

THE NATIONAL URBAN DEVELOPMENT PROJECT

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

FEBRUARY 2019

MINISTRY OF PUBLIC WORKS AND HOUSING

TABLE OF CONTENTS

Table of Contents	ii
List of Tables	iv
List of Figures	iv
List of Annexes	iv
List of Abbreviations	v
I. Project Description.....	1
A. Background	1
B. Objectives.....	2
C. Project Design	2
i. Component 1: National Urban Institutional and Policy Development	3
ii. Component 2: Integrated Planning for Urban Development	4
iii. Component 3 City Financial Management Capacity Development	6
iv. Component 4: Project Implementation Support	8
D. Institutional and Implementation Arrangements.....	8
II. The Environmental and Social Framework	11
A. Objective	11
B. Scope	11
C. Applicable World Bank Environmental and Social Safeguards Policies	12
D. Indonesian Laws and Regulations relating to Environmental Management and Impact Assessment	14
i. National Laws	14
ii. Government Regulations	15
iii. Ministerial Regulations	16
E. World Bank Safeguard Policies Triggered	19
F. Gap Analysis of GOI Policies and WB Safeguard Requirements	24
III. Anticipated Environmental and Social Impacts	24
IV. Mitigation Measures, Approaches, and Implementation.....	25
A. Environmental and Social Management Framework Implementation	27
B. Monitoring and evaluation	36

V.	Consultation and Disclosure	36
A.	Consultation Principles	36
B.	Public Consultation Plan for ESMF.....	37
C.	Public Consultation Tools.....	37
VI.	Institutional Arrangements.....	41
VII.	The Grievance Redress Mechanism	45
VIII.	Capacity Building and Financing	46
	Annex 1: Gap Analysis for Environmental and Social Safeguards.....	48
	Annex 2: Environmental & Social Codes of Practice (ESCOP) For National Urban Development Project..	55
	Annex 3: Procedure of SESA Based on Indonesian Regulations	59
	Annex 4: TOR for SESA	61
	Annex 5: Generic Environmental and Social Checklist for Spatial Plans.....	66
	Annex 6: Input for TOR for CIP.....	67
	Annex 7: Guidance on Community Participation Framework and Indigenous Peoples Framework.....	69
	Annex 8: Format of Indigenous Peoples Plan	77
	Annex 9: Land Acquisition and Resettlement Policy Framework	80
	Annex 10: Format of Comprehensive And Abbreviated LARAP.....	93
	Annex 11: Environmental and Social Impact Assessment Template	100
	Annex 12: Environmental and Social Management Plan Template	102
	Annex 13: Chance Find Procedure	104
	Annex 14: TOR for Safeguard Specialist.....	106
	Annex 15: World Bank Groups Environmental Health and Safety (EHS) General Guidelines	107
	Annex 16: Documentation for Public Consultation for Draft ESMF.....	108

LIST OF TABLES

Table 1:	World Bank Environmental and Social Safeguards and their Policy Objectives
Table 2:	List of Triggered World Bank Safeguard Policies
Table 3:	Environmental and Social Mitigation Tools
Table 4:	Overview of NUDP Environmental and Social Safeguard Interventions
Table 5:	Techniques for Conveying Information To The Public
Table 6:	Techniques for Listening To The Public
Table 7:	PIU Arrangement for Environmental and Social Safeguard Management
Table 8:	Training and Target Group
Table 9:	Cost Estimation for Capacity Building

LIST OF FIGURES

Figure 1:	Project Management Structure
Figure 2:	The ESMF Procedure
Figure 3:	Project Prioritization Method

LIST OF ANNEXES

Annex 1:	Gap Analysis for Environmental and Social Safeguards
Annex 2:	Environmental & Social Codes of Practice (ESCAP) For National Urban Development Project
Annex 3:	Procedure of SESA Based on Indonesian Regulations
Annex 4:	TOR for SESA
Annex 5:	Checklist For SESA
Annex 6:	TOR for CIP
Annex 7:	Guidance on Community Participation Framework and Indigenous Peoples Policy Framework

Annex 8:	Format of Indigenous Peoples Plan
Annex 9:	Land Acquisition and Resettlement Policy Framework
Annex 10:	Format of Comprehensive and Abbreviated LARAP
Annex 11:	ESIA Framework
Annex 12:	ESMP Framework
Annex 13:	Chance Find Procedure
Annex 14:	TOR for Safeguard Specialists
Annex 15:	World Bank Groups Environmental Health and Safety (EHS) General Guidelines
Annex 16:	Documentation for Public Consultation for Draft ESMF

LIST OF ABBREVIATIONS

ATR/BPN	<i>Kementerian Agraria Tata Ruang/Badan Pertanahan Nasional</i> (Ministry of Agrarian and Spatial Planning/National Land Agency)
BAPPEDA	<i>Badan Perencanaan Pembangunan Daerah</i> (Regional Development Planning Agency)
BAPPENAS	<i>Badan Perencanaan Pembangunan Nasional</i> (National Development Planning Agency)
BCR	Building Coverage Ratio
BETF	Bank Executed Trust Funds
BIG	<i>Badan Informasi Geospasial</i> (Geospatial Information Agency)
BKPRD	<i>Badan Koordinasi Penataan Ruang Daerah</i> (Regional/Local Coordinating Agency for Spatial Planning)
BPIW	<i>Badan Perencanaan Infrastruktur Wilayah</i>
BPS	<i>Badan Pusat Statistik</i> (Central Bureau of Statistics)
CIP	Capital Investment Planning
CPF	Country Partnership Framework
CPL	City Planning Labs
DG	Directorate General
DIPA	<i>Daftar Isian Pelaksanaan Anggaran</i> (Budget Implementation List)
ESMF	Environmental and Social Management Framework

FAR	Floor Area Ratio
FMA	Financial Management Assessment
FMS	Financial Management Specialist
GDP	Gross Domestic Product
GIS	Geographic Information System
GoI	Government of Indonesia
ICT	Information and Communications Technology
IDP	Integrated Data Platform
IDSUN	Indonesia Sustainable Urbanization Multi-Trust Fund
ILGRP	Initiatives for Local Governance Reform Project
IPF	Investment Project Finance
IPPF	Indigenous Peoples Planning Framework
KLHS	<i>Kajian Lingkungan Hidup Strategis</i> (Strategic Environmental and Social Assessment/SESA)
KOMINFO	<i>Kementerian Komunikasi dan Informasi</i> (Ministry of Communications and Informatics)
KRP	<i>Kebijakan, Rencana, dan Program</i> (Policy, Plan, and Program)
KSPPN	<i>Kebijakan dan Strategi Pembangunan Perkotaan Nasional</i> (National Urban Development Strategy Policy)
LARPF	Land Acquisition and Resettlement Policy Framework
LG	Local Government
MFM	Municipal Finance Management
MOF	Ministry of Finance
MOEF	Ministry of Environment and Forestry
MOHA	Ministry of Home Affairs
MOT	Ministry of Transportation
MPWH	Ministry of Public Works and Housing
MSDI	Municipal Spatial Data Infrastructure
Musrenbang	<i>Musyawarah Perencanaan Pembangunan</i> (Participatory Public Development Planning)
NMC	National Management Consultant
NUDP	National Urban Development Project
OSP	Oversight Service Providers
PDO	Project Development Objective
Perda	<i>Peraturan Daerah</i> (Local Regulation)
Perwali	<i>Peraturan Walikota</i> (Mayoral Decree)
PIU	Project Implementation Unit

PDSI	<i>Pengolahan Data dan Sistem Informasi</i> (Data and Information System Management)
PMU	Project Management Unit
RIDA	Regional Infrastructure Development Agency (BPIW)
RIDF	Regional Infrastructure Development Fund
RDTR	<i>Rencana Detil Tata Ruang</i> (Detailed Spatial Plan)
RKP	<i>Rencana Kawasan Permukiman</i> (Settlements Area Plan)
RPIJM	<i>Rencana Program Investasi Jangka Menengah</i> (Medium-term Investment Program Plan)
RPJMN	<i>Rencana Pembangunan Jangka Menengah Nasional</i> (National Medium-Term Development Plan)
RTRW	<i>Rencana Tata Ruang Wilayah</i> (Spatial Plan)
SDF	Spatial Development Framework
SESA	Strategic Environmental and Social Assessment (KLHS)
SLA	Sub-Loan Agreement
SOP	Standard Operating Procedures
SPP	<i>Standar Pelayanan Perkotaan</i> (Urban Services Standards)
TA	Technical Assistance
TKPPN	<i>Tim Koordinasi Pembangunan Perkotaan Nasional</i> (National Coordinating Team for Urban Development)
TMC	Technical Management Consultant
TOR	Terms of References
WB	World Bank

I. PROJECT DESCRIPTION

A. Background

1. Rapid urbanization has placed cities at the center stage of Indonesia's development trajectory but returns from urbanization have not reached their full potential. Indonesia ranked among the top ten fastest urbanizing countries in the world from 1990-2014 and has the second-largest urban population in East Asia after China. The country has approximately 137 million urban dwellers that make up 53.7 percent of the total population. The urban population of Indonesia increased at an average rate of 4.1 percent per year between 2000 and 2010, faster than in any other country in Asia. By 2025, an estimated 68 percent of Indonesians will live in cities. But Indonesia has not benefited fully from the positive returns to urbanization that other countries in the region have experienced. From 1970 to 2006, every one percent increase in share of urban population correlated with an average of 6-10 percent increase in several middle-income Asian countries such as China, Thailand, Vietnam and India. In Indonesia, similar rates of increase in urbanization resulted in less than 2 percent increase of per capita GDP.

2. A persistent infrastructure gap remains a significant barrier to an enabling economic environment that will enhance prosperity for all urban populations. Firms consistently identify inadequate infrastructure as a constraint on their operations and investment in Indonesia. Infrastructure gaps triggers urban issues, such as congestion, low logistic performance capacity, insufficient electricity, clean water and sanitation, as well as lack of other basic services. It is becoming hotspots of depravation and highlighting intra-urban multidimensional inequality.

3. Underinvestment in infrastructure is coupled with inadequate spatial prioritization and weak management of existing infrastructure. The process of formulation the local plan has not been effectively implemented due to lack of integration and coordination at the city level. The city planning in Indonesia, which consists of development plans (Medium Term Development Plan / RPJMD) and spatial plan (Spatial Plan / RTRW) and Detailed Spatial Plan / RDTR) are often not aligned in the preparation and its development direction, even though there is a mechanism to ensure its integration. Hence it becomes a challenge given the political environment and customary norms are still working on silos.

4. Inadequate urban planning impacts un-directed infrastructure investment. For example, urban growth often occurs in disaster-prone area, such as flooding and land subsidence. The weakness of urban planning will result in asset losses due to the land has become less financially feasible. Improvement of urban planning that is coordinated at the national level can mitigate these risks and expected to increase urban resilience in Indonesia.

5. City also faces a challenge in terms of infrastructure financing. Local government tends to use the local budget to handle small-scale capital investments that are included in the annual budgeting cycle. Whereas, for cities with rapid growth, alternative infrastructure financing is needed, especially to accommodate multi-years implementation projects. In addition, the Local Government also has not been able to leverage multi-years financing as well as other alternative financings which is not coming from the National Budget (APBN)

6. National Urban Development Project (NUDP) will be a platform for coordination of the urban planning and infrastructure development at the city level and to increase city capacity to be able to access multi-year financing. This platform also aims to facilitate various sectoral programs financed by various funding sources, including the National Budget (APBN), loans and grants.

B. Objectives

7. The PDO is to increase the number of participating cities carrying out integrated planning and prioritizing their capital investments.

C. Project Design

8. NUDP is a USD 49.6 million Investment Project Finance (IPF) operation in the form of a technical assistance loan. NUDP will develop a platform that brings together sectoral infrastructure investment programs in three ways: (1) development of national level infrastructure development guidelines and improving cross-sector coordination through strengthening inter-ministerial platforms for urban development; (2) provide guidance on regional investment priorities through the spatial development framework approach; (3) introducing and building a system of prioritizing development programs through capital investment planning (CIP) to be adapted within the framework of regional planning and development towards investment efficiency and effectiveness.

9. NUDP includes four components, namely, (1) National Urban Institutional and Policy Development; (2) Integrated Planning for Urban Development; (3) City Financial Management Capacity Development; and (4) Project Implementation Support. Of these four components, **Component 2 at the core of the NUDP operation**, while Components 1 and 3 are enabling components and Component 4 is a project oriented component, aimed to support the project operationalization. Component 2 interventions will address the quality of spatial plans in cities and introduce a shift towards a strategic spatial vision within the existing statutory plans. It will further leverage strategic spatial guidance as the basis for the prioritization of capital investments

by implementing a spatially-informed, medium-term Capital Investment Planning and Budgeting process in selected local governments, including annual tracking mechanisms for implementation of budgeted investments. This approach to integrated spatial and capital investment planning will together contribute to reducing the vulnerability of infrastructure investments and urban residents to climate-related hazards. Component 1 aims to create an enabling national environment by addressing inter-ministerial coordination and policy issues that prevent city governments from being the agents of sustainable urban development. Component 3 will focus on addressing the demand side constraints at the city level to accessing alternative sources of financing and effective implementation of capital investments, including capacity building for better project and procurement management, financial management, expenditure efficiency and creditworthiness.

i. Component 1: National Urban Institutional and Policy Development

10. This component will support the strengthening of inter-ministerial coordination on cross-sectoral urban issues at the national level. It will also support the development of national policies, guidelines and strategies to promote efficient, sustainable and climate-resilient urban development. The capacities of local governments to plan strategically, prioritize capital investments and access alternative sources of finance will be significantly enhanced through an enabling national policy environment pertaining to strategic planning and urban management. Activities under this promote better vertical coordination and develop appropriate approaches to address constraints to integrated planning and efficient urban management at national and local levels.

11. ***Sub-component 1.1: Strengthening the capacity of the Urban Platform for Inter-ministerial Coordination.*** The Inter-Ministerial Steering Committee at the national level will provide the basis for the coordination of several national sectoral programs, including NUDP. The GOI has expressed a need to re-structure, elevate and enhance its effectiveness of the existing Inter-Ministerial Steering Committee (TKPPN). NUDP will support the strengthening of the Standard Operating Procedures (SOPs) and work plans to operationalize the platform's inter-sectoral function, for instance through the establishment of a Technical Secretariat under BAPPENAS. The technical secretariat will provide capacity building activities including trainings, mapping of national urban programs to identify the need for geographical alignment, review of city level outputs, convening of a panel of advisors on urban interventions, etc. This platform will have the mandate to draw lessons from project implementation and provide inputs for relevant policies, guidelines and regulations, including those to promote low carbon and resilient development planning. Knowledge sharing with provinces and cities will be financed through periodic national workshops and trainings.

12. ***Sub-component 1.2: Support for the formulation of the national urban policy for promoting integrated urban development.*** This component will finance analytical studies, position papers and assessments pertaining to national urban policy making, including support for RPJNM and policies aimed at enhancing the environmental sustainability and resilience to climate-related disasters of Indonesian cities. Support for operationalizing relevant findings of the Indonesia Urbanization Flagship Report will be included and policy dialogue will be facilitated through workshops to support the operationalization of the RPJMN. A key output will be the City Positioning and Economic Development Study, which will provide strategic view of the competitive advantage of cities that have a regional and national important based on their relative regional location, demographic characteristics, economic growth, climate vulnerability etc.

13. ***Sub-component 1.3: Formulation of National Urban Infrastructure Strategy Plan .*** A strategy paper with robust analysis to support the articulation of a National Urban Infrastructure Strategy Plan, including urban infrastructure strategies that promote climate resilience, low-carbon development, densification, transit-oriented development etc.

ii. Component 2: Integrated Planning for Urban Development

14. This component aims to strengthen the quality, strategic approach and implementation of integrated spatial planning within the participating cities, and links spatial planning with the prioritization of capital investments. In addition, a spatially informed, medium-term, annually rolling capital investment planning and budgeting framework will be developed and implemented under this component. Component 2 activities will jointly strengthen the capacity of cities to make spatial planning more effective, forward-looking and increase strategic prioritization of infrastructure and services to enhance sustainability and environmental and social resilience of cities.

