko) in Sigi District and junior high school (SMP) Negeri Satap 3 Sindue Tobata in Donggala District. After considering recommendations from the Geological Agency, it has been decided to move the location of SDN Boladangko due to several problems with the former school location. The former location is near the main river and prone to flooding and associated debris. The ground is cracked by lateral spreading (opening of around 30 cm) and there is movement towards the river. Also, the groundwater level is about 0.4 m from the

Cone Penetration Test (CPT) data and the site is prone to liquefaction. Moreover, the water pools may contribute to a saturated zone that can trigger liquefaction. While for the SMP in Sindue Tobata the reason of relocation is more on the administrative side as the buildings that are used to function as elementary and senior high school, now will be separated to its particular function.

Land acquisition for public use that is used for the construction of social facilities (schools) is regulated in article 10, letter (l), Law No. 2 of 2012. This provision is implemented through several stages, namely planning, preparation, implementation, and delivery of results.

If this site is to remain within the sub-project, the land acquisition is proposed to proceed in accordance with Annexure II: Land Acquisition and Resettlement Framework.

As an additional note, the authority of the Satap 3 Sindue Tobata Junior High School requested to move the school reconstruction to a new site for which UNDP had agreed to respond by conducting additional soil investigation in the new location. Although technically the old location that has been determined is still relatively safe based on recommendations from the Geological Agency, the school authorities have other reasons related to the future school development and limited land in old site for student's play area. The following are some of the notes summarised from the Geological Agency's survey and the report of the soil investigation at the proposed new site.

Based on Geology Agency data:

Zone	:	Green
Lithology	:	Loose fine sand
Groundwater level:		Undefined on the surface but qualitatively less than 5m
Ground cracking:		None
Geodynamic process:		Geomorphologic process

Based on the report on the results of the soil investigation:

The carrying capacity of the soil is based on the average cone value,  $q_c$  according to depth is as follow:

At a depth of 1,00m the value of  $q_c$  is  $80 \text{ kg/cm}^2$

At a depth of 1,50m the value of  $q_c$  is  $110 \text{ kg/cm}^2$

At a depth of 2,00m the value of  $q_c$  is  $200 \text{ kg/cm}^2$

Recommendations for foundation design are to use a shallow square foundation and an elongated foundation with a width of  $B > 1,20 \text{ m}$ .

## CHAPTER II MITIGATION AND MONITORING

### 2.1. Anticipated Adverse Social and Environmental Impacts

The SESP for the Central Sulawesi Subproject of schools and community health facilities has identified the environmental and social risks listed in the following table. Table 2 includes broad provisions for dealing with the identified risks.

*Table 2: Environmental and Social Risks Identified and ESMP Provisions*

Potential Social and Environmental Risks	ESMP Provisions
<b>Principle 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?	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. Potential conflict with affected population requires a stakeholder engagement plan, plan to monitor social impacts and a grievance redress mechanism.
<b>Principle 3: Environmental Sustainability</b>	
<b>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?	OHS provisions to avoid dangers to occupational health and safety of workers and local communities. Air quality, noise and vibration and traffic management plans are required.
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)?	OHS provisions to avoid dangers to occupational health and safety of workers and local communities. Waste management plan is required with special attention to asbestos waste management. Air quality and traffic management plans required.
3.4 Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	Building structural designs checked for adequacy. Site safety provisions due to working in proximity to operational schools during construction.
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?	Plans for OHS, air quality, noise and vibration, traffic management and waste management required to minimise impacts during Project construction. Hazardous waste management plan also required for PUSKESMAS operation.
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)?	OHS plan includes reference to principles and standards of ILO fundamental conventions.
<b>7. Pollution Prevention and Resource Recovery</b>	
7.2 Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	Waste management plan is required with special attention to management of asbestos waste. Hazardous waste management plan also required for PUSKESMAS operation.

The above assessment indicates that the Construction Contract must provide for the implementation of the following plans:

- Occupational Health and Safety
- Air Quality
- Noise and Vibration

- Traffic Management
- Waste Management
- Monitoring Social Impacts, and
- Stakeholder Engagement

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

### **2.2.1. 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 OHS framework should include labour standards that promote gender equality and minimise gendered harm, as outlined in ILO's ABC of Workers; Rights and gender equality, 2<sup>nd</sup> Ed, 2007.

This ESMP includes occupational health and safety measures including the safety of workers and other persons, noise, maintenance of equipment, prevention of transmission of diseases (Especially COVID-19 Pandemic), debris, cleanliness, ease of movement, any GBVH, social disputes and general appearance of the subproject including tree planting, etc.

### **2.2.2. 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 Construction OHS Management Plans.

### **2.2.3. 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 the 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 OHS 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 that define requirements for identifying and correcting nonconformities, including GBVH, and taking actions to mitigate their OHS consequences.

Indicators serve a key role in monitoring 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.

### **2.2.4. 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.

Table 3. 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 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

## 2.3. Air Quality

### 2.3.1. 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.

### 2.3.2. 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.

### 2.3.3. Monitoring

A standardized air monitoring program has been developed for the projects (see Table 4 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.

### 2.3.4. 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.

Table 4. 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

## 2.4. Noise and Vibration

### 2.4.1. 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.

### 2.4.2. 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.

### 2.4.3. Monitoring

A standardized noise monitoring program is to be developed for the projects. 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.

### 2.4.4. 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.

*Table 5. 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

## 2.5. Traffic Management

### 2.5.1. 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. This should include safe pathways around the site for people living with disabilities (PLWD), including those who are mobility-impaired, vision-impaired, and hearing-impaired.

### 2.5.2. 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 by limiting the use of local roads during peak or other sensitive times; and
3. No complaints received regarding construction traffic.

### 2.5.3. 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 the agreed traffic controls, and complaints regarding construction traffic.

*Table 6. Traffic Management Measures*

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
TM1: Disruption due to Project vehicular traffic.	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 vehicles are properly serviced and maintained especially with regard to noise and engine emissions.	Construction phase	Project manager	Maintain records

## 2.6. Waste Management

### 2.6.1. 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).

### 2.6.2. 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 of or recycled off-site.

### 2.6.3. 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.

*Table 7. 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	Contractor	Maintain records

## 2.7. Monitoring Social Impacts

### 2.7.1. 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, GBVH is a risk, community dissatisfaction can occur, and conflicts may arise. It is important that inappropriate behaviour and potential areas of tension are recognised early, and appropriate actions are 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 land during construction activities which will be temporary in nature.

### 2.7.2. Performance Criteria

The following performance criteria are set for the project:

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, including women, PLWD, the elderly and other disadvantaged or marginalized groups;
3. avoid adverse impacts to the 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. gender-sensitive complaint and grievance mechanisms are put in place and proactively managed; and
7. long-term social benefits are achieved for all.

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.

### 2.7.3. Reporting

Records of all consultations are to be kept and reported on a monthly basis. Any reports of GBVH must be recorded and reported within a week of the complaint.

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.

*Table 8. 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 or GBVH incident	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 the gender-sensitive	Entire construction and operation	Project manager	Maintain records

Issue	Control activity (and source)	Action timing	Responsibility	Monitoring & reporting
	Grievance Redress Mechanism process.	phase		
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

### CHAPTER III 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.

*Figure 1: Institutional Arrangements for the Implementation of ESMP*



The broad responsibilities of the various parties include:

1. **Project Advisory Committee:** 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 second tier of PETRA's governance system will address project implementation, assurance (or quality control) and oversight dimensions. The PAC will receive, process and act on, where necessary, the ESM reports provided by the PM. The PAC will oversee the implementation and management of the GRM. The PAC will ensure adequate funding for the implementation of the ESMP.
2. **Project Manager:** The PMU will be led by a Project Manager (PM) based in Central Sulawesi; a (smaller) sub-field office in Lombok will be 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 the guidance provided by the CO. 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 PM will have primary responsibility in the implementation of activities related to stakeholder management and monitoring social impacts. The PM will monitor and report any complaints received under the GRM and in the event of any individual or community complaint or dissatisfaction, the PM will ensure the GRM is complied with. The PM will bear the overall responsibility to see that the various plans for impact minimization are properly implemented. The PM will prepare weekly, monthly and semi-annual reports on ESM for the PAC.
3. **Environmental Advisor:** The EA will make periodic visits to the sites to audit the ESMP implementation and assist the PM in the preparation of periodical ESM reports.
4. **Site Supervisor:** The 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 regular audits. The site supervisor will prepare daily ESM reports for the PM.
5. **Contractor:** The Contractor will be responsible for the day-to-day compliance of the ESMP at the specific project site. He 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. Particular attention is drawn to the need for preparation of an OHS Management Plan, implementation of induction, and periodic training on safety and provision of PPE for all associated with site activities.