15. A key principle under NUDP is to enhance the quality of existing statutory plans/mechanisms in Indonesia and focus on bridging the gap from plan to implementation. Mainstreaming the interventions within the existing planning and regulatory frameworks will ensure institutional sustainability of the proposed interventions. Discussions with relevant Ministries to reform the existing frameworks based on findings of first phase interventions have been positive. Activities also build upon several ongoing trust funded activities that have been tested and tailored to the Indonesian context, including activities being carried out under the Indonesia Sustainable Urbanization Trust Fund (IDSUN), particularly TAs on City Planning Labs (CPL) and Municipal Finance, as well as the Indonesia Urbanization Flagship Report.

16. ***Sub-component 2.1: Support for strengthening data and institutional capacity for data governance.*** This sub-component will finance data development and maintenance, capacity building for data analysis, integrated data platforms and drafting of municipal data governance policies (e.g. Municipal Spatial Data Infrastructure- MSDI- Mayoral Decree to ensure sustainability of data driven development). These activities will serve as the backbone of evidence-driven urban planning and focus on developing foundational geospatial capacity of local governments through trainings, knowledge exchange and skills development. Within data development for integrated planning, there will also be attention to datasets pertaining to adaptation to and mitigation of climate risks (e.g. datasets needed for land suitability and carrying capacity analyses that include climate change risks, forested areas, urban footprint etc.).

17. ***Sub-component 2.2: Support for integrated spatial planning.*** This subcomponent will finance a combination of key strategic/analytical studies required for integrated spatial and socio-economic planning, development of Spatial Development Framework (SDF) to strengthen RTRW (20-year city level spatial plan) and Strategic Area Framework (SAF) to strengthen RDTRs (detailed spatial plans for priority areas, 20-year horizon). Activities under this component will build the capacity of participating local governments to design and implement integrated spatial plans and boost the spatial planning linkages with socio-economic plans (RPJMD). This sub-component will also finance stakeholder consultations in the development of integrated planning inputs (including community consultation), peer-to-peer learning among local governments and capacity building activities to support institutional strengthening for integrated planning and implementation. As far as possible, interventions will be aligned to city planning cycles, to maximize the absorption of inputs. Activities will also include studies on improving effectiveness of existing development control mechanisms, pilots on new development control approaches (including restrictions or standards on hazard prone areas), training and related capacity building activities

18. ***Sub-component 2.3: Support for Precinct Planning.*** Precinct Plans (PP) financed under this component are a more detailed, neighborhood level infrastructure and urban design plan that is sub-SAF/sub-RDTR) level. These plans map out and visualize where capital investments are needed within the boundaries of an identified functional high priority area. The first objective is to clearly define a development vision and objectives for the precinct. The second objective is to provide urban design guidelines that will catalyse the achievement of the desired urban form and function and the development vision. It is a “bridging document” between statutory spatial plans and investment projects, on which investment implementation plans are built on (i.e. feasibility studies and detailed engineering designs). The majority of identification of capital

investments under local government mandate are identified at this level. This bridging document linking plans to investments does not currently exist in Indonesia.

19. ***Sub-component 2.4: Capital Investment Planning and Budgeting (CIP) established as an investment prioritization and tracking system.*** This sub-component will finance: (i) development of a CIP methodology, process, associated tools and work-flow under BAPPEDA (local planning agency); (ii) hand-on support for implementation of the CIP framework and process throughout the annual planning and budgeting cycle across the project lifetime to ensure absorption by the local government; and (iii) training for local governments, universities private vendors to support local governments; (v) support formulation of supplemental regulation on guidance of CIP for RPJMD under the Home Affairs Ministerial Regulation (Permendagri) 86/2017.

20. Under the CIP framework, the cities will move beyond piecemeal identification of investment priorities towards investments within strategic areas highlighted by spatial plans. The CIP will be multi-year rolling plan for capital investments (including retrofitting and maintenance), prioritized by year, with anticipated beginning and completion dates, annual estimated costs, proposed financing mechanisms for the investment life cycle, and identification of the overall financing gap. Four key steps under the implementation of the CIP framework will be: project capture, prioritization, budget fit, and monitoring and reporting. Optional models on climate-resilient infrastructure investment projects can be implemented within this approach

21. The proposed CIP framework ensures effective operationalization of spatial plans into investments through a spatial targeting of investments in high priority areas with a clear understanding of budgets and by tracking implementation progress and reviewing annually. Prioritization of the long list of projects (all captured within a database prior to filtering) is based on pre-agreed (within local government agencies) is based on pre-agreed, city specific objective criteria. In the context of this project, investment prioritization scores will include higher score for infrastructure aligned with spatial priority areas/corridors highlighted by the suite of planning documents, linkage with articulated mayoral visions and targets, environmental and socio-economic considerations, climate-resilient aspects, among other city-specific priorities. Based on ongoing discussions with the Ministry of Home Affairs (MOHA), upon successful implementation, CIP will be subsumed within a city's RPJMD and RKPD (city's annual budget plan) to provide it a statutory basis, mandating its development and implementation by local governments to enhance sustainability.

iii. Component 3 City Financial Management Capacity Development

22. Component 3 will finance capacity building activities for local governments to address constraints to effective implementation of capital investments, including demand side constraints to accessing alternative sources of finance beyond national government transfers. Activities under Component 3 will also create an enabling environment for the operationalization of the prioritized capital investments identified within the CIP process. Participating cities will develop the additional financial management, procurement and project management capacity, to ensure better implementation of the prioritized strategic capital investments derived from the Component 2 interventions. Overall, Component 3 will strengthen the capacity of participating cities to (i) to procure large-scale infrastructure projects more efficiently and effectively; (ii) improve infrastructure project management, implementation and oversight and to (iii) better manage fiscal and financial resources and access alternative financing.

23. ***Subcomponent 3.1: City level assessment of financial and project management capacity.*** This assessment will support the cities in understanding their financial and project management capacity constraint and identify on a set of capacity building interventions from the available menu of options address them. The assessment will encompass analysis of fiscal position, debt and revenue situation, readiness to manage capital investments on a medium-term basis, bottlenecks in procurement, contract management, expenditure efficiency etc. It will identify areas of weaknesses, inconsistency of budget decisions with city priorities and infrastructure implementation challenges specific to the city. The results of the assessment will be jointly workshopped with relevant city departments led by BAPPEDA to develop an action plan for addressing constraints.

24. ***Subcomponent 3.2: Project Management and Procurement training.*** This activity will finance a tailored project management capacity building program, aligned with the full budget cycle, to enhance the capacity within key departments for improved infrastructure project management, implementation and oversight. It will also focus on enhancing the quality of technical procurement inputs, improving procurement processes (efficiency, consolidation etc.) and strengthening M&E mechanisms over the project cycle. Emphasis on specific training modules will be triggered based on sub-component 3.1 assessment results and action plan agreed upon by the local government.

25. ***Subcomponent 3.3: Enhancing capacity for accessing alternative sources of finance.*** This activity will introduce cities to innovations in municipal finance, along with training and capacity building support on topics including creditworthiness, debt management, municipal bonds, land value capture etc. The assessments under component 3.1, along with the results from CIP from component 2 will be used to determine the specific capacity building activities jointly with the local governments to ensure a demand driven design. A menu of options including selected

products and tools that have been piloted in Indonesia will be available to the city, including support for Creditworthiness, training on Medium-term Fiscal Framework (MTFF), City Resilience Program's (CRP) investment portfolio assessments for private financing potential.

iv. Component 4: Project Implementation Support

26. For successful implementation of the complex project activities, a strong implementation support framework is needed. To operationalize this implementation support, this component will finance the costs of Project Management Support (PMS) for the CPMU, Technical Management Consultants (TMCs) for all PIUs and Oversight Service Providers (OSPs) to strengthen the capacity of the Project Management Unit (PMU) and the Project Implementation Units (PIUs) to oversee implementation of the program at national, provincial and city levels. It will include contract supervision, financial and technical audit, oversight on the inclusion of environmental and social safeguards aspects (including citizen engagement), monitoring and evaluation etc.

27. **City Selection:** City selection is primarily restricted to cities with populations of more than 500,000 persons, with exceptions made for smaller cities only if a clear need is articulated (such as the demonstration for a specific thematic planning intervention like the disaster risk context in Palu). Key criteria for inclusion in the order of priority are (a) window for the revision of statutory spatial plans (RTRW) during the project lifecycle (b) strong city leadership, BAPPEDA capacity and commitment to the project interventions, (c) possibility for RPJMD revision, (d) presence of other urban sectoral infrastructure investment programs (including World Bank national platform projects, (e) geographical mix.

D. Institutional and Implementation Arrangements

28. **The project design requires inter-agency cooperation, necessitating a multi-PIU institutional arrangement.** To minimize potential coordination challenges during implementation and enhance the absorption of interventions at the city level, detailed implementation and coordination arrangements have been mapped out at the national and city level. Further refinement of implementation arrangements may be needed during project implementation following the implementation of phase one cities.

29. **Executing Agency:** The executing agency for the project will be placed at MPWH with the Central Project Management Unit (CPMU) established within the Regional Infrastructure Development Agency (BPIW). The roles and responsibilities of the executing agency are as follows: hold regular meetings with Project Implementing Units (PIUs) to ensure on-target

process; implementation of environmental and social safeguards in accordance with Bank policies as specified in the ESMF, management and reporting on the Monitoring and Evaluation Framework, development, utilization and updating of the Project Operations Manual (POM) in coordination with PIUs. CPMU will be supported by Project Management Support (PMS) to ensure overall work quality, accountability and timeliness through clear KPIs linked with the project and outlined in the TORs. PMS will ensure that implementation at the central and city levels moves forward in accordance with the work plans and will also provide consultants to support local government coordination committee for smooth implementation. In addition to operational experts (Financial Management, Procurement, M&E etc.), PMS will also retain a pool of technical experts to draw upon for providing technical support for smooth implementation.

30. Project Implementing Units (PIUs): PIUs include relevant directorates of ministries in charge of components or sub-components. PIUs will be established within the National Development Planning Agency (BAPPENAS), Ministry of Public Works and Housing (MPWH), and Ministry of Home Affairs (MOHA). Each of these lead agencies will coordinate with key agencies at the national level including, Central Bureau of Statistics (BPS: Badan Pusat Statistik), Central Bureau of Geospatial Information (BIG: Badan Informasi Geospasial), Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN), Ministry of Communication and Information Technology (MoCI), Ministry of Transport (MOT), Ministry of Environment and Forestry (MOEF), Ministry of Communication and Information Technology (KOMINFO: Kementerian Komunikasi Dan Informatika) etc. No city-level PIUs will be established. PIUs will be responsible for achieving the project development objective and relevant performance indicators by coordinating all activities under their respective mandate, ensure that the activities progress in line with the progress implementation schedule and work plans in the POM; overseeing the implementation of sub-components under their responsibility; coordinating with relevant directorates or agencies in implementing their obligations, and ensuring that financial, procurement and contract management, safeguards and overall project implementation conforms with the World Bank policies. Each PIU will supported in their implementation role by Technical Management Consultants (TMCs), who will be supervised by the PIU staff. TMCs will also be responsible for regularly coordinating with the PMS on the status of specific packages under implementation

31. Inter-Ministerial Coordination at the national level: At the national level, a multi-ministerial urban coordination structure will be enabled and strengthened. The Inter-Ministerial Steering Committee (TKPPN) under BAPPENAS will be leveraged for high level coordination during implementation, with the understanding that its function and structure would be further elevated and enhanced within the project life cycle. The CPMU and PIUs will report strategic issues and high-level progress and achievements of NUDP during periodic TKPPN meetings

32. Coordination at the city level: At the local level, an NUDP Coordination Team will be established through a Mayoral Decree. The NUDP City Coordination Committee will function under the overall leadership of the City Secretary (Sekda), with BAPPEDA (city planning agency) in the lead and key members drawn from relevant agencies. This team will coordinate, monitor and supervise all activities under NUDP and the coordination role will be supported by city-level consultants appointed through the PMS. PIU specific TMCs will further support the city coordination committee as needed. Technical working groups within the Coordination Team will be established to oversee specific NUDP activities and tap into existing institutional mechanisms at the city level to institutionalize capacity building. For instance, the Integrated Planning Working Group would leverage an existing mechanism available in certain cities, namely the City Spatial Planning Coordination Unit (TKPRD – Tim Koordinasi Perencanaan Ruang Daerah). These working groups will report regularly to the City Coordination Committee and periodically to the Sekda on project progress. Cities will be asked to commit to the establishment the NUDP City Coordination Committee as part of the Expression of Interest (EOI) to join the project, which will be solidified via a Memorandum of Understanding (MOU) with the national government.

33. Quality control reference groups: Given the complexity of the project encompassing multiple sectors and stakeholders and the need to time and sequence the intervention points well, the CPMU will consider convening an independent panels of experts, or “quality control reference groups” drawn from academia and planners associations to periodically review quality of key outputs and advise the CPMU and PIUs. These experts will also be tapped into for stakeholder workshops and will become champions in their own capacity for the project by maintaining a vibrant dialogue on the issues of integrated planning and urbanization in Indonesia

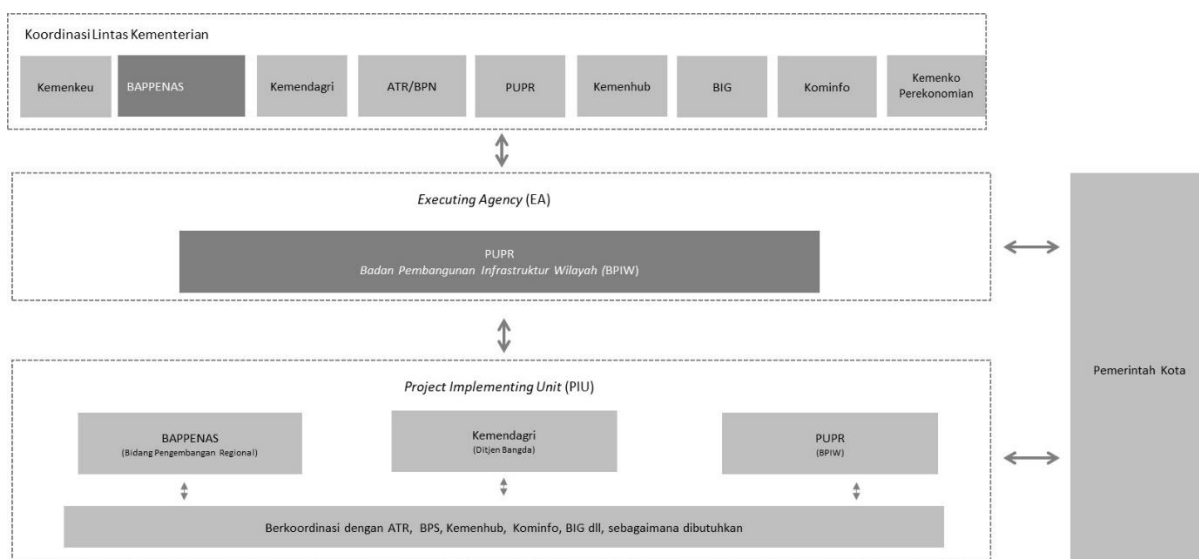


Figure 1: Project Management Structure

34. A similar institutional arrangement for NUDP per the illustration in **Figure 1** will be required to implement safeguard tools and strategies identified in this ESMF, as an effort to minimize the environmental and social impacts that may be caused by the project activities. The institutional arrangement for safeguard related activities can be found in Chapter VI.

II. THE ENVIRONMENTAL AND SOCIAL FRAMEWORK

A. Objective

35. The objective of the Environmental and Social Management Framework (ESMF) is to enhance the positive environmental and social impacts created by NUDP as well as to provide reference and guidance for the project management staff, consultants, city governments, and other related parties participating in project on a set of principles, rules, procedures and institutional arrangements to screen, assess, manage and monitor the mitigation measures of potential environmental and social impacts of project's spatial planning and for the handling of project consultation processes and grievances.