## **CHAPTER IV STAKEHOLDER ENGAGEMENT PLAN**

### **4.1. Stakeholder Engagement Plan**

The following outlines the plan to engage in meaningful, effective and informed consultations with affected stakeholders. The plan provides details of (a) the wide-reaching and inclusive method to inform and involve affected people in the assessment process; (b) summary of stakeholder engagement plan for culturally sensitive and gender and disability inclusive consultations during project implementation; and (c) description of simple, accessible and gender-sensitive processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

#### **4.1.1. Methods to Inform and Involve People**

The method used depends on the interest, influence, impact, and power that stakeholders have towards the project. Nevertheless, referring to inclusive method, some considerations should be taken into account in order to reach all stakeholders, including:

1. One-on-one meetings, such as in-depth interview
2. Group/public meetings, such as FGD or workshop
3. Written correspondence, such as emails, notes, etc.
4. Information sharing-vehicles, such as newsletters
5. Brainstorming, including written storming
6. Questionnaires, surveys

In order to involve marginalized people, including women and persons with disabilities, accessible methods must be organized. For instance, the project will provide a sign language interpreter for deaf people during public meetings, and it will facilitate separate meetings for women groups since they may feel uncomfortable to speak with men present. A local language information-sharing vehicle, such as newsletter, might need to be organized to inform native people as a group of stakeholders.

#### **4.1.2. Summary of Stakeholder Engagement Plan**

Project stakeholder management will identify people, groups, or organizations, to analyze their expectations and impact on the project and to develop appropriate strategies in engaging them.

The process of identification, analysis and development of engagement stakeholders will be conducted regularly and updated, especially when the project moves through different phases in its life cycle, current stakeholders are not involved in the project and new stakeholders are projected to be part of the project.

During the engagement process, all potential internal/external stakeholders are invited to participate. An enabling situation must be created especially for women and persons with disabilities for them to be able to elaborate on their interests and benefits. As mentioned earlier, accessible methods will be applied in order to accommodate the participation of women and persons with disabilities.

Understanding the cultural context is also required during the engagement process as the various stakeholders of the project, that will be taken into account, are considered. Local people, as part of any groups of beneficiaries or government institutions or others, are engaged as stakeholders by referring to local contexts. Such local contexts will be elaborated on during the identification, analysis and planning process of stakeholders' engagement. The process for engaging stakeholders is as follows:

#### **4.1.3. Identify and analyse the stakeholders**

The process is to identify stakeholders regularly, to analyse and to document information related to their interest, influence, and impact on the project. In order to identify and analyze stakeholders, several documents are needed as inputs:

1. Project document
2. Agreements on collaboration with vendors, contractors, etc.
3. Communications management plan.

The methods to collect data on stakeholder's identification are:

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1. Questionnaires and surveys include in-depth interviews and FGDs for internal (project team) and external (including potential stakeholders).
2. Brainstorming is to elicit inputs on stakeholders from team members. It can be organized also through brain writing. It allows individual participants time to consider their inputs about stakeholders that they might deal with.

The identification is suggested to classify stakeholders into two main categories in order to increase the chances in identifying all appropriate people in categories who might be affected, needed support, and interested into the project. The classification is distributed into two main categories, internal (project or team members) and external (people, groups, institutions outside the organization) which includes clients, collaborators, vendors, suppliers, contractors, consultants, government agencies, I/NGOs, professional societies, beneficiaries, etc.

### **Stakeholders analysis:**

The analysis results in a list of stakeholders and their relevant information, such as their positions in the organization, roles on the project, expectations, attitudes, power, and interest.

The method that can be applied to analyze stakeholders is either power/interest matrix or salience model. Power/interest matrix is to group stakeholders based on their level of power and of concern/interest towards the project. It is useful for small projects with simple relationships between project team and stakeholders. Salience model categorizes stakeholders based on their power (that influence the organization), urgency (urgency of stakeholders towards the organization), and legitimacy (relationships between stakeholder and the organization). This model is applied for large complex communities of stakeholders.

### **Stakeholder's register:**

In order to ensure stakeholders register is complete and up-to-date, several considerations should be taken: (1) to identify each stakeholder by position description and name, (2) to speak with a wide range of people even from outside the organization, (3) to allow sufficient time in developing stakeholder register, (4) to include stakeholders in discussion, (5) to include team members, (6) to continue adding and removing names from stakeholder register throughout the project.

Table 9. List of UNDP Stakeholder

Name of Stakeholder	Designation	Department	Role in Project	Type of Staff	Type of Communication
Budhi Ulaen	Internal	UNDP	Client	Project Manager	One-on-one meetings, by phone
Faisal Ridwan	Internal	UNDP	Client	Senior Resident Engineer	One-on-one meetings, by phone, whatsapp
Hamzah Tjakunu	Internal	UNDP	Client	Individual contract and Support Specialist	One-on-one meetings, by phone, whatsapp
Agatia Wenan Tyawati	Internal	UNDP	Client	Stakeholder Engagement and Knowledge Management Specialist	One-on-one meetings, by phone, whatsapp
Sukma Riverningtyas	Internal	UNDP	Client	Documentation and Reporting Support Consultant	One-on-one meetings, by phone, whatsapp

Table 10. List of PT. Yodya Karya JV Stakeholder

Name of Stakeholder	Designation	Department	Role in Project	Type of Staff	Type of Communication
Apjelvian Henri	Internal	PT. Yodya Karya (persero) JV	Consultant	Team Leader	by phone, whatsapp
Wayan Winarta	Internal	PT. Yodya Karya (persero) JV	Consultant	Senior Design & Standards Compliance Engineer	by phone, whatsapp
Adam Rosananta	Internal	PT. Yodya Karya (persero) JV	Consultant	Mechanical & Electrical Engineer	by phone, whatsapp
Widyo Astono	Internal	PT. Yodya Karya (persero) JV	Consultant	Environmental Expert	by phone, whatsapp
Sudirman	Internal	PT. Yodya Karya (persero) JV	Consultant	Structural Engineer	by phone, whatsapp
Harnadi	Internal	PT. Yodya Karya (persero) JV	Consultant	Geotechnical Engineer	by phone, whatsapp
Wirawan Hadi Prakoso	Internal	PT. Yodya Karya (persero) JV	Consultant	Stakeholder Liaison-1	by phone, whatsapp
Rus'an	Internal	PT. Yodya Karya (persero) JV	Consultant	Stakeholder Liaison-2	by phone, whatsapp

Table 11. List of Stakeholder on Parigi Moutong District

Name of Stakeholder	Designation	Department	Role in Project	Type of Staff	Type of Communication	Expectations	Influence on Project Outcome
Adrudin Nur, S.Pd., M.Si	External	Department of Education Parigi Moutong	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Zulfinasran, SSTP, M.A.P	External	District Development Planning Agency Parigi Moutong	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Abd. Aziz A. M. Tombolotutu, S.I.Kom	External	District Disaster Relief Agency Parigi Moutong	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Fatmawati Abd. Rahman H, S.Pd.SD	External	SD (Elementary School) Negeri PARIGIMPUU	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Jamaludin Ampue, SE	External	SMP (Junior high school) 1 PARIGI UTARA	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Fatmah, S.Pd	External	SD (Elementary School) Negeri TOBOLI	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Nuraida, S.Pd.I	External	SD (Elementary School) INPRES MARANTALE	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Gusti Made Wisano, S.Pd	External	SMPN (Junior high school) Satap 2 PARIGI SELATAN	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
I Dewa Putu Sudarsana, S.Pd	External	SD (Elementary School) Negeri PURWOSARI	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Mohammad Sengkang	External	SD (Elementary School) Negeri 3 KASIMBAR	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High

Table 12. List of Stakeholder on Sigi District

Name of Stakeholder	Designation	Department	Role in Project	Type of Staff	Type of Communication	Expectations	Influence on Project Outcome
Kaimudin, S.Pd	External	Department of Education Sigi	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Roland Franklin, S.STP.,M.Si	External	Department of Health Sigi	Advisor	Head of Department	One-on-one meetings, by phone	Construction of Puskesmas is scheduled to finish on time	Very high
Drs. Sutopo Sapto Condro, MT	External	Provincial/district development planning agency	Advisor	Head of Department	One-on-one meetings, by phone	No Comment	Very high
Asrul Repadjori, S.Sos, M.Si	External	provincial/district disaster relief agency	Advisor	Head of Department	One-on-one meetings, by phone	No Comment	Very high
Irwan Lahatje, M.Si	External	Central Sulawesi Education Office	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Selvie, S.Od.SD	External	SDN (Elementary School) Jono Oge	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Ir. Yarpतीयani Tanning	External	SMKN (Vocational High School) 1 SIGI	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Irfan, S.Pd.I	External	SDN (Elementary School) Bulupountu Jaya	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Asrawi	External	SDN (Elementary School) Lompio	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Paulus, S.pd, Ma	External	SMPN (Junior high school) 3 Sigi	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Joni Popo Lahene	External	SDN (Elementary School)2 Gimpu	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Selmi	External	SDN (Elementary School) 1 Boladangko	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
dr. Ruth.T.R.Silitonga	External	PuskesmasKulawi	Initiator	Head of Puskesmas	One-on-one meetings, by phone	Construction of Puskesmas Kulawi is based on prototype standard published by the Ministry of Health	High

Table 13. List of Stakeholder on Palu District

Name of Stakeholder	Designation	Department	Role in Project	Type of Staff	Type of Communication	Expectations	Influence on Project Outcome
H. Ansyar Sutiadi, S.Sos., M.Si	External	Department of Education Palu	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Drs. Arfan, M.Si	External	District Development Planning Agency Palu	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Ir. Singgih B. Prasetyo, M.Eng.Sc	External	District Disaster Relief Agency Palu	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Hj. Hadijah, S.Pd, M.Pd	External	SD (Elementary School) Negeri Pengawu	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Dra Harlina.M.Si.	External	SMP (Junior high school) Negeri 14 PALU	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Sunarti, S.Pd, MM	External	SD NEGERI (Elementary School) 21 Palu	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Drs. Asrul Nagaulal	External	SMK Negeri (Vocational High School) 8 Palu	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High