36. The guidance provided is to support city governments to comply with the Project requirements, procedures and regulations related to environmental management, land acquisition and resettlement, and Indigenous Peoples, in accordance to prevailing Government of Indonesia regulations and supplemental provisions of relevant World Bank Safeguard Policies during project implementation stage.

B. Scope

37. As a TA project, NUDP will only focus on strengthening statutory plans and enhancing the quality of inputs for these cities' spatial and development plans. NUDP does not directly finance any FS or DED, nor will it support any physical investments planned in the RPJMD.

38. The ESMF will address both direct and indirect potential impacts caused by NUDP activities. Examples of potential direct impacts from Component 1, 2 are related to the oversight of environmental and social aspects during the implementation of some studies, such as the Environmental Zoning and Land Use Study (see Component 2.2), and are outlined in Section III in more detail. Safeguard mitigation for activities outside the cities' spatial planning will not be under project's scope. Since these are not under project's control, the examples of TORs and training on certain safeguard topics such as land acquisition and resettlement, for example, are

provided as an added value, to broaden awareness and raise capacity for future works or other related works by the same agencies, where social and environmental considerations may be better addressed. As a Technical Assistance project, the ESMF provides recommendations that are expected to be implemented by the project, however they are only obligatory for activities that are part of NUDP's project description or specific obligations are included to that effect¹.

39. The ESMF will also provide practical tools such as a questionnaire or a check list to withdraw strategic and important information from SESA/KLHS to be incorporated during the SAF, SDF and CIP or Precinct Planning Development (Annex 5).

40. City level coordination will be determined by *Surat Keputusan*/Local Decree. The project will not establish PMUs at the city level but rather builds on to the existing development or planning structures, namely BAPPEDA as the local planning coordination agency.

C. Applicable World Bank Environmental and Social Safeguards Policies

41. The World Bank Safeguard Policies and their policy objectives are summarized in the **Table 1** below:

Table 1. World Bank Environmental and Social Safeguards and their Policy Objectives

No.	OP/BP	Safeguard	Policy Objectives
1.	4.01	Environmental Assessment	Ensure the environmental and social soundness and sustainability of investment projects. Support integration of environmental and social aspects of projects in the decision-making process.
2.	4.04	Natural Habitats	Promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions.
3.	4.09	Pest Management	Minimize and manage the environmental and health risks associated with pesticide use and promote and support safe, effective, and environmentally sound pest management.

¹ This statement is regulated in the "Interim Guidelines on the Application of Safeguard Policies to Technical Assistance (TA) Activities in Bank-Financed Projects and Trust Funds Administered by the Bank" under "Legal Documents"

No.	OP/BP	Safeguard	Policy Objectives
4.	4.11	Physical Cultural Resources	Assist in preserving PCR and in avoiding their destruction or damage. PCR includes resources of archeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance.
5.	4.12	Involuntary Resettlement	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project, whichever is higher.
6.	4.10	Indigenous Peoples	Design and implement projects in a way that fosters full respect for Indigenous Peoples' dignity, human rights, and cultural uniqueness and so that they (1) receive culturally compatible social and economic benefits, and (2) do not suffer adverse effects during the development process.
7.	4.36	Forests	Realize the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests.
8.	4.37	Safety of Dams	Ensure quality and safety in the design and construction of new dams and the rehabilitation of existing dams, and in carrying out activities that may be affected by an existing dam.
9.	7.50	Projects on International Waterways	Ensure that the international aspects of a project on an international waterway are dealt with at the earliest possible opportunity and that riparian are notified of the proposed project and its details.
10.	7.60	Projects in Disputed Areas	Ensure that other claimants to the disputed area have no objection to the project, or that the special circumstances of the case warrant the Bank's support of the project notwithstanding any objection or lack of approval by the other claimants.

42. All TA activities in Bank assisted projects, irrespective of their sources of financing and whether they are stand-alone or as part of an investment operation, should be reviewed for their

potential environmental and social implications, risk and impacts and therefore, subject to Bank safeguard policies when applicable. Hence, the Bank is responsible for the screening, environmental categorization and the selection of safeguard instruments of each proposed TA activity based on January 2014 Interim Guidelines on the Application of Safeguard Policies to Technical Assistance (TA) Activities in Bank-Financed Projects and Trust Funds Administered by the Bank.

D. Indonesian Laws and Regulations relating to Environmental Management and Impact Assessment

i. National Laws

43. Law No. 32/2009 on The Protection and Management of the Environment aims to establish a sustainable environment through environmental based planning policies and rational exploitation which includes environmental development, maintenance, restoration, protection, monitoring and management. Environmental protection and management must be planned through the following steps: inventory of environmental aspects to produce data and information on natural resources; conformity to regulations for ecology of a defined area; analysis of environmental and social impacts; and establishment of an environmental protection and management plan. The law includes some elements of public consultation, supported by the Ministry of Environment and Forestry Regulation no 17/2012: “The Guidelines for Public Involvement in Environmental Assessment and Environmental Permitting Process”.

44. Specifically for development planning, the law regulates the instrument for preventing pollution or damage to the environment, such as strategic environmental and social assessment (SESA) or *Kajian Lingkungan Hidup Strategis* (KLHS). See below for the regulation (46/2016) on implementation of SESA and ministerial (MOEF) regulation 69/2017 as the implementing guideline of MOEF Regulation 46/2016.

45. Law No. 26/2007 (Amends Law No. 24 Year 1992) Spatial Planning Management. In the context of decentralization, urbanization and other factors, it grants authority over spatial planning to provincial governments and district (local) governments (*pemerintah kabupaten* and *pemerintah kota*). Provision of this authority is not stipulated within previous spatial planning laws. It also provides some new ways for enhancing development control including zoning, planning permits, implementation of incentives and disincentives, including administration and criminal sanction. Law No. 26 Year 2007 also acknowledges the importance of public participation in spatial planning.

46. Law No. 2/2012 on Land Acquisition for Public Services stipulates that land acquisition must be conducted in accordance with the regional spatial plans; national or regional development plans; the strategic plans; and work plans of each agencies that involves land acquisition.

ii. Government Regulations

47. Government Regulation No. 63/2002 on Urban Forest. The regulation stipulates the establishment of urban forest for preservation and ecosystem balance covering the environment, social and culture components.

48. Government Regulation No. 13/2017 on National Spatial Plan. The regulation regulates the policy directives for national development regarding national spatial planning and strategies for improving access to urban services, networks of facilities and infrastructure, and environmental functions in a holistic and sustainable manner.

49. Government Regulation No. 15/2010 on The Implementation of Spatial Planning provide the guidelines for the formulation spatial plan documents in the scope of all government levels as a reference for city development and specify the general description of required analyses in spatial plans.

50. Government Regulation No. 27/2012 on Environmental Permit. The Environmental Permit Regulation No. 27 Year 2012 requires that application for environmental permit shall be accompanied by environmental assessment documents (AMDAL and UKL-UPL), business legal documents, and business profile document. Under this regulation, project owners need to apply for an environmental permit from the appropriate government authority before project implementation.

51. Government Regulation No. 46/2016 on Strategic Environmental Assessment Implementation Procedure elaborates the method of formulating, validating, documenting, monitoring, and evaluating a KLHS document which is mandatory for the RTRW, RDTR and/or RPJP/M. This regulation describes concerns procedures for the implementation of a series of systematic, thorough, and participatory analyses in order to ensure that the principles of sustainable development have become the basis for and been integrated in the development of a region and/or policy, plan, and/or program.

52. Government Regulation No. 24/2018 on Online Single Submission Services provides a thorough explanation of the online based business licencing services for more than 40 types of

permits. This regulations cover the different types of business permits, procedures for permit implementation, sectoral licensing reforms, explanation of OSS institutions, systems and funding, and resolutions of OSS-related issues and sanctions. Associated with environmental permits, there are a total of five guidelines derived from this regulation, listed as follows:

- Ministry of Environment Regulation No.P.22/MENLHK/SETJEN/KUM.1/7/2018 concerning Norms, Standards, Procedures, and Criteria for Electronically Integrated Licensing Services within the Ministry of Environment and Forestry.
- Ministry of Environment Regulation No: P.23 / MENLHK / SETJEN / KUM.1 / 7/2018 concerning Criteria for Business Changes and / or Procedures for Modifying Environmental Permits.
- Ministry of Environment Regulation No: P.24 / MENLHK / SETJEN / KUM.1 / 7/2018 concerning Exemption of AMDAL preparation for Businesses and / or Activities Located in Regency / City Areas with an RDTR already available; UKL-UPL based on RDTR replaces the obligation of Project proponent to prepare an AMDAL only if the activities are still within the scale/scope of KLHS and RDTR.
- Ministry of Environment Regulation No: P.25 / MENLHK / SETJEN / KUM.1 / 7/2018 concerning Guidelines for Determining Types of Business Plans and / or Activities that Must Have an UKL-UPL and SPPL document.
- Ministry of Environment Regulation No: P.26 / MENLHK / SETJEN / KUM.1 / 7/2018 concerning Guidelines for Preparation, Assessment, and Examination of Environmental Permits (AMDAL, UKL-UPL, SPPL) in the Implementation of OSS

iii. Ministerial Regulations

53. Ministry of Forestry Regulation No. 71/2009 on **Guideline for Urban Forest Management** provides guidance on assigning/retaining, developing, establishing and managing urban forest.

54. Ministry of Public Works Regulation No. 20/2011 on **Detailed Spatial Plan and Zoning Regulation Guidelines** obligates social, cultural, and environmental analysis of urban areas to be included in the detailed spatial plan and zoning regulations. These analyses comprise studies regarding socio-cultural conditions, analysis of water resources, land resources, topography, environmental geology, climatology, protected zones, and hardness zones. The aim of the analysis is to review the suitability of land and to optimize urban development while maintaining the ecosystem and minimizing environmental damage.

55. Ministry of Home Affairs Regulation No. 86/2017 on **Guidelines for Development Plans** gives a detailed outline of RPJMD that integrates the technocratic plan with vision, mission, and

program of the elected mayor. The RPJMD must be supported by KLHS as a mandatory supplementary document.

56. Minister of the Environment Regulation No. 09/2011 on **General Guidelines for Strategic Environmental Assessments**. This regulation contains references for implementing strategic environmental assessments for policy, plans, and/or program makers, in sectoral as well as regional contexts.

57. Ministry of Home Affairs Regulation No. 67/2012 on **Guidelines for Implementation of Strategic Environmental Assessments in the Preparation or Evaluation of Regional Development Plans**. This regulation outlines the process of creating and implementing the Strategic Environmental Assessment (KLHS) which is conducted during the preparation and evaluation of Regional Long-Term Development Plans (RPJPD); Regional Medium-Term Development Plans (RPJMD); and/or policy, plan, and/or program that potentially inflict environmental impact and/or risk as the consequence of the Strategic Plan of the Regional Work Units in the local governments.

58. Ministry of Environment and Forestry Regulation No. 69/2017 on **The Implementation of Government Regulation No. 46/2016 on Strategic Environmental Assessment Implementation Procedure** elaborates the method of formulating, validating, documenting, monitoring, and evaluating a KLHS document which is mandatory for the RTRW, RDTR and/or RPJP/M. The impact of components in KRP that relates to the environment and social aspects should be analysed in the KLHS along with alternative plans to improve the KRP, recommendations for decision making, integration of KLHS results into the KRP. The implementation of SESA will include quality control, written documentation, validation, and must be integrated with KRP.

59. Ministry of Home Affairs Regulation No. 7/2018 on **The Development and Implementation Of The Strategic Environmental and Social Assessment (KLHS) For The Formulation Of The Medium Term Regional Development Plan (RPJMD)** outlines the mechanism for the development of KLHS/SESA as a supporting document for the RPJMD, procedures for quality assurance and assessment, and the implementation of the KLHS. Inputs from the KLHS, such as the overview of district/city condition, strategic issues, KLHS objectives, and strategic targets will be incorporated in the RPJMD document and the formulation of Regional Action Plan for Sustainable Development Goals (RAD TPB).

60. Head of National Land Agency Regulation No. 5 of 2012 on **Technical Guidelines for Land Acquisition** regulates the procedures of land acquisition, including the provision describing the steps in land acquisition, including the compensation for affected people; these aspects are to be

considered in the urban development planning. Since its issuance, this regulation has been amended twice, i.e., by the Regulations of the Minister of Spatial Development/National Land Agency No. 6/2015 and No. 22/2015. It specifies in detail the preparation of the implementation that includes: inventory and identification of the affected land, determination of appraisal services and task of appraisers, discussions/negotiations on the forms and values of compensation values, compensation payment or provision in the case the compensation is in the form of non-cash, process and procedures in providing compensation in special circumstances, custody of compensation/consignment, release of objects of land acquisition, documentation of field map, nominative lists and administrative data. It also specifies the submission of results of the land acquisition; the taking of the consignment; monitoring and evaluation; financing land acquisition; small-scale land acquisition; coordination or the implementation of land acquisition; and transitional provisions. This regulation is accompanied by a set of various formats as annexes.

61. Ministry of Spatial Development/National Land Agency Regulation No. 1/2018 on Guidelines for Spatial Plans at province, city, and district level regulates the process and procedure of formulating RTRW documents. The drafting process of the RTRW requires several aspects of analysis, one of which is the physical aspects of the planning region that must include potential disasters, natural resources, land capacity, ecosystem balance, climate change resilience, while also taking into account social considerations such as projection of population in the region, social and cultural conditions (e.g religion, local wisdoms, and local customs). The RTRW is also required to include recommendations from the KLHS.

62. Ministry of Spatial Development/National Land Agency Regulation No. 5/2015 on Location Permission. This regulation describes the permits that should be obtained for acquiring land. It regulates the area of the land and confirms the area of the land is in commensurate with the prevailing spatial plans, and also outlines the procedures, rights, liabilities, and monitoring and evaluation of the permit holders.

63. Ministry of Spatial Development/National Land Agency Regulation No. 6/2015 on the Changes of the Regulation of the Minister of the National Land Agency No. 5/2012. This regulation amended the Regulation of the Minister of the National Land Agency No. 5/2012. This regulation elaborates the amendments of the Presidential Regulation No. 71/2012 as specified in the Presidential Regulation No. 40/2014, Presidential Regulation No. 99/2014, and Presidential Regulation No. 30/2015. This regulation specifies that land management rights could be given to the national institutions, ministries, non-ministerial institutions, provincial, district or city, and SOEs who are assigned by the central government to cooperate with business entities. Business entities who has the agreements with one of these institutions could be given building rights or use rights. Moreover, this regulation also explains that the land acquisition funds is included in

the budget document (DIPA) of the government institutions or budget of the SOEs. This regulation also stipulates the processes and procedures of small-scale land acquisition for an area up to 5 Ha and land acquisition for infrastructure that are not for public interests. Further, this regulation contains process, procedures and requirements on the incomplete land acquisition but has obtained Determination of Development Location Letter. This includes the requirements to apply the compensation level that is assessed by the land appraisers as specified in the Law 2/2012 for the land that had been assessed under the requirements of the previous regulations with lower compensation level.

64. Ministry of Environment Regulation No. 5/2012 concerning **Types of Business/Activities Requiring AMDAL (Environmental Impact Assessment)**. This regulation describes screening process for the type of Impact Assessment study in various sectors. The screening process is based on threshold for the scope of activities, for example: the capacity of the plant, the length of pipe, the length of road, etc.

65. Ministry of Environment Regulation No. 16/2012 concerning **Guidelines for Composing Environmental Impact Assessment Document**. This regulation stipulates the steps in conducting an Impact Assessment and the content of Environmental Impact Assessment document.

66. Ministry of Environment Regulation No. 17/2012 concerning **Guidelines for Community Involvement in the Environmental Impact Assessment Process and Environmental Permit**. This regulation provides guidelines for the implementation of community involvement in the Environmental Impact Assessment Process and Environmental Permit based on the following basic principles: transparency, equality, fairness as well as coordination, communication and cooperation with stakeholders.