Table 14. List of Stakeholder on Donggala District

Name of Stakeholder	Designation	Department	Role in Project	Type of Staff	Type of Communication	Expectations	Influence on Project Outcome
H. Kasmuddin, SS, MM	External	Department of Education Sigi	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Hi Muzakir Ladoali. S. Sos. M. Si	External	Department of Health Donggala	Advisor	Head of Department	One-on-one meetings, by phone	Construction of Puskesmas is scheduled to finish on time	Very high

Rustam Efendi, S.Pd. SH. M.Ap	External	Provincial/district development planning agency	Advisor	Head of Department	One-on-one meetings, by phone	No Comment	Very high
Dr. Ir. H. Akris Fattah Yunus, MM	External	Provincial/district disaster relief agency	Advisor	Head of Department	One-on-one meetings, by phone	No Comment	Very high
Irwan Lahatje, M.Si	External	Central Sulawesi Education Office	Advisor	Head of Department	One-on-one meetings, by phone	Construction of school is scheduled to finish on time	Very high
Tasman, S.Pd	External	SMP Negeri Satap (Junior high school) 3 Sindue Tobata	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Darmawati, S.Pd	External	SMP Negeri (Junior high school) 3 Sirenja	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Tasrifin, S.Pd	External	SMP (Junior high school) Negeri 1 Labuan	Initiator	Headmaster	Whatsapp, by phone	Construction of school is scheduled to finish on time	High
Abd Haris Pontoh. SKM	External	Puskesmas Malei	Initiator	Head of Puskesmas	One-on-one meetings, by phone	Construction of Puskesmas Malei is based on prototype published by the Ministry of Health	High

Conducting the identification and analysis process of stakeholder engagement, Communications management plan might need to be revised in order to efficiently and effectively engage stakeholders. The communications management plan is closely related to the stakeholder engagement plan since the communications management plan is the source of inputs on communication issues.

#### 4.1.4. Planning the involvement of stakeholders

The process is to develop approaches involving stakeholders based on their needs, expectations, interests, and impact on the project. The process provides an actionable plan to interact or engage with stakeholders. The plan will be reviewed and updated regularly due to the fact that changes to the organization structure, new people or groups become stakeholders, current stakeholders are not part of the stakeholders, and other situations that may occur. The stakeholder engagement plan identifies strategies and actions required to promote stakeholders' involvement. It is based on the needs of the project and the expectations of stakeholders. In order to plan the engagement of stakeholders, documents and an established matrix are needed as inputs, which include:

- Communications management plan
- Project schedule
- Stakeholder register

These documents should be updated regularly and made use of in the management and monitoring of stakeholder engagement in the project.

Table 15: Stakeholder Communication Plan

Stakeholder	Potential Role	Power/Urgency/Legitimacy	Communication Vehicle	Frequency	Comments
<b>Sigi Regency:</b>					
Selvie, S.Od.SD	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Ir. Yarpatiyani Tanning	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Irfan, S.Pd.I	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Asrawi	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Paulus, S.pd, Ma	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Joni Popo Lahene	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Selmi	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
dr. Ruth.T.R.Silitonga	Initiator	Headmaster of school	Whatsapp and by phone	Often	Waiting for approval of Puskesmas design
<b>Parigi Moutong Regency:</b>					
Fatmawati Abd. Rahman h, s.pd.sd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Jamaludin Ampue, SE	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Fatmah, S.Pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Nuraida, S.Pd.I	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Gusti made wisano, s.pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
I Dewa Putu Sudarsana, s.pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Mohammad Sengkang	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract

<b>Donggala Regency:</b>					
Tasman, S.Pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Darmawati, S.Pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Tasrifin, S.Pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Abd Haris Pontoh. SKM	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
<b>Palu Province:</b>					
Hj. Hadijah, S.Pd, M.Pd	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Dra Harlina. M.Si.	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Sunarti, S.Pd, MM	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
Drs. Asrul Nagaulal	Initiator	Headmaster of school	Whatsapp and by phone	Often	After signing the contract
By name .....	Contractor	Project Manager	Will be determined later	-	-
By name .....	Contractor	By role .....	Will be determined later	-	-
By name .....	Contractor	By role .....	Will be determined later	-	-

#### **4.1.5. Managing the stakeholder engagement**

The process is to communicate and work with stakeholders to meet their needs and expectations and to foster appropriate stakeholder engagement involvement. In order to manage the engagement of stakeholders, documents are needed as inputs, as listed above.