E. World Bank Safeguard Policies Triggered

67. Based on a desk review of similar projects and preliminary environmental and social screenings, the World Bank Safeguard Policies that are relevant and/or triggered by the NUDP activities are those shown below (see **Table 2**). The rationale for policy triggers by NUDP follows.

Table 2. List of Triggered World Bank Safeguard Policies

Safeguard Policies Triggered by the Project	Yes	No
Environmental Assessment OP/BP 4.01	X	
Natural Habitats OP/BP 4.04		X

Forests OP/BP 4.36	X
Pest Management OP 4.09	X
Physical Cultural Resources OP/BP 4.11	X
Indigenous Peoples OP/BP 4.10	X
Involuntary Resettlement OP/BP 4.12	X
Safety of Dams OP/BP 4.37	X
Projects on International Waterways OP/BP 7.50	X
Projects in Disputed Areas OP/BP 7.60	X

68. **OP 4.01 Environmental Assessment** is to ensure that the project is environmentally sound and sustainable. Assessment of potential environmental impact is to be conducted to prevent or minimize potential environmental and social impacts (through avoidance, minimalization, and mitigation or with ecological compensation), while engaging with relevant stakeholders throughout project life. The following points explain the relevance of OP 4.01 in NUDP.

69. The project is designed to promote integrated urban planning and process at the city level that is expected to generate positive impacts. The activities across all components entail strengthening planning, prioritization and optimization of resource management, with multiple opportunities to increase attention to potential environmental and social impacts of the future zoning and infrastructure changes that would result from the project activities.

70. Component 1 will not: (i) directly or indirectly support engineering design or technical studies leading to the preparation of physical investments; or (ii) establish or support the formulation of new land use plans. The activities provide an important opportunity to integrate environmental and social objectives into urban development policy and regulations. Mainstreaming of safeguards considerations, including enhanced stakeholder consultations and dialogues during the process of review and revision of regulatory frameworks, will be achieved through the Terms of Reference (TOR), and through training and other capacity building measures.

71. Component 2 will use Spatial Development Frameworks (SDF), Strategic Area Framework (SAF) approaches, to strengthen the current Spatial Plans for participating cities. These documents will establish or support the strengthening of existing land use plans (RTRW, RDTR) that may have potential environmental and social impacts. In addition, precinct plan will highlight infrastructure gaps at neighborhood level. SDF, SAF and precinct plan together will provide input for the CIP of participating cities. It is important to note that while prioritization of capital investments from the city wish-list is within the scope of this project, along with providing technical assistance to improve the quality of planning as well as strengthening of development controls, there will be no physical construction activities funded by the NUDP.

72. Although NUDP does not finance any FS, DED or infrastructure developments, safeguard measures included in this ESMF will nevertheless serve as a precaution and to enhance local capacity to anticipate future indirect, downstream impacts that might include induced impacts on historical sites, induced impacts on use of resources in urban periphery, possible relocation of people including illegal dwellers on public lands, as well as having detrimental effects on sensitive or restricted areas downstreaming from possible future physical investments. Anticipation of these future potential impacts in the urban planning process is provided in the ESMF, through socialization, training, as well as through specific inputs to build in environmental and social considerations to the CIP, as discussed in section III.

73. Component 2 will also support and strengthen data and information in urban planning. The project will conduct various studies, among others are environmental zoning and land suitability study, which will produce high quality input for the SDFs, SAFs, and Precinct Plans to enhance sustainability and promote positive outcomes of future investments. The environmental zoning and land suitability study will incorporate every environmental and social informations in spatial planning (e.g.natural hazards, land tenure, presence of indigenous people etc) and ensure that all activities developed within the plans will take into account environmental and social aspects.

74. Component 3 outputs are enhanced capacity of city governments to do better planning, budgeting and project management. It will also help to strengthen cities' capacity in accessing financing from various sources including capital markets, such as the Regional Infrastructure Development Fund (RIDF) Project. This component therefore will not lead to environmental and social impacts; any future investments implemented will be subject to the safeguards processes of the GoI and requirements of financiers, such as or including the World Bank's RIDF Project that is established as a sub-national borrowing facility.

75. Component 4 involves strengthening the PMU and the PIUs and will cover contracts for supervision, financial and technical audit, oversight on the inclusion of environmental and social safeguards aspects, monitoring and evaluation, etc. Through the ESMF application, there will be opportunities to mainstream social and environmental impact and risk considerations through a range of functions in diverse institutions.

76. The statutory plans, i.e. RPJMD, RTRW and RDTR, are mandated by the GOI laws and regulations to be supplemented by GOI's own Strategic Environmental (and Social) Assessment (SESA/KLHS) as required document. The SESA shall be performed in parallel with the spatial planning process and the recommendations of the assessment become the input for the planning documents. Gaps in the regulation have been identified and recommendations will be given on strengthening future SESA/KHLS, with TOR for good practice SESA provided to encourage improvements as needed.

77. **OP 4.10 Indigenous Peoples** is to ensure that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples (IP). The Bank recognizes that the identities and cultures of IP are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose IP to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among IP also are complex. As social groups with identities that are often distinct from dominant groups in their national societies, IP are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that IP play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law. The following points explain the relevance of OP 4.10 in NUDP.

78. The policy is triggered, based on the understanding that the process of city planning will require public participation, including Indigenous Peoples if they exist in participating cities. Additionally, with up to 15 participating cities in Indonesia, there might be IP present and potentially affected by the Project activities under Component 2. The presence of IPs will be known once the participating cities are identified and decided. The screening for IPs will involve verification and confirmation of the presence of IPs at city level, to be included in the planning processes and systems implemented as part of the project. For example, the inclusion of IP screening in the E&S guidelines for the CIP will strengthen the probability of IP presence and

interests being addressed in the planning process. As a resource for project participants, an example TOR for an Indigenous Peoples Policy Framework (IPPF) is provided in **Annex 7**.

79. **OP 4.12 Involuntary Resettlement** is to ensure that involuntary resettlement, including physical or economic displacement, is avoided or minimized in the planning process. Should this be unavoidable, the Project affected persons are provided with options of compensation, resettlement assistance and livelihood restoration assistance, at least to the level before the resettlement/land acquisition takes place. The following points explain the relevance of OP 4.12 in NUDP.

80. The Project component activities do not directly involve land acquisition, involuntary resettlement, access restriction or displacement. Nevertheless, city planning processes are closely linked to land use planning and is envisaged to cause possible involuntary resettlements in the foreseeable future due to land use violations (e.g. resettlements in disaster prone areas, protected areas, where people may be required to relocate for safety reasons, or where government agencies are involved in land consolidation for their future infrastructure development plans.). Therefore OP 4.12 is triggered, to ensure attention to the issues of land and resource access, for livelihood purposes as well as residential needs. As a general safeguard approach to mainstreaming environmental and social issues, including for enhanced public participation in the urban planning policy and regulatory processes, OP 4.12 and its requirements will be included in ESMF socialization and specific training activities for participating institutions. As important issues for consideration in project activities, the safeguard measures are to include these topics in training, specifically related to the Environmental Zoning and Land Suitability study under Component 2, and by providing an example TOR for LARPF as part of this ESMF (see Annex 9). Land-related aspects and 4.12 requirements are also targetted within the CIP, are the other precautionary 'mitigations' related to OP 4.12 are discussed further in Section IV.

81. Other operational policies such as OP 4.37 Safety of Dams, OP 4.04 Natural Habitats and OP 4.11 Physical Cultural Resources are not triggered as the potential indirect impact from this TA project is not clearly foreseeable in the future investment as the city selection shall be done later during implementation and not all the cities to be selected (which are mostly located in urban areas) will build a dam nor certainly have natural habitats and cultural resources sites within the city. For OP 4.09 Pest Management, the project will not directly procure pesticides or involves in activities related to pest management or activities that will increase the use of pesticide in the foreseeable future

F. Gap Analysis of GOI Policies and WB Safeguard Requirements

82. The Indonesian laws and regulations pertaining environmental and social safeguards are outlined above. An analysis of these regulations relative to the key World Bank Safeguard Policies shows that there are some differences in scope and requirements, which need to be addressed through this ESMF as part of the NUDP project. These gaps and measures to address them are outlined in **Annex 1**.

III. ANTICIPATED ENVIRONMENTAL AND SOCIAL IMPACTS

83. The environmental and social impacts of NUDP are indirect and largely positive. Through new studies, enhanced planning processes and additional tools such as CIP, the attention to the diverse range of environmental and social variables in city development will increase and can be expected to lead to avoidance of negative impacts from poor planning. The potential for indirect adverse impacts from NUDP are minor and relate only to the conduct of studies for the preparation of spatial development plans including Spatial Development Framework, Strategic Area Framework, and Precinct Planning in CIP (Component 2). One exception to this may be in the potential impacts related to land use, as secondary issues arising from studies and planning processes not directly related to NUDP activities. With the government functions of land consolidation for infrastructure purposes, re-zoning and improved enforcement of spatial plans, impacts on land ownership and uses, including changes to residential patterns / resettlement may potentially occur.

84. NUDP activities include various studies that review, both on desktop and on the ground, issues such as environmental zoning, land suitability, zoning, integrating land use and transport availability for access to jobs and services etc. The studies involve considerations in planning for city infrastructure, including land availability, both vacant and inhabited. The process of conducting the studies themselves will involve consultation and fieldwork, with the presence of surveyors in some settlements and public areas, and the need for interviews, focus group discussions and/or small public meetings. These activities may potentially create uncertainty or anxiety in some stakeholders, and may also trigger speculative (land transaction) activity as an indirect result. There is also potential for the exclusion of vulnerable people and neighbourhoods from fully participating in the studies, such that particular safeguard efforts are warranted.

85. Inputs from SDF, SAF, and the Precinct Plans will be considered in the CIP which will support city-level prioritization of projects. CIP is a methodology and a process based tool to prioritize, budget fit, track progress annually from the budgetary perspective and targets. It generates a a multi-year rolling plan of capital investment projects prioritized by year with

anticipated beginning and completion dates, annual estimated costs, proposed financing methods, and identification of the financing gap. The CIP is thus the other NUDP activity that can be leveraged to mitigate the environmental and social impacts and to enhance positive environmental and social benefits. At the project capture and prioritization stage, the CIP tool can be designed to include a criterion on environmental and social considerations that act as guidelines to prevent and mitigate potential adverse impacts.

86. Outside the scope of the project financing, the CIP of participating cities may lead to feasibility studies, technical or engineering designs or other outputs in preparation of the construction of physical infrastructure in the future, which may have potential environmental and social implications. By integrating the E&S considerations within the CIP tool, these risks can be better anticipated. Mitigation of future potential impacts is beyond the scope of this ESMF, as noted earlier, actual investment proposals will be subject to the safeguard requirements at that time.

87. As noted in the previous section, NUDP financing does not directly support feasibility studies, engineering designs or technical studies leading to the preparation of physical investments. However, the project does strengthen the capacity to mitigate possible environmental and social impacts stated above.

IV. MITIGATION MEASURES, APPROACHES, AND IMPLEMENTATION

88. The ESMF includes environmental and social safeguard principles and strategies, with actions planned, to serve as guidelines for the PIUs, CPMU, as well as city governments in both planning and implementing stage of NUDP. The ESMF preparation involved assessing environmental and social consideration gaps between Bank Policy and GoI regulations.

89. Generally, the ESMF process can be classified into three stages: Screening for potential environmental and social impact of statutory plans, implementation, and monitoring and evaluation.

90. The environmental and social screening process in NUDP is to identify the extent to which environmental and social considerations are needed as inputs into the existing planning documents (RTRW, RDTR, and RPJMD) and NUDP activities (SDF, SAF, precinct plan and CIP) and whether there are gaps between Bank Policies and GoI regulations in documents such as the KLHS. A generic checklist/questionnaire will be developed to help this process. The pre-implementation screening has been to identify opportunities and entry points in this technical assistance project. Screening is also an ongoing process as a multi-city project is implemented,

i.e. during implementation, further ‘screening processes’ are carried out to periodically consider if there are new, or were missed, opportunities to increase environmental and social considerations in the project activities for certain locations.

91. The safeguard ‘mitigation’ approaches to environmental and social issues in NUDP broadly include mainstreaming environmental and social considerations in existing processes, and enhancing environmental and social impact awareness and quality of practices. Three specific strategies are planned:

- to mainstream environmental and social aspects, including particular attention to land acquisition and potential resettlement issues;
- to improve quality of public participation and public consultation in particular; and
- to embed environmental and social considerations in the CIP.

92. Activities pursuant to these strategies comprise socialization of the ESMF, specific environmental and social training, with modules on specific topics targeting different groups as required, and inclusion of environmental and social aspects in the procurement TOR for CIP, its development, output², and training in its uses.

93. Safeguard document templates relevant for possible downstream activities from the RPJMD/RTRW outside of NUDP, such as the Environmental and Social Impact Assessment (ESIA), Environmental and Social Code of Practice (ESCOP), Land Acquisition and Resettlement Plan (LARP) and Indigenous Peoples Plan (IPP) are available in this ESMF as annexes. As a safeguard added value, information on these instruments will be included in the environmental and social training provided through NUDP and the PIUs will be recommended to refer to these annexes as planning tools for when the RPJMD/RTRW is materialized. The overall ESMF procedures and entry points are illustrated in **Figure 2**.

² A possible output would be a list of green investment from the CIP iterative processing.

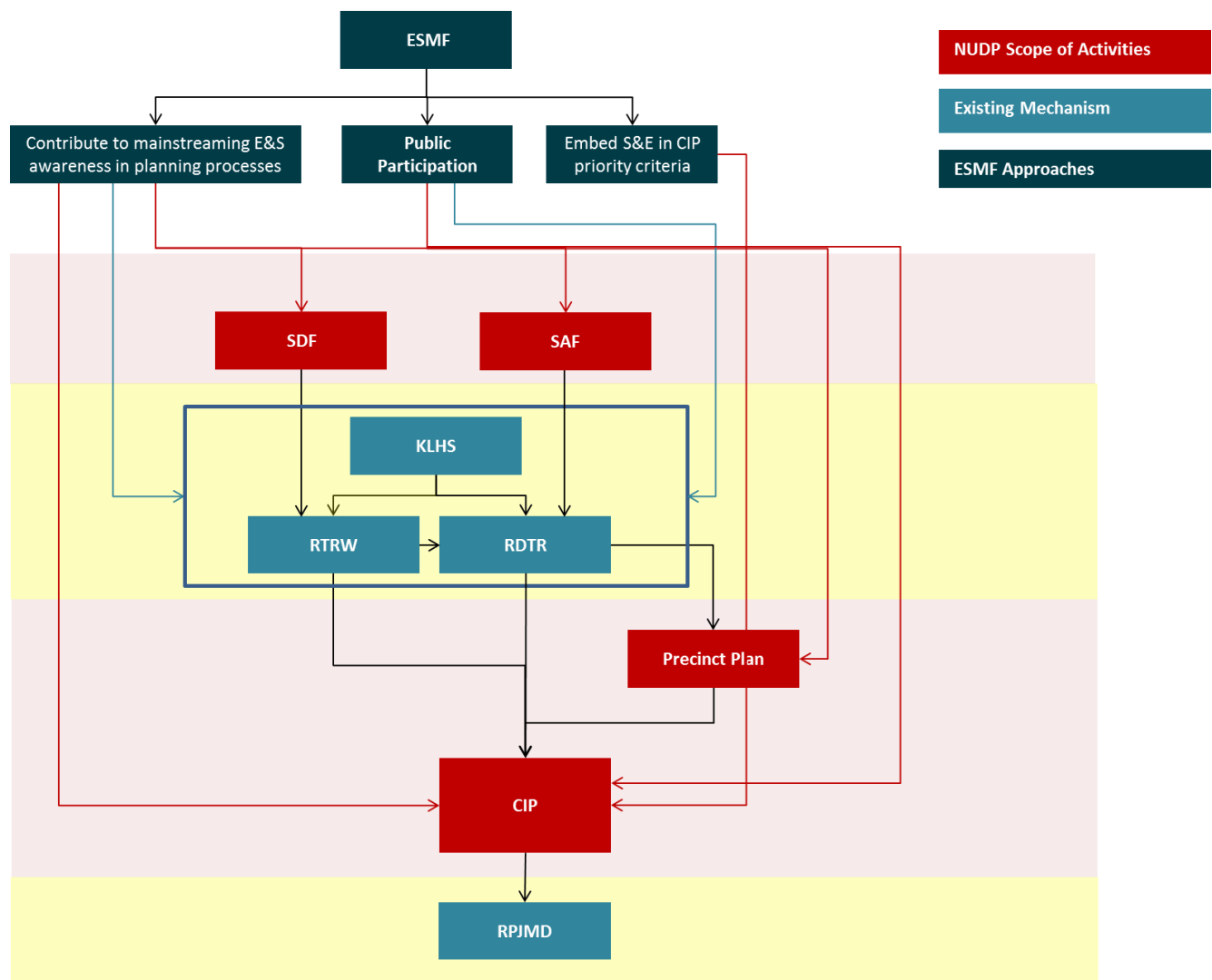


Figure 2. The ESMF Procedure

A. Environmental and Social Management Framework Implementation

94. The main strategy related to environmental and social risks under NUDP is mainstreaming and prevention of negative impacts through enhanced awareness, training, inputs into relevant TORs and strengthening environmental and social considerations in relevant statutory mechanisms and relevant regulations. **Table 3** provides an overview of this approach and how the environmental and social safeguard mitigations are embedded in the development of this ESMF.

Table 3. Overview of NUDP Environmental and Social Safeguard Interventions

Approaches/Strategies	Mitigations	Direct Target
Strengthen existing planning processes with mainstreaming E&S analysis	<ul style="list-style-type: none"> ○ ESMF Socialization ○ Environmental and Social Awareness Training* ○ City level Indigenous Peoples Assessment 	NUDP CPMU, PIUs and Bappeda/Sekda at city level, and professional practitioners, consultants and other necessary stakeholders.
	<ul style="list-style-type: none"> ○ Provide example TORs for SESA ○ Provide example for LARPF, IPP, Chance find, GRM ○ Providing ESCOP for planning 	SDF, SAF, Precinct Plan– city level ATR/DLH
Strengthen capacity for public participation / citizen engagement	<ul style="list-style-type: none"> ○ Provide training on good practice in public consultation ○ Social inclusion 	PIUs and city level practitioners and consultants (urban planning).
Embed E&S in CIP priority criteria	<ul style="list-style-type: none"> ○ Include E&S in procurement conditions and explanations for CIP software design ○ Provide training on E&S * prior to CIP city level design activities. ○ Provide World Bank's EHS guidelines to address E&S risks for future investments prioritized in the CIP 	CIP software, MOHA, Bappeda/Sekda, urban planner practitioners and consultants.

*E&S including land acquisition and potential resettlement issues

95. Strengthen environmental and social aspects in development and planning processes.

For this first main strategy under the ESMF the following entry points have been identified:

- The SESA/KLHS document as applicable;

- Capital Investment Planning (CIP);
- Citizen engagement through public consultation on the RTRW and RDTR documents; and
- RPJMD drafting and consultations.

96. KLHS/SESA is a mandatory supporting study (document) that should be included in the formulation of RTRW and RDTR of the cities. Recommendations from the SESA shall be taken into consideration in the planning documents at the city government level, through technical guidelines, commitment letter, circular letter, decree or regulation of local/city government. A generic questionnaire and checklist will be developed to ensure all strategic and important information from SESA are considered, including particular attention to land acquisition and potential resettlement issues (Annex 5, Annex 9). Planning components' relation to environmental and social aspects are analyzed in the document as a basis for giving alternative plans and recommendations to the planning documents. As the depth of social analysis required is not clearly stated in existing regulations, that scope shall be clarified and elaborated in the strengthened TOR for SESA, in accordance with international best practices, in cities where RTRW and RDTR interventions are undertaken. The effectiveness of the suggested inputs however are dependent on the timing of the KLHS drafting and revisions, as NUDP is not directly impacting these documents.

97. The CIP framework proposed in NUDP will work as a tool for prioritizing participating cities' investment programs. Prioritization will be done based on pre-established criteria and indicators agreed upon City Government Officials, which may vary in between cities. It is also important to include environmental and social aspects in planning and prioritization considerations, thus at this stage the inclusion of KLHS/SESA recommendations related to environmental and social aspects feeds into the CIP. Further to this, generic information environmental and social considerations in cities will be developed as part of the prioritization criteria of CIP. This entails building in tabs and menus in the software, providing narrative descriptions and examples to be accessed by CIP users, for example on indigenous people, on natural habitats, on catchments, urban forests, and so forth. As an option of the CIP software's output, a list of green investment could also be populated to be used by cities to attract green investors/financiers.

98. If possible, NUDP will enhance the quality of the the RTRW and RDTR to also provide analysis on the environmental and social aspects such as the carrying capacity of the environment and the existing environmental conditions of the planning region (e.g climate, green areas, topography, and environmental geology), land acquisition and resettlement issues, as well as socio-cultural analysis (e.g city elements with historical value and culture, local customs, community roles, and norms of local communities).

99. Details of safeguard mitigation tool for each identified potential impacts from NUDP sub-components are included in the **Table 4** below.

Table 4. Environmental and Social Mitigation Tools

No	Component	Sub-component	Mitigation Tools
1	National Urban Institutional and Policy Development	1 Strengthening the capacity of the Urban Platform for Inter-ministerial Coordination	This ESMF
		2 Support for the formulation of the national urban policy for promoting integrated urban development	This ESMF
		3 Formulation of National Urban Infrastructure Strategy Plan	This ESMF
2	Integrated Planning for Urban Development	1 Support for strengthening data and institutional capacity for data governance	This ESMF
		2 Support for integrated spatial planning	Input for TOR of environmental zoning and land suitability studies, ESCOP, TOR for improved SESA/KLHS, generic questionnaire/check list to withdraw important information from SESA/KLHS, input for TOR for SDF/SAF, public consultation training, TA for E&S awareness*.
		3 Support for Precinct Planning (PP)	ESCOP, input for TOR for PP, public consultation training, TA for E&S awareness*

		4	Capital Investment Planning and Budgeting (CIP) established as an investment prioritization and tracking system	ESCAP, input for TOR, public consultation training, TA for E&S awareness, WBG General EHS guidelines, A generic questionnaire/check list to extract important information from SESA/KLHS.
3	City Financial Management Capacity Development	1	City level assessment of financial and project management capacity	
		2	Project Management and Procurement training	
		3	Enhancing capacity for accessing alternative sources of finance	
4	Project Implementing Support	1	Project Management Support	TOR for safeguard specialist
		2	Technical Management Consultants	
		3	Oversight Service Providers (EO)	
		4	Operational	

* including land acquisition and potential resettlement issues

100. As noted in relation to the initial screening conducted in developing the NUDP concept and the ESMF, World Bank OP 4.10 and 4.12 are triggered for this project. An Indigenous Peoples Planning Framework is included in **Annex 7**, to guide the PMU and PIUs in screening to identify the presence of IP in cities that will participate in the NUDP, and then to understand what steps need to be taken to meet WB 4.10 policy requirements. While the NUDP activities are technical assistance activities only, it is nevertheless important for the city government's to acknowledge the possible presence of indigenous peoples in their cities as the processes may indirectly impact on them. There are opportunities to safeguard the interests of these groups, including to engage them in the processes, which will meet the policy requirements. In the case of SDF and CIP, this may mean ensuring that IP are included as a distinct stakeholder group and that the mappings or flagging of their territories or claimed areas are explicitly acknowledged and addressed/protected, and that they are included in the lists of parties to be engaged in consultation activities.

101. As applicable, steps include completion of an IP assessment at city level, to understand their profile and potential vulnerability related to project activities (including the planning processes), to plan for their inclusion in public consultation processes as well as specially design consultation activities if appropriate, and to ensure broad community support and identification of potential impacts and mitigations required related to the activity.

102. The LARPF example in **Annex 9** serves as a resource for city government and PMU/PIU staff and consultants in any capacity building activities related to analysis of impacts on land use, access and resettlement issues to do with potential, future downstream activities subsequent to this project. In other words, city priority lists of investments will consider land use and acquisition as part of the SDF and CIP, and therefore awareness of OP 4.12 and examples of the LARPF would be used to inform thinking and approaches to analysis of impacts and alternatives. Steps include building in social aspects and OP 4.12 awareness into the Land Use and Environmental Zoning study and including land acquisition and resettlement issues in the environmental and social training. The example documents are a reference that can be used in the trainings as well as in Component 4 activities, to build city awareness about good practices and potential future lender requirements related to investments / infrastructure projects that impact in these areas.

103. **Strengthening Citizen Engagement via improved Public Consultation.** One main entry point for strengthening citizen engagement in the planning processes at city level are the public consultation for the RTRW, RDTR and RPJMD documents. The current regulations require public consultation but generally provide no guidance on how this is to be conducted (see **Annex 1** on gap analysis of specific GOI regulations vis WB policies). Strengthening of the process will include developing and training SESA teams and other city officials in stakeholder analysis (to include

screening for indigenous peoples, land and resettlement issues), development of key messages, planning for participatory approaches in consultation (principles and practical techniques) and appropriate use of consultation results.

104. TOR or guidelines for improved practices in planning and implementing public consultation on planning documents are to be prepared with more details on the objectives of public consultations, list of invitees to be more socially inclusive (gender, disabled, minority groups), and the list of topics, approaches to questioning and formats, to be included in TORs and training through this ESMF. This can also be addressed further through providing training and coaching in public consultation approaches for city level implementing agencies under Component 4.

105. **Embedding Environmental and Social Aspects in CIP Priority Criteria.** The list of environmental and social aspects to be considered as a priority criteria in CIP must be included in the procurement for the CIP software design, e.g specified in the TOR or scope of work. Providing the narrative, examples and possibly visuals (photos etc.) to be part of the software package will require specific input from – or review by- environmental and social specialists to ensure the material included is accurate and fit for purpose. World Bank safeguards specialists will review this content in the CIP. The CIP prioritization method along with proposed priority criterias are illustrated in **Figure 3**. Further to the design, training on the use of the CIP involves training modules or materials, into which environmental and social aspects will be built specifically, also to be reviewed by Bank specialists before delivery to city trainees. The CIP software should be able to generate a list of ‘green investment’ as part of their prioritization criterion, and understand land requirements and related impacts or issues. A more detailed explanation regarding social and environmental input to be considered in CIP prioritization is provided in **Annex 6**.

B. Monitoring and evaluation

109. Monitoring and evaluation for safeguard interventions, specifically of the three strategies (refer to **Table 3**) and related activities outlined above, are to be monitored on a routine basis by PMU and Bank safeguards specialists. Specific activities to be monitored are the inclusion of these activities in work plans, budgets, TORs for procurement of individuals and materials, content of training and environmental and social content in CIP. Monitoring and evaluation for wider government processes including statutory plans etc, can only be influenced by the project, so the monitoring and evaluation activities are restricted to ensuring the provision of safeguard general checklists , i.e. not the substantive content in those plans, as this is outside of NUDP's scope of activities.

V. CONSULTATION AND DISCLOSURE

110. The ESMF is subjected to public consultation prior to its finalization. Key stakeholder such as the PIUs, relevant ministries, NGOs, and the academia have been invited to a consultative workshop held in Jakarta and have been actively participated in discussions. Discussions focused on the ease of use and implementation of the ESMF, suitability of impact assessment, adequacy of safeguard mitigation mechanisms, and training needs for stakeholders. Prior to the consultation, the draft ESMF has been disclosed to the public through BPIW's website [bpiw.go.id].

111. The ESMF has been disclosed in BPIW's website [bpiw.go.id] on 14 December 2018 and the first public consultation has been initiated on 19 December 2018. The second stakeholder consultation was held on Feb 8, 2019. Inputs from these consultations has been incorporated into the ESMF and finalized, for example, with increased specificity on the potential for land and resettlement issues associated with some activities, and the need for clear emphasis on these topics to be included in the mitigation strategies and actions.

A. Consultation Principles

112. Consultation activities to date, and in future, during city socialization at implementation stage are based on the following principles for meaningful consultation:

- Providing clear, factual and accurate information in a transparent manner on an on-going basis to community stakeholders through free, prior and informed consultation;
- Listening and learning about local and social culture and wisdom;
- Providing opportunities for community stakeholders to raise issues, make suggestions and voice their concerns and expectations with regard to the Project;

- Engaging with women, men, elderly, youth and vulnerable community members, indigenous people, as well as those in positions of authority and power;
- Providing stakeholders with feedback on how their contributions have been considered in the development of relevant assessments and plans;
- Building capacity among community stakeholders to interpret the information provided to them;
- Treating all community stakeholders with respect, and ensuring that all project personnel and contractors in contact with community stakeholders do the same;
- Responding to issues and requests for permission; and
- Building constructive relationships with identified influential community stakeholders through appropriate levels of contact.

B. Public Consultation Plan for ESMF

113. The public consultation approach was to divide into two days, with the first consultation targetting line ministries while the second consultation targeted civil society including NGOs, professional associations and academia. Following the consultations, stakeholders' inputs was recorded in the ESMF and considered for the finalization of the document. The final ESMF will be disclosed in BPIW's website.

114. The ESMF will be socialized to City Governments during city socialization events, where there will be opportunities to engage with City Governments in meaningful ways that allow them to provide inputs to the ESMF and future ESMPs, and to get all necessary explanation and clarifications needed to support effective implementation. Possible participants during consultation are professional practitioners in urban planning, association, academicians, CSOs and representatives from communities.

C. Public Consultation Tools

115. Communication during project development and execution involves seeking and imparting information, and reaching agreements through dialogue. **Table 5** summarizes some of the most commonly used techniques for conveying information to the public and their respective advantages and disadvantages. The safeguards consultant may use any of these techniques in developing the Consultation Plan.