The activities of stakeholder engagement management are such as engaging stakeholders at certain project stages to obtain, to confirm, to maintain their commitment to the project and to manage their expectations through negotiation and communication. The aim of managing stakeholder engagement is to ensure stakeholders understand the project and its impacts and to inform them of how their contribution will lead to a successful project.

The identified communication methods for each stakeholder are applied at this stage. At this stage, four skills are needed, which are: conflict management, cultural awareness (to communicate effectively based on cultural context), negotiation, and observation/conservation with team members and stakeholders as well as political awareness.

#### **4.1.6. Monitoring the stakeholders**

The process is to monitor stakeholders' relationships and to tailor strategies through the modification of strategies and plans. This process maintains or increases the efficiency and effectiveness of stakeholder engagement activities. At this stage, data analysis techniques are applied to determine the position and concerns of stakeholders. Communication techniques are applied to ensure that stakeholders receive and understand information shared and presentations to inform stakeholders. During stakeholder monitoring process, the documents which need to be updated include the communications management plan, stakeholder engagement plan, and stakeholder register.

#### **4.1.7. Addressing Stakeholder Concerns and Grievances**

Included as Annexure I: ToR for Project-level Grievance Redress **Mechanism** is the detailed process that will be followed for addressing stakeholder concerns and grievances.

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## CHAPTER V IMPLEMENTATION ACTION PLAN AND COSTS

### 5.1. Implementation Schedule

A broad schedule for implementation of ESMP activities is shown in the following figure.

*Figure 2: Implementation Schedule*

Description	Jun	Jul	Aug	Sep	Oct	Dec	Jan	Mar	Apr	May	Jun	Jul
<b>Phase</b>	<b>DED</b>	<b>Bid</b>	<b>Construction</b>									
1 Stakeholder Engagement												
2 OHS plan												
3 OHS training												
4 OHS implementation												
5 Air quality												
6 Noise and vibration												
7 Traffic management												
8 Waste management												
9 Monthly ESM reports to PAC												
10 Semi-Annual ESM reports												

Note: To be updated after signing the construction contract.

### 5.2. ESM Costs

The bid documents for the project will include in the Bills of Quantity the following items which will be priced by the bidders and costs included in the subsequent contracts.

*Table 16: Items to be included in the Bills of Quantity for the Construction Contract*

Item	Description
<b>Environmental and Social Management Activities</b>	
1	Establishment and implementation of Construction OHS Management Plan in accordance with ILO's Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
2	Conduct of safety induction training before work start and at regular intervals during the construction of the works.
3	Provision of PPE for all personnel associated with the construction of the works.
4	Implementation of effective dust management measures in all areas during construction, including sourcing sufficient water of a suitable quality for dust suppression activities complying with any water restrictions.
5	Implementation of effective noise and vibration minimization measures in all areas during construction, including consultation with the local community and, where necessary, provision of special equipment and modification of daily work schedules (School and Puskesmas) to minimize impacts.
6	Implementation of effective traffic management including consultation with the local communities concerning measures to minimise adverse environmental and social impacts due to project traffic.
7	Implementation of an effective waste management plan including waste minimization, separation of domestic and construction waste, avoidance of excessive use of resources and disposal of waste in accordance with the Government of Indonesia requirements.

## Annexure I: 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 the 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:

- i. Receive, Log and Track all Grievances received;
- ii. Provide regular status updates on Grievances to Claimants, Project Advisory Committee (PAC) members and other relevant Stakeholders, as applicable;
- iii. Engage the PAC members, Government institutions and other relevant Stakeholders in Grievance resolution;
- iv. 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;
- v. Identify growing trends in Grievances and recommend possible measures to avoid the same;
- vi. Receive and service requests for, and suggest the use of, mediation or facilitation;
- vii. 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);
- viii. Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process;
- ix. 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;
- x. Ensure continuing education of PAC 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;
- xi. 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 PAC for review and action, and
- Track and document efforts at grievance/dispute resolution and their outcomes.

### V. Project Advisory Committee

The PAC 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 PAC);
- Request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the PAC 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 PAC 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 PAC 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* acknowledgment to the Claimant of the Grievance received with the assigned tracking number.<sup>1</sup>

Each Grievance file will contain, at a minimum:

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

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<sup>1</sup> Oral acknowledgments can be used for expediency (and also recorded) but it must be followed by a written acknowledgment.

### **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).

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

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

The PB will identify a specific team of individuals drawn from the PAC 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 PAC 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 PAC 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 PAC 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 the 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:

- a. Measures that can be taken by the Government to avoid future harms and Grievances; and
- b. 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 are 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 II: Land Acquisition and Resettlement Framework

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- A. Introduction
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- 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
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*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>Provinsi</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 to support the Environmental and Social Management Framework (ESMF) for the Sulawesi/Lombok Programme for Earthquake and Tsunami Infrastructure Reconstruction Assistance (PETRA). The government of Indonesia is working with UNDP in its role as the Implementing Partner for PETRA project. KfW is the Senior Supplier and Bappenas is 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, processes, 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, LARPF 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. The 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 to 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 to the Loss of Livelihood and Resettlement Plans of UNDP SESP.