Table 5 Techniques for Conveying Information to The Public

Technique	Key points	Advantages	Disadvantages
Printed materials	Information bulletins, brochures, reports: Text should	<ul style="list-style-type: none"> • Direct 	<ul style="list-style-type: none"> • Demands specialized skills and resources

	<p>be simple and non-technical and relevant to the reader</p> <p>Provide clear instructions on how to obtain more information</p>	<ul style="list-style-type: none"> • Can impart detailed information • Cost-effective • Yields a permanent record of communication 	<ul style="list-style-type: none"> • Not effective for illiterate stakeholders
Displays and exhibits	<p>Can serve both to inform and to collect comments</p> <p>Should be located where the target audience gathers or passes regularly</p>	<ul style="list-style-type: none"> • May reach previously unknown parties • Minimal demands the public 	<ul style="list-style-type: none"> • Costs of preparation and staffing • Insufficient without supporting techniques
Print media	<p>Newspapers, press releases, and press conferences can all disseminate a large amount and wide variety of information</p> <p>Identify newspapers likely to be interested in the project and to reach the target audience</p>	<ul style="list-style-type: none"> • Offers both national and local coverage • Can reach most literate adults • Can provide detailed information 	<ul style="list-style-type: none"> • Loss of control of presentation • Media relationships are demanding • Excludes illiterates and the poor
Electronic Media	<p>Radio, internet, social media, and video: Determine the coverage (social media, internet, or radio), the types of viewer; the perceived objectivity, and the type of broadcast offered.</p> <p>Determine how to disseminate the social media hashtag</p>	<ul style="list-style-type: none"> • May be considered authoritative • Many people have access to radio and cell phones • Social media is cheap 	<ul style="list-style-type: none"> • Disadvantages those without cell phones / internet access

	/ web address etc. to the audience.		
Advertising	Useful for announcing public meetings or other activities Effectiveness depends on good preparation and targeting	<ul style="list-style-type: none"> • Retain control of presentation 	<ul style="list-style-type: none"> • May engender suspicion
Formal information sessions	Targeted briefing: Can be arranged by project sponsor or by request, for a particular community group, NGO etc.	<ul style="list-style-type: none"> • Useful for groups with specific concerns • Allow detailed discussion of specific issues 	<ul style="list-style-type: none"> • May raise unrealistic expectations
Informal information sessions	Open House, Site Visits, and Field Offices: A selected audience can obtain first-hand information or interact with project staff. Visits should be supported with more detailed written material or additional briefings or consultations.	<ul style="list-style-type: none"> • Provide detailed information • Useful for comparing alternatives • Immediate and direct • Useful when the project is complex • Local concerns are communicated to staff • May help reach non- resident stakeholders 	<ul style="list-style-type: none"> • Attendance is difficult to predict, resulting in limited consensus-building value • May demand considerable planning • Field offices can be costly to operate • Only reach a small group of people

Source: World Bank Environmental Assessment Sourcebook, Number 26

Table 6 Techniques for Listening To The Public

Technique	Key points	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Interviews, formal surveys, polls and questionnaires can rapidly show 	<ul style="list-style-type: none"> • Shows how groups want to be involved 	<ul style="list-style-type: none"> • Poor interviewing is counter-productive • High cost

	<p>who is interested and why</p> <ul style="list-style-type: none"> • May be structured (using a fixed questionnaire) or non-structured • Experienced interviewers or surveyors familiar with the project should be used • Pre-test the questions • Open-ended questions are best 	<ul style="list-style-type: none"> • Allows direct communication with the public • Helps access the views of the majority • Less vulnerable to the influence of vocal groups • Identifies concerns linked to social grouping • Statistically representative results • Can reach people who are not in organized groups 	<ul style="list-style-type: none"> • Requires specialists to deliver and analyse • Trade-off between openness and statistical validity
	<p>Public seminars, or focus groups create formal information exchanges between the sponsor and the public; may consist of randomly selected individuals or target group members; experts may be invited to serve as a resource.</p>	<ul style="list-style-type: none"> • Allows detailed and focused discussion • Can exchange information and debate • Rapid, low-cost monitor of public mood • A way to reach marginal groups 	<ul style="list-style-type: none"> • Complex to organize and run • Can be diverted by special interest groups • Not objective or statistically valid • May be unduly influenced by moderators
	<p>Public meetings allow the public to respond directly to formal presentations by project sponsors. Effective meetings need a strong chairman, a clear agenda, and good presenters or resource people.</p>	<ul style="list-style-type: none"> • Useful for medium-sized audiences • Allow immediate response and feedback • Acquaint different interest groups 	<ul style="list-style-type: none"> • Not suitable for detailed discussions • Not good for building consensus • Can be diverted by special interest groups • Attendance is difficult to predict
	<p>These work closely with a selected group</p>	<ul style="list-style-type: none"> • Mobilize difficult-to-reach groups. 	<ul style="list-style-type: none"> • Potential conflicts between

	to facilitate informal contacts, visit homes or work places, or simply be available to the public.		employers and clients <ul style="list-style-type: none"> • Time needed to get feedback
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Source: World Bank Environmental Assessment Sourcebook, Number 26

VI. INSTITUTIONAL ARRANGEMENTS

116. Under the overall responsibility of the EA, NUDP will establish an arrangement for PIUs to support the environmental and social management approaches identified in NUDP. The arrangement and each institution's responsibilities are shown in **Table 5**.

Table 7 PIU Arrangement for Environmental and Social Safeguard Management

	RIDA/BPIW	MOHA/Kemendagri
Environmental and social screening in statutory plans		
RTRW/SDF	Ensure E&S screening is performed in SDF process	
RDTR/SAF	Ensure E&S screening is performed in SAF process	
Precinct Plan	Ensure E&S screening is performed in Precinct Plan process	
ESMF implementation		
RTRW/SDF	<div>Ensure the E&S content are included in the SDF</div> <div>Ensure the E&S content are included in the SAF</div>	
RDTR/SAF		
Precinct Plan	Ensure the E&S content are included in the Precinct Plan	
CIP		Ensure the inclusion of E&S aspect in priority criteria in CIP, in the TOR for CIP procurement specification
KLHS preparation		Training on improved E&S as

		broad capacity building at city level
Stakeholder engagement for RTRW	Ensure meaningful consultation to potential PAPs are conducted and also with other stakeholders such as professional practitioners, academician and CSOs	
Stakeholder engagement for RDTR		Ensure meaningful consultation to potential PAPs are conducted
Stakeholder engagement for Precinct Plan	Ensure meaningful consultation to potential PAPs are conducted and also with other stakeholders such as professional practitioners, academician and CSOs.	
ESMF monitoring and evaluation		
SDF	Monitor and evaluate the process of E&S inclusion in SDF	
SAF	Monitor and evaluate the process of E&S inclusion in SAF	
Precinct Plan	Monitor and evaluate the process of E&S inclusion in Precinct Plan	

CIP	Monitor and evaluate the process and quality of E&S aspects in CIP
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VII. THE GRIEVANCE REDRESS MECHANISM

117. The objective of grievance redress mechanism is to ensure that all views/complaints/grievances from individuals or groups involved or affected by the Project will be heard, accepted and handled in timely manner.

118. The Project provides a grievance redress mechanism for stakeholders or the communities who want to express their grievances/complaints during project implementation, including complaints related to environmental and social aspects.

119. BPIW will be the focal point that coordinates the GRM with agencies at the national level. The Project will continue the ongoing complaints BPIW's handling process and/or MPWH, which will allow community members and the general public to channel complaints and inquiries. In the case that complaints cannot be solved at the city levels, BPIW will facilitate the follow-up and dispute resolution with relevant national agencies, as necessary. BPIW will receive quarterly GRM report from the city level. The BPIW of MPWH will establish a GRM team to receive and facilitate resolution of specific concerns of affected communities not only limited to environmental and social issues, but other issues related to the Project, using and building on existing GRM as much as possible. The GRM will aim to resolve concerns promptly, in an impartial, understandable and transparent process tailored to the specific community, and at no cost or without retribution to the complainant/s.

120. In this Project, the BPIW plans to assign one of its technical experts (for instance, the institutional expert) to manage complaints as part of its GRM team. With the assistance of the Project Management Support (PMS) Consultants, BPIW will also develop a Standard Operating Procedure for Complaint Handling that in detail will specify, among others: the responsible unit, development and maintenance of venues and media for complaints/follow-up, flows of complaint handling, standard service, assessment, verification process, procedures to receive and respond to complaints (including appeals), grievance log and documentation, socialization of the system and disclosures, and reporting.

121. All grievances will be able to be filed through the official website [bpiw.pu.go.id], a local contact point (phone number), or in person filing. The online GRM will operate with the mechanism as follows:

- The public will submit complaint through a form on the BPIW website.
- The complaint will be processed by the team formed by the BPIW.

- Relevant files will be forwarded by the BPIW to relevant Units of Organizations in the MPWH within 3 working days and other Ministries/Agencies within 5 working days, while irrelevant ones will be recorded.
- Responses will be processed by the Team and to be announced in the BPIW's website as well as to be compiled as reports to the Head of the Strategic Area Development Center in BPIW.

122. BPIW will inform the World Bank of complaints received and report on their resolution. BPIW will also inform the public on access to the World Bank's Grievance Redress Systems.

VIII. CAPACITY BUILDING AND FINANCING

123. Capacity building. Environmental and social safeguards will be part of the overall regular and thematic capacity building and workshops with government stakeholders. There will be several trainings for environmental and social management, specifically for topics in the ESMF, to improve the capacity and understanding of all project implementation units and consultants that are involved. The types of trainings required by each target group are presented in **Table 6** below.

Table 8. Trainings and Target Groups

No	Target Group	Type of Training			
		ESMF Socialization*	Environmental & Social Aspects for Guideline Studies and Development of CIP*	Safeguard Training for KLHS/SESA Awareness	Training and Coaching In Public Consultation Approaches
A. Central Government Level					
1.	National Steering Committee	X			
2.	CPMU	X	X		
3.	PIU and practitioners**	X	X		
B City Level					
1.	City Government/BAPPEDA	X	X	X	X

*including land acquisition and potential resettlement issues

**professional planners, consultants

124. Financing schematics

Table 9. Cost Estimation for Capacity Building

Activities	Cost Estimation (USD)	Source of Financing
ESMF Socialization	28,800	BPIW
Environmental & Social Assessment for Guideline Studies And Development of SDF and CIP	19,200	BPIW
Safeguard Training for Conducting SESA	12,000	BPIW
Training and Coaching In Public Consultation Approaches	12,000	BPIW

ANNEX 1: GAP ANALYSIS FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS

Bank Policy	Government of Indonesia Regulation	Gaps Identified
<p>OP 4.01 paragraph 3</p> <p><i>EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources); and transboundary and global environmental aspects. EA considers natural and social aspects in an integrated way.</i></p>	<p>Ministry of Environment and Forestry Regulation No.69/2017 stipulates that a SESA/KLHS document shall include studies on at least the environment capacity and carrying capacity, environmental risks, climate change, and biodiversity.</p> <p>Ministry of Spatial Development/National Land Agency Regulation No. 1/2018 on Guidelines for Spatial Plans at province, city, and district level have listed environmental and social conditions in detail, including potential disasters, natural resources, land capacity, ecosystem balance, climate change resilience, while also taking into account social</p>	<p>Although mentioned by the Ministry of Environment and Forestry Regulation No. 69/2017 that social aspects should be considered in the SESA document, the depth of social aspect studies and action plans are unclear. Analysis on social aspects are covered in the Ministry of Spatial Development/National Land Agency (ATR/BPN) Regulation No.1/2018 and the Ministry of Public Works Regulation no. 20/2011 in more detail. However, it is still lacking assessments on indigenous</p>

<p>considerations such as projection of population in the region, social and cultural conditions (e.g religion, local wisdoms, and local customs)</p>	<p>peoples, vulnerable groups, and land tenures.</p>
<p>Ministry of Public Works Regulation No.20/2011 explains that the formulation of RDTR and zoning regulations must consider environmental and social aspects by identifying the carrying capacity of the environment and the existing environmental conditions of the planning region (e.g climate, biodiversity, natural resources, topography, physical cultural resources, and environmental geology) as well as socio-cultural analysis (e.g city elements with historical value and culture, local customs, community roles, and norms of local communities)</p>	<p>Consultation requirements in the RTRW and RDTR process are not well defined to ensure meaningful or representative participation and input.</p>

<p>OP 4.01 paragraph 8</p> <p><i>Environmental screening of each proposed project to determine the appropriate extent and type of EA.</i></p>	<p>Act No. 32/2009 regulates the appropriate EA instrument for all types of activities</p> <p>Ministry of Environment Regulation No. 16/2012 section 4.C regulates the requirement to evaluate all possible impacts from the Project and prepare mitigation measures to tackle those issues.</p>	<p>Environmental screening based on technical thresholds only may result in inappropriate extent and type of EA.</p> <p>Screening based on significant environmental impact evaluation is not clearly stated.</p>
<p>OP 4.01 Paragraph 13</p> <p><i>When the borrower has inadequate technical capacity to carry out environmental safeguards management functions, the Project includes components to strengthen that capacity.</i></p>	<p>Not covered.</p>	<p>Insufficient capacity development and training for EMP implementation. No requirement to plan for capacity development and training for EA implementation.</p>
<p>OP 4.01 Paragraph 14</p> <p><i>During the EA process, the borrower consults project-affected groups</i></p>	<p>According to the Act 32/2009, the public has the opportunity to take part in the AMDAL process, by reviewing terms of reference, being consulted in studies,</p>	<p>The regulated announcement and review period of 10 working days does not allow for effective engagement and</p>

<p><i>and local nongovernmental organizations (NGOs) about the Project's environmental aspects and takes their views into account. The borrower initiates such consultations as early as possible.</i></p>	<p>reviewing documents, and as a member of the AMDAL Evaluation Commission.</p> <p>Ministry of Environment Regulation no 17/2012 about The Guidelines for Public Involvement in Environmental Assessment and Environmental Permitting Process, including UKL-UPL document.</p>	<p>responses in the review process, even in urban environments and for sophisticated community stakeholders. For rural areas and vulnerable groups this does not allow meaningful engagement. Consultation processes may be too exclusive to gain broad community support.</p>
<p>OP 4.10 Paragraph 6</p> <p><i>Projects with potential impacts on Indigenous Peoples require:</i></p> <ul style="list-style-type: none"> -screening; -social assessment; -early and ongoing consultation* to establish free, prior and informed broad community support; 	<p>AMDAL regulation includes consultation at TOR stage and AMDAL commission, with 10 days public disclosure.</p>	<p>No requirements to identify indigenous peoples impacted or to specify them in impact studies; no requirements to consult indigenous peoples specifically or in local languages; no requirement for broad community support.</p>

-Preparation and disclosure of IPPF and/or IPPs.

*Paragraphs 10 and 11 elaborate consultation requirements for IPs

OP 4.12 Paragraph 6

The borrower shall prepare a resettlement plan or a resettlement policy framework that covers (i) The resettlement plan or resettlement policy framework; (ii) the resettlement plan or resettlement policy framework if impacts include physical relocation; and (iii) the resettlement plan or resettlement policy

Act No. 2/2012 article 46

regulates the compensation for land acquisition objects are given in the form of land and/or buildings or relocation.

The regulation does not stipulate in detail how the resettlement is performed (tend to provide compensation in cash); not regulating the livelihood restoration.

framework where it is necessary to achieve the objectives of the policy

OP 4.12 Paragraph 8

Not covered

No specific description by vulnerability (for example as indigenous or by gender).

Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

OP 4.12 Paragraph 13

Not covered

Options of resettlement/ relocation is not sufficiently elaborated, thus host communities are

Impacts on host communities need to be considered, and host

*communities need to be
consulted.*

not explicitly covered in
the GOI regulations.

ANNEX 2: ENVIRONMENTAL & SOCIAL CODES OF PRACTICE (ESCOP) FOR NATIONAL URBAN DEVELOPMENT PROJECT

How to use the COP

This is a simple guideline of Environmental and Social Code of Practices (ESCOP) for reference to the NUDP Project Implementing Units (PIU) on the inclusion and consideration of good practices in environmental and social management in urban planning process. Related training and capacity building activities on ESCOP will be conducted during coaching clinic and across project implementation.

The SDF, SAF, and Precinct Planning activities integrate overall development strategy inputs and highlight infrastructure gaps, projected areas of urban growth, vulnerability in neighborhoods of urban poverty and an overall spatial development direction for the city. Outputs from SDF, SAF, Precinct Plans will then be incorporated into the RTRW/RDTR and RPJMD.

Inputs from SDF, SAF, and the Precinct Plans will be considered in CIP prioritization of projects. Therefore, CIP activity can be leveraged to mitigate the possible indirect environmental and social impacts from the downstream activities (possible future physical investments). At the project capture and prioritization stage, the CIP tool can be designed to include criteria on environmental and social considerations that act as guidelines to prevent and mitigate potential adverse impacts.

The project will generate positive impacts of planned urban development by helping the cities with higher quality inputs (data, studies, analytics strategies). Consequently, good input will improve the quality of statutory plans. The project interventions will aim to address the lack of strategic spatial vision within the statutory plans and utilize this strategic guidance as the basis for the spatial prioritization of capital investments in the medium terms, including to reduce the vulnerability of these investments to climate-related hazards and other vulnerabilities, matching with the exiting revenue sources and identification of financing gaps.

The project may also generate indirect negative environmental and social impacts and the followings are the examples of impacts from the downstream activities of urban development planning:

- Affect local and IP communities;
- Lead to future land acquisition and resettlement;
- Require relocation of people that may have substantial social implications;
- Require the use of natural resources unsustainably (for example: excessive extraction of groundwater);
- Lead to the increase of greenhouse gases emissions (for example: poor planning of infrastructure in transport sector);
- Lead to increase the vulnerability of these investments to climate-related hazards and other natural hazards (earthquake, tsunami, etc.);
- Lead to mismanagement of solid wastes and wastewater (for example: the absence of allocation for landfill and wastewater treatment);
- Steer the concerns on sensitive sites within or in the periphery of the urban area (for example: cultural heritage sites);
- Enable to generate other unidentified environmental and social risks and opportunities.

Therefore, the following environmental and social aspects are to be included in Capital Investment Planning (CIP), SDF, SAF and Precinct Plan.

Capital Investment Planning (CIP)

- Including environmental and social considerations criteria in the scope of work for CIP software design to be procured.
- Providing training on environmental and social aspects prior to CIP city level design activities.
- Mainstreaming comprehensive environmental and social explanations into CIP.

Sector-Specific E&S Aspects for SDF, SAF, Precinct Plan

Energy

- Has the framework/plan considered renewable energy as the source of energy in the city planning (wind, geothermal, solar, biomass/biogas, etc.)?
- Has the framework/plan considered measures to facilitate integration of renewable energy into grids?

Waste and Wastewater

- Has the framework/plan allocated resources and budget for waste collection, recycling and management projects and for wastewater treatment plant with the capacity in line with the city population growth?
- Has the framework/plan considered waste management that recovers or reuses materials and waste as inputs into new products or as a resource (only if net emission reductions can be demonstrated)?

Transport

- Has the framework/plan considered urban transport modal change (urban mass transit)?
- Has the framework/plan included infrastructure for bicycles and pedestrian mobility?
- Has the framework/plan integrated transport and urban development planning leading to a reduction in the use of passenger cars?
- Has the framework/plan identified transport and travel demand-management measures dedicated to reducing pollutant emissions (such as high-occupancy vehicle lanes, parking management, car-free city areas, low-emission zones, etc.).
- Has the framework/plan considered infrastructure for low-carbon transport (for example: charging stations and other infrastructures for electric vehicles or dedicated biofuel fuelling)?

Land Use

- Has the framework/plan identified land with legacy issues (such as historical legal cases, contaminated soils, etc.) in city planning?
- Has the framework/plan made use of geospatial information to enhance spatial data platform that will support urban planning decision? For example: inventory on assets at risk to potential natural hazards and potential social conflict.
- Has the framework/plan identified the need for land acquisition and the need for possible relocation of people and people's assets in the downstream physical investment through participatory approaches in consultation?
- Has the framework/plan identified the presence of indigenous peoples and designed the land use in city planning in a way that fosters full respect for Indigenous People's dignity, human rights and cultural uniqueness?
- Has the framework/plan identified the presence of physical cultural resources, designed without removal or alteration of any physical cultural resources and/or restriction of access of certain communities to such sites and included improvement in management and protection of physical cultural resources?
- Has the framework/plan identified the areas with ecological values (such as urban forest) and designed the plan to include care and management of such areas?

Environmental and social impact mitigation measures can also be considered in the statutory plans (RTRW, RDTR, RPJMD) and Studies under Component 1 and 2 as safeguard added values.

Statutory Plans (RTRW, RDTR and RPJMD)

- Strengthening TOR for KLHS/SESA in accordance with international best practices.
- Strengthening the City capacity for public participation/citizen engagement by training on good practices in public consultation.
- Incorporating validated KLHS recommendations into SDF, SAF, Precinct Plan and CIP, plus all statutory plans.
- Improving the access to geospatial information by ensuring the availability of inventory on assets at risk to potential natural hazards, such as climate change, flood, earthquake and liquefaction, water scarcity, or at risk to potential social conflict, such as site with pollution legacy issues, poverty pocket area, etc.

By regulation, the city government (City/Regency teams with support of the PIU) will have to prepare the required environmental management instrument (SESA) as part of the preparation for their planning documents. A summary of procedures for SESA, based on the regulation, are provided in **Annex 4**. Below are possible scenarios to strengthen the SESA process in planning to be used if relevant or necessary:

- a) If the SESA has not been conducted, the city government will have to prepare the TOR for improved SESA. Draft is provided in **Annex 4**.
- b) If the SESA is in the process of being conducted, due diligence will have to be carried out. Any gaps will be closed during the process of review at whatever stage the study is (e.g. TOR stage, initial or advanced implementation, final review).
- c) If the SESA has been completed, the city government will have to document and demonstrate how the SESA findings and/or recommendations have been taken into consideration or incorporated in the making of RTRW, RDTR and RPJMD.

Studies under Component 1 and 2

- Including environmental and social aspects in the scope of work for studies to be performed.
- Establishing comprehensive environmental and social explanations into CIP.
- Obtaining the relevant environmental and social data from reliable sources to enhance spatial data platform that will support urban planning decision (for example: flooding and sea level rise information that may lead to adaptation towards climate risks, groundwater level information that may point the areas with water scarcity, etc.).

ANNEX 3: PROCEDURE OF SESA BASED ON INDONESIAN REGULATIONS

1. Procedures for the preparation of SESA. The preparation of SESA must be in accordance to the Regulation of the Minister of Environment No.69/2017 concerning the strategic environmental assessment implementation procedure and additional provisions included in this ESMF. And, the MOHA Regulation No. on Guidelines for Implementation of Strategic Environmental Assessments in the Preparation or Evaluation of Regional Development Plans.
2. The formulation and implementation of the SESA is done through the following mechanism: A study on the impact of KRP to the environment and sustainable development; refined alternatives of KRP; recommendations for decision making in the KRP that integrates the principles of sustainable development.
3. The following steps must be taken in the process of creating the SESA:
 - (i) Formation of team consisting of at least one member who is competent, holds a bachelor degree, and has experiences in formulating a SESA document prior to the Project. The team will be responsible for planning the TOR, carry out public consultations, formulate and implement the SESA accordingly, integrating the SESA into the KRP, SESA quality control, and documentation;
 - (ii) Preparation of resources, including the background of study, objectives, scope of activities, expected outcomes, methodology, work plans, amount of human resources needed, and budgeting plans;
 - (iii) Identifying sustainable development issues, which is done through public consultation, and prioritizing them by considering at least the regional characteristics, the level of risks and impacts, accordance with KRP, the content of the environmental protection and management plan, et cetera;
 - (iv) Conducting a study on the potential environmental and social impact of the KRP that contains at least the capacity and carrying capacity of the environment for development, the impacts and risks for the environment, ecosystem services, efficiency of natural resources utilization, measures of the vulnerability and capacity to climate change, and vulnerability of biodiversity;
 - (v) Devising refined alternatives that will be chosen based on the greater benefits, lower risks, security and welfare of vulnerable affected person(s), and a more effective risk mitigation;
 - (vi) Recommendations for decision making necessary for the KRP that integrates with the principles of sustainable development that should include materials for KRP

revisions and informations on the type of activities that has exceeded the capacity and carrying capacity of the environment and its follow ups.

4. Quality control of a SESA document will be done through self assessments. The self assessment will take place twice after the potential environmental and social impacts are listed and after recommendations and integration of SESA into the KRP has been made.
5. The result of the SESA and self assessments are to be documented in the SESA report
6. The SESA report is an inseparable supporting document to the development plans that are accessible for the public.
7. Validation of the assessed SESA document will be done by the city governor through the head of the regional or local government agency. Letter of request, development plans, the SESA report along with prove of quality check, and proof of expert's competency standards.
8. SESA monitoring and evaluation will be done by city mayor through local government agencies in charge of the environment. The monitoring and evaluation will be executed through the process of formulation and implementation of SESA and the implementation of recommendations. This activity must be documented in the form of a written report periodically at the end of every year.

ANNEX 4: TOR FOR SESA

a) Background and Concept

A Strategic Environmental and Social Assessment (SESA) is a necessary step for the preparation of strategies and activities to inform project design. SESA findings are used to analyze the current environmental and social conditions, potential risks and impacts associated with the proposed city planning and gauge potential opportunities to improve social outcomes such as social inclusion and participation of the vulnerable such as but not limited to the poor, landless, and marginalized community groups, including Indigenous Peoples and Local Communities (IPLCs). The SESA is an environmental and social analysis that is the responsibility of the city governments during the planning stage. The SESA will be presented as a standalone document and will complement and support studies and analysis of planning documents (RTRW and RDTR) being undertaken as part of preparation activities.

The concept of SESA will combine environmental and social analysis and participatory approaches done in parallel. Analytical components aim to enhance understanding of environmental and social issues related to city planning. Participatory approaches aim to integrate environmental and social concerns as considerations in strategic decision making.

b) SESA Team Composition and Required Qualifications

The team/agency responsible for the making of SESA, which can be a focused team from City Governments or SESA consultants, shall assign a Team Leader to be responsible for the delivery of outputs and overseeing the work of other members. The team leader shall prepare a work plan and allocation of tasks and responsibilities for each member. The size of the team shall be determined depending on the coverage, diversity and complexity of issues to be covered and needs to consider gender proportion. The team is required to have past experience working on similar assignments and good understanding of socio-economic and political issues related to land administration, social forestry and community-based resource management. The team must be able to provide samples of previous work relevant to the assignment and include female field team members.

The Team Leader must possess, as a minimum, the following qualifications:

- An advanced degree in social science (Master or PhD Degree), particularly anthropology or sociology or related disciplines from the environmental sciences;
- Proven experience in conducting and leading participatory action research, with a minimum of ten-years of experience and an emphasis on social analysis;

- Experience working on SESA document in Indonesia, particularly in the areas of land administration, land use mapping, social forestry or community-based natural resource management and working with marginalized groups, including IPs, the poor and landless, women, minorities, etc.;
- Experience and understanding of participatory approaches including strong engagement skills will be an advantage;
- Experience in data analysis, both qualitative and quantitative, is essential;
- Demonstrated ability to manage and train a group of researchers and assistant researchers;
- Proven track record in drafting concise analytical reports both in English and Bahasa Indonesia;
- Ability to speak and write fluently in Bahasa Indonesia and English, ability to speak local languages is an advantage;
- A proven team-player, experienced in working collaboratively in a broad range of cultural and social contexts.

Other team members should possess, as a minimum, a composition of the following qualifications:

- University degree in social science and environmental science (preferably Masters' Degrees), which includes social and environmental science research methodologies;
- Minimum of five-years' experience conducting social and environmental assessments, preferably using participatory approaches;
- Experience and understanding of participatory approaches processes including strong engagement skills will be an advantage;
- Experience working on SESA document in Indonesia, particularly in the areas of land administration, land use mapping, social forestry or community-based natural resource management and working with marginalized groups, including IPs, the poor and landless, women, minorities, etc.;
- Ability to write and speak in English and Bahasa Indonesia;
- Experience in drafting analytical reports both in English and Bahasa Indonesia;
- Proven team-players, experienced in working collaboratively in a broad range of cultural and social contexts.

c) Scope

Tasks in formulating the SESA includes:

- a) Analyses of existing legal, political and procedural frameworks pertaining to urban planning processes and how they affect land tenure and property rights, rights of the vulnerable including IPs (Indigenous Peoples/*Masyarakat Adat*), landless, and illegal occupants of state/private lands, and the role of relevant government agencies, particularly at the city levels;
- b) Identification and analysis of activities that may (1) drive the exploitation of natural resources, (2) disrupt the environmental carrying capacity, (3) damage sensitive or restricted areas. The analysis needs to include various incentives and disincentives for key stakeholders to participate in this process and current level of support from target communities and local stakeholders in sample areas. This needs to be conducted through consultations with relevant stakeholders, assessing their interests, needs and aspirations regarding the Project, and identifying stakeholders who may affect and influence Project outcomes – both positively and negatively. The assessment team needs to identify communication and information dissemination methods to prevent negative impacts and identify measures to avoid or mitigate such impacts in alignment with the city planning program. Awareness of gender bias and challenges particularly to groups such as women, landless peoples, indigenous or minority groups must also be considered;
- c) Overview and analysis of patterns and variation in city demographics in sample areas, including community relationships with land and natural resources, land use and formal and informal tenure patterns, socio-economic characteristics and livelihood patterns of sampled communities/households and access to land services. The analysis needs to understand conceptual linkages between access to lands to improvements in access to livelihoods and how they can be enhanced. The analysis should also take gender and ethnicity differentiation into account;
- d) Institutional and stakeholder analysis, including identification and mapping of key formal and informal institutions and stakeholders operating at city levels and assess their roles, skills and capacities in community mobilization and decision-making processes which may affect proposed project activities. This includes identification of vulnerable and marginalized groups. The analysis should take into account local political systems and leadership patterns governing land and natural resources, decision-making systems, mechanism for inter- and intra-community conflict resolution, gender roles, and political representation of marginalized groups, including women, IPs, and other minorities and interactions between ethnic groups pertaining to control and access to land and natural resources. Analysis of gender and social inclusion dimensions shall be incorporated, highlighting key constraints and local practices to foster participation of vulnerable groups in project activities and land ownership/entitlements;
- e) Review of current approaches and similar projects and programs in Indonesia and possibly in the region for good practices, with an emphasis on institutional set-up and efficiency,

participation and outreach to marginalized groups. This includes analysis of resources both in terms of quality and quantity, timeline, and methodology required for land-use mapping exercises in a manner that is participatory, across communities and regions by taking into account variety of environmental, socio-economic, cultural, and geographical characteristics to identify added value opportunities in refining participatory processes and mechanisms;

- f) Analysis of existing mechanisms to address land-related grievances and disputes, and assessment of local capacity in priority provinces to handle such grievances, and how these can be better managed to strengthen land grievance processes, including considering the role of traditional and non-formal institutions and access of the vulnerable, including women to grievance redress processes;
- g) Identification of project implications on natural habitats, and physical cultural resources (more specifically on improvements in the management, protection and land use planning initiatives, if any). The identification and assessment of physical cultural resources should include not only the tangible cultural resources, but also intangible cultural heritage. Tangible cultural heritage includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Tangible cultural heritage may be located in urban or rural settings, and may be above or below land or under the water. Intangible cultural heritage includes practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artifacts and cultural spaces associated therewith— that communities and groups recognize as part of their cultural heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature and their history. If applicable, the recommendations to address the management of intangible heritage (e.g. timing of works for festivals, intangible/spiritual value of natural resources, relocation of family shrines) need to be incorporated.
- h) Based on the analysis above, recommendations to address key environmental and social impacts, and for addressing institutional and governance weaknesses, including analysis of resource requirements that need to be considered by the project design.

d) Methods

The team/agency will make use of qualitative and quantitative instruments to collect information methods when conducting the SESA, including but not limited to:

- Comprehensive desk review of existing studies, literature, analyses, and data pertinent to environmental sensitive areas and natural habitats, land administration, social forestry and community-based natural resource management;

- Participatory and qualitative action approaches with a broad range of stakeholders, including vulnerable groups;
- The team will prepare guidelines to collect information from other means such as semi-structured interviews and focus groups;
- Consultations (formal and informal) with key stakeholders at the national and sub-national levels (including relevant government agencies, donors, NGOs, Indigenous Peoples and other community leaders and academics);
- Preparation of a beneficiary map indicating all the stakeholders included in the research classified as institutional (central-regional and local) – organizations (NGOs, indigenous organizations) private sector, academia etc;
- Use of a questionnaire to consistently collect general information from all stakeholders through a survey. The team shall provide their professional judgement with regards to the number and coverage of survey respondents and will prepare criteria to identify the sample and software to manage data collation and analysis.

ANNEX 5: GENERIC ENVIRONMENTAL AND SOCIAL CHECKLIST FOR SPATIAL PLANS

Introduction

A large part of NUDP will be mainstreaming SDF and SAF approaches within the RTRW and RDTR to ensure institutional sustainability. Based on the Ministry of Spatial Development/National Land Agency Regulation No. 1/2018, it is mandatory for spatial plans to consider the results and recommendation of the Kajian Lingkungan Hidup Strategis (KLHS/SESA) at the planning stage. To ensure the inclusion of important environmental and social informations in SDF/RTRW, SAF/RDTR, and precinct plans, a generic checklist based on existing GoI regulatory frameworks and international best practices has been developed as a guide for city governments.