6. This framework applies to 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 the 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.

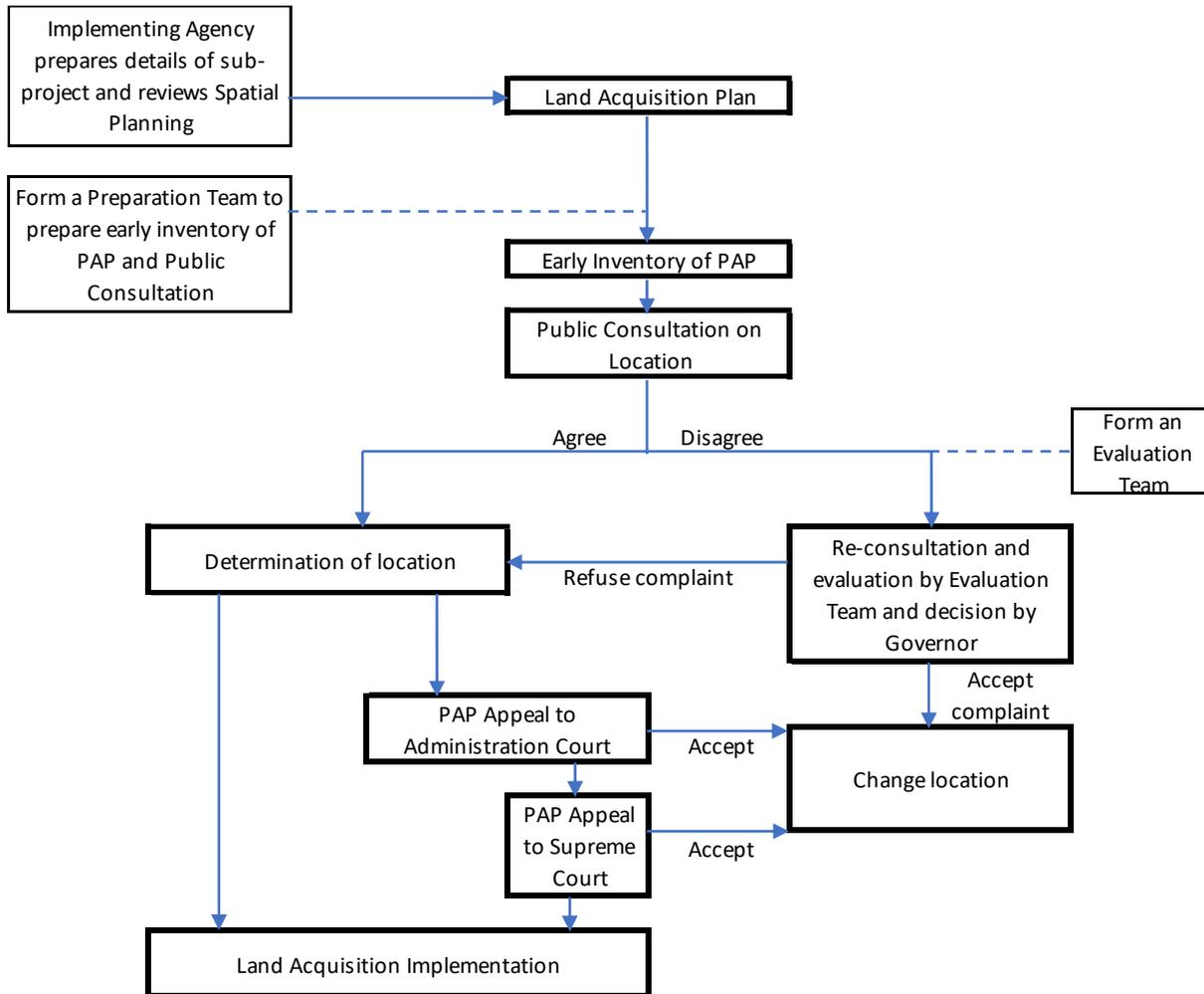


Figure 3 Preparation Stage of Land Acquisition Process based on Law 2/2012

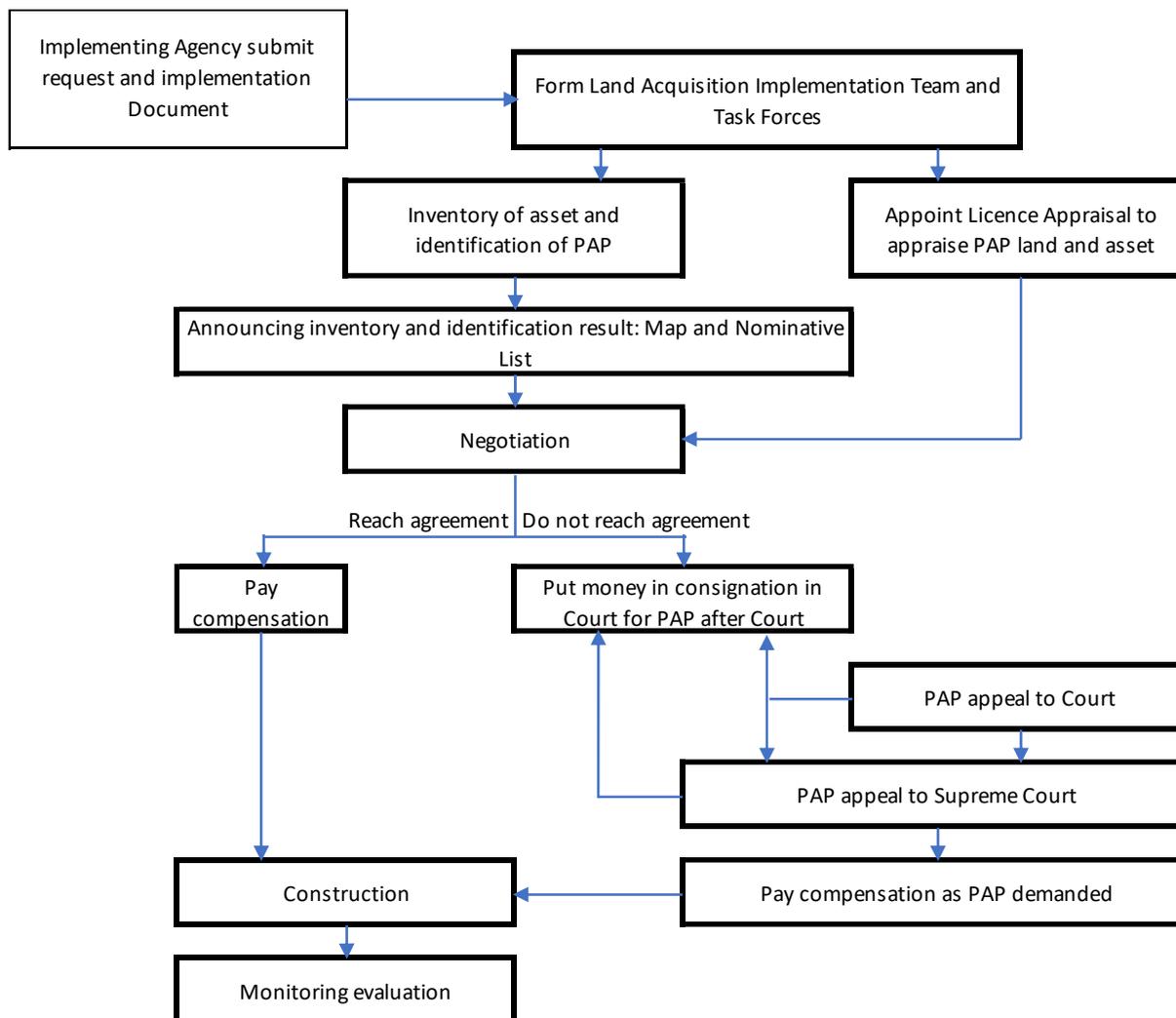


Figure 4 Implementation Stage of Land Acquisition Process based on Law 2/2012

## E. Likely Category of Project Affected Persons

9. It is anticipated that the Schools and Puskesmas 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 made 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 the 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 productive household 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 are taken.
14. The content is more or less equivalent to 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's 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) landowners 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 levels 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 the 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.

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 with their needs
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

*Figure 5 Entitlements Matrix for the Project Affected Persons*

#### I. Forms of Compensation

19. Compensation may take several forms: (a) cash; (b) land replacement; (c) resettlement to other sites; (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 summary, Law No. 2/2012 and its implementing regulations specify that consultations should be carried out in the following activities:

- a. 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.

- b. 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.
- c. Results of asset valuation done by the licensed appraisers will be provided to the PAPs and used as the basis for negotiations.
- d. 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 the 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 prevent or minimise 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 ownership;
  - 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 potential 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 of 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 include:

- 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 with 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 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 the 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 a 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 the land acquisition and resettlement activity by the implementing agency.

## Attachment 2: Summary of Voluntary Land Donation Protocol

In 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 the 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 historical 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 incentives 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 landowners 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 easement, a Statement Letter is required. It 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 to 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 the 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,

Acknowledgment,

Signature (Landowner)

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 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 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 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 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 Landowner

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 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.*