Generic Checklist

- Has the plans include the city's baseline environmental conditions (e.g ground water, environmental pollution level, land capability, etc) and analyze it's capacity?
- Has plans identify and consider potential environmental and social conflicts that might be caused by future investments and their significance?
- Has the plans include maps of areas with high disaster risks (e.g climate change, tsunami, flood, etc)?
- Has the plans identify the presence of Indigenous Peoples and map their territories?
- Has the plans identify alternative options (e.g alternative technologies, design, location, etc) for investments that can potentially exploit natural resources, degrade environmental capacity, or damage sensitive areas?
- Has plans consider the presence of identified and unidentified cultural heritages?

ANNEX 6: INPUT FOR TOR FOR CIP

a) Background and Concept

CIP is a multi-year rolling plan for capital investment projects (including retrofitting and maintenance), prioritized by year, with anticipated beginning and completion dates, annual estimated costs, proposed financing methods, and identification of the financing gap. Under the CIP approach proposed under this Project, a city will move beyond a general wish-list of investment priorities towards investments within strategic areas of investments, spatially directed via the SDF and identified within SAFs. In addition, there may be limited earmarked investments based on social imperative/need or other priorities that can be mandated to be reflected within CIPs.

The proposed CIP framework ensures effective operationalization of plans by prioritizing city investments within available budgets and by tracking implementation progress and reviewing annually. Prioritization of the long list of projects (all captured within a database prior to filtering) is based on pre-agreed objective criteria, which can vary from city to city. In the context of this project, investment prioritization scores will be spatially enabled by linking them with the direction given by the SDF, adjusted by the articulated mayoral visions, and including parameters such as environmental-socio-economic impacts of investments, potential contribution to low-carbon and climate-resilient urban development, etc.

b) Prioritization Criterias and Scoring

Prioritization will be done based on established criteria and indicators agreed upon City Government Officials which may vary in between cities. It is also important to include environmental and social aspects in planning and prioritization considerations, thus at this stage, environmental considerations in cities can be developed as part of the objective criteria of CIP. Below are some examples of environmental and social aspects and customizable scoring indicators that the firm can respond to within design:

Weighting Factor	Environmental and Social Considerations
Environmental Capacity	Ground water scarcity, environmental pollution
Biodiversity and Cultural Values	Natural habitats (e.g city parks, forests, preserved areas, etc)
Indigenous People	Presence of indigenous peoples

Physical Cultural Resources	Presence of cultural sites or sacred use areas (official or unofficially known)
Land Status	Claimed areas, Recreation spaces (current users and potential needs)
Demography	Presence of slum settlements, ethnic enclaves, minority pockets or locations where vulnerable groups
Resilience	Disaster and climate change resilience
Urban Development	Planning towards public transportation
Others	

ANNEX 7: GUIDANCE ON COMMUNITY PARTICIPATION FRAMEWORK AND INDIGENOUS PEOPLES FRAMEWORK

Objectives and Principles

1. This CPF was developed based on the recognitions that: the vulnerable groups require special attention and differentiated support in order to participate in the project and receive equitable benefits on a sustainable basis; and project interventions need to be responsive to their interests, capacities and priorities which will be identified through prior consultations.
2. The CPF will ensure that vulnerable groups including but not limited to indigenous communities will be informed of the project opportunities and consulted on its activities prior to their commencement, and receive project benefits that are culturally appropriate and gender- and inter-generationally inclusive. It will also ensure that the vulnerable groups will be informed of potential negative consequences of the transfer of land use rights and any other potentially negative impacts of the Project.
3. In view of historical and socio-political contexts surrounding Indigenous Peoples in the country, Indigenous Peoples are considered a vulnerable group and treated as such in the CPF. This CPF therefore addresses the requirements under the World Bank Operational Policy 4.10 'Indigenous Peoples'.
4. The World Bank uses the term "indigenous people" in a broader sense to refer to communities which are socially and culturally different from vulnerable and other communities. These communities have the following characteristics in different levels:
 - a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
 - b) Collective attachment to geographically distinct habitats or ancestral territories in the Project area and to the natural resources in these habitats and territories
 - c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
 - d) An indigenous language, often different from the official language of the country or region.
5. In compliance with OP 4.10, this process will follow the principles of the Indigenous Peoples Planning Framework (see below the IPPF principles and guidance) therefore also has the following specific objectives:
 - To ensure that community or indigenous peoples (IPs) receive a meaningful opportunity to participate in planning activities affecting them;

- To ensure that community or special community groups receive an opportunity to get cultural benefits according to their needs;
 - To ensure that impacts of the Project that will affect them are avoided.
6. These are in line with the national goal of empowering customary communities by entrusting and giving authority to them to decide their own fate through various development programs available around them such as protection, strengthening, development, consultation and advocacy programs to improve their wellbeing.
 7. The principles that need to be upheld in the process of engaging communities in the Project are:
 - 1) Communities must be able to participate in every stage of the Project (planning, implementing, and monitoring);
 - 2) Community representatives and members of the village representatives, and other relevant stakeholders at the village level must be able to participate in the field project's decision-making processes;
 - 3) Every member of the society has the equal opportunity to access all livelihood activities, land tenure mapping, capacity building, etc.;
 - 4) Respect and acknowledgement for rights and access of respective owners;
 - 5) Fair distribution of benefits.

Stages of Community Engagement Process

8. Local communities participate in project planning, implementation, monitoring and evaluation. Stages in which communities may participate are as follows:

Stage 1: Selecting communities and villages to participate

- a) Selection criteria: the main criteria in selecting communities and villages that will participate are: (1) whether the location of the village, sub-village, or community inside or adjacent to an NUDP planning area; (2) communities' ongoing interaction with those areas whether as their livelihoods to fulfil their economic, social and cultural needs.
- b) A socio-economic analysis: the Project team will (1) collect and analyze demographic, socio-economic, and cultural data of the selected villages to get a comprehensive and accurate overview of communities' and villagers' socioeconomic conditions including social organization in the selected communities and villages; (2) identify goods and services produced by local communities and commodities imported from outside the

villages to fulfill their needs; and (3) social relations and networks in various economic activities.

Stage 2: Community awareness and the assessment of the resources

- a) The Project team must hold meetings with communities dwelling in villages around the planning area. The first meeting should be used to communicate the objectives and targets of the projects, the benefits and the potential risks. This stage is vital to attract community members' attention, provide them with information about the Project, and be accepted and supported by the community members. The Project team should have a dialog with (formal, informal, and customary representatives) community leaders and (young, woman, farmer, etc.) groups, without disregarding the poor, women, and indigenous peoples for where the IPPF will apply.
- b) In the next stage, the Project team should collect and analyze data on demography, living standard, poverty, local resource utilization disaggregated by age group and gender. The results of the data analysis should be used for the right project design: the right subject, the right time, the right activity, and the right location.
- c) The Project team must allocate enough time for the meetings to allow for all community members, without exception to the poor, women, and indigenous groups, to receive information; to know about the objectives, targets, benefits and risks of the Project. In this case, the Project team should obtain FPIC.

Stage 3: Participatory Project Design Planning

- a) Issue and alternative solution mapping

Local communities participate in identifying issues facing communities (at the household level or collectively at the villager level), choosing alternative solutions, understanding the benefits and risks of each alternative, and designing the project.

- b) Project integration with rural development plans

The Project team must help communities and village governments integrate this Project with rural development plans that have been and will be formulated.

- c) Participation assurance

The Project team should be able to ensure that all community members, without disregarding the poor, women, and minority ethnic groups, have the same and equal opportunities to participate in this Project.

d) Commitment building, timeframe and costing

The Project team together with communities and village governments should build a commitment and set a timeframe for the Project including the costing for financing all relevant activities.

Stage 4: Project implementation

a) Community capacity building

Local communities' capacity should be built through training, facilitation, comparative studies and other necessary methods to provide communities with access to and opportunities to participate in development planning, productive economic endeavors, organizations, etc.

b) Community and network institutional empowerment

The Project team facilitates community institutional empowerment to promote people's participation in the Project. Civil society organizations will be also strengthened and some of them could participate as implementing partners or service providers. The regulations within those organizations are strengthened, so that their members' roles and responsibilities could be implemented and support the Project.

Indigenous Peoples Planning Framework Principles and Guidance

An indigenous people planning framework (IPPF) is prepared and will complement the CPF, specifically to provide guidance on principles and procedures to be used during the preparation and implementation of an activity affecting indigenous peoples. As mentioned above, the Project will be implemented in several provinces and districts, including in locations where indigenous peoples live.

a. Objectives

The main objectives of IPPF are:

- To ensure that indigenous peoples (IPs) receive a meaningful opportunity to participate in planning activities affecting them;
- To ensure that special community groups receive an opportunity to get cultural benefits according to their needs;
- To ensure that impacts of the Project that will affect them are avoided.

These are in line with the national goal of empowering customary communities by entrusting and giving authority to them to decide their own fate through various development programs

available around them such as protection, strengthening, development, and consultation and advocacy programs to improve their wellbeing.

b. Definition

Indonesian communities covered by the World Bank's policy on indigenous people can generally be classified in two categories:

a) *Masyarakat Adat (MA)/Adat communities/customary law communities*. These are based on lineage or locality and are bound by customary law. Characteristics of these communities include: (i) self-identification as a distinct indigenous cultural group, (ii) collective attachment to ancestral territories and to the natural resources in the territories; and (iii) customary cultural, economic, social, or political institutions.

b) *Komunitas Adat Terpencil (KAT)/Isolated and Vulnerable communities (IVPs)*. This is a government-designated category of customary law communities that live in isolated areas. The characteristics attributed to these communities include: (i) collective attachment to ancestral territories and to the natural resources in the territories; (ii) customary cultural, economic, social, or political institutions; (iii) an indigenous language. They are also identified by government as: (i) having a subsistence economy, (ii) using simple tools and technology, (iii) having a high dependence on the environment and local natural resources, and (iv) having restricted access to social, economic, and political services.

The Project team should screen locations using the list of geographical distribution in Indonesia, as presented in the "EGIMap - Strengthening IPs Screening in Indonesia", 2010, World Bank. Also, other relevant resources and updated databases managed by AMAN and the Ancestral Domain Registration Agency (BRWA).

Relevant Indonesian laws that recognizes Indigenous Peoples includes the following.

- Law 6/2014 on Villages;
- Presidential Decree 111/1999 on Isolated or Remote Indigenous Peoples;
- Decree of the Minister of Social Affairs No. 06/PEGHUK/2002 on an Implementation Guideline for the Empowerment of Remote Traditional Communities;
- Decree of the Director-General of Social Empowerment No. 020 A/PS/KPTS/2002 on an Implementation Guideline on Remote Traditional Communities.

c. Screening for Special Community Groups amongst an Affected Population

The preliminary screening of potential IP presence in a selected location will be conducted using a combination of the World Bank's criteria and identification against the national legislation. All

activities in areas where IPs live which are also candidates for Partnerships will be visited (for first consultation with communities) by the local level PMU and the relevant local governments, including by personnel with social science background or appropriate experience. Before a visit, the leader of the local level PMU will send a notification to the community through the community leader that they will be visited for consultation. The notification serves as an invitation for representatives from farmers, woman associations and village heads to participate in a discussion regarding the activity. During the visit, community leaders and other participants will be consulted and asked to express their opinions regarding the concerned activity.

During the visit, personnel with a background in social science or experience in social issues will conduct further screening for an indigenous population with help from local leaders, the local government, and relevant NGOs. The screening will look further into: (a) IPs' names in affected villages; (b) the number of IPs in affected villages; (c) the share of IPs in affected villages; (d) the number and share of households in special communities in zones affected by the proposed project.

d. Social Assessment and Consultation

During the drafting of a project proposal or during a project approval process, a social assessment will be carried out to identify the nature and scope of impacts on an IP living amongst the affected population. By collecting qualitative and quantitative data from the project location, the basic social and economic profiles of the project-affected population or persons will be developed.

Social assessment (SA) will be carried out by eligible social scientists (or consultants). SA will collect the following relevant information: data on demographic, social cultural, and economic situations, and data on positive and negative social, cultural and economic impacts.

Social assessment will be a basis for formulating special measures for consulting, and giving an opportunity to an indigenous population to participate in decision-making processes related to the Project, if they wish for it. The process itself often serves as a consultation forum, however it can be held as a separate activity.

e. Principles in the Event of an Activity Affecting an Indigenous People

There are a number of key measures that must be adopted if an IP is present in the project location and part of the beneficiaries, in relation to indigenous peoples, vulnerable, or special community development plan.

- The PMU will make sure that a consultation for obtain free, prior and informed consultation with broad community support (FPIC) will be held, in a local language and a convenient location for IP members who will potentially be affected. Their opinions must be taken into account in the planning and implementation of any projects, by respecting their current practices, beliefs and cultural preference. The outcomes of the consultation will be documented in the project documents.
- If an IP concludes that the Project will be beneficial for them, and that every small negative impact, if any, will be able to be minimized, a plan to help them will be developed based on consultation with representatives from the IP and the local community. The community also needs to be consulted to ensure that their rights and cultures are respected. The help may include institutional strengthening and capacity building for customary villages and community members working with the Project.
- Members of the indigenous people will be identified and for those who represent considerable interest, efforts will be made to ensure that these members will be represented in a local indigenous people commission for each group, and that regular and formal communication will be established with such groups.
- In the event of an indigenous people using a language other than *Bahasa Indonesia*, relevant brochures and documents will be translated into the relevant language. It should be allocated in the project budget the cost for the additional translation of relevant project documents.

These steps will be made to ensure that the members of the indigenous people fully participating in this project are aware of their rights and responsibilities, and able to voice their needs during the social or economic survey and training, and that their needs are integrated into the FMU establishment and development project planning and into the operations policy. Additionally, they will be encouraged to submit a project proposal that will be able to fulfil their respective groups' needs, if necessary.

f. Reporting, Monitoring and Documenting

In addition to special attention to IP related issues, supervision and monitoring, the PMU will include various points in their progress reports. The World Bank's periodical supervision mission will pay special attention to the assurance that the Project will be able to benefit and will not have any impacts on them.

g. Arrangements

The PMU will be responsible for training relevant project implementing units or the local authority in consultation, screening, social assessment, analysis, IPP reporting, and grievance handling.

The PMU, the Project and the local governments are responsible for implementing IPPs (organizing adequate staffs and budgeting).

ANNEX 8: FORMAT OF INDIGENOUS PEOPLES PLAN

Consultation to obtain free, prior and informed consultation with broad community support (FPIC) will be held first through a series of meetings, including meetings with separate or specific groups: customary village heads, native men and women, especially those who live in areas that will be affected by the activities proposed. Discussions will be focused on the positive and negative impacts of the Project.

If Social Assessment (SA) shows that the proposed activities will create adverse impacts or that the IP has rejected the proposal, the activity will not be approved (and no followed-up action will be needed). If the IP supports the Project, an IPP will be developed to ensure that the IP will receive the proper cultural opportunity to benefit from the activities.

IPPs are prepared in a flexible and pragmatic manner, with various detail levels depending on the characteristics of the Project and the impacts it has. The plan should include the following elements, as needed:

- a) Summarized social assessment;
- b) The summarized results of the consultation held during project planning;
- c) A framework guaranteeing the results of consultation held with the affected IP during project implementation;
- d) An action plan to ensure that the IP receives social and economic benefits according to their cultures;
- e) Estimated cost and a funding plan for the IPP;
- f) Access to grievance mechanisms, taking into account the availability of traditional mechanisms;
- g) Monitoring, evaluation and reporting mechanisms.

The IPP for every project must be reviewed and approved by the World Bank before project implementation. The IPP must be made available for the affected IP.

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

Title of Chapter/Sub-Chapter	Content/Remarks
1. DESCRIPTION OF THE PROJECT	
	Summary Description of Project Activity (concerning area boundary, location, type of occupation, area size, area of influence, etc.)
2. SUMMARY OF SOCIAL ASSESMENT	
2.1. Baseline Data on IPs	
	<ul style="list-style-type: none"> • Baseline information on the demographic, social, cultural, and political characteristic of the IPs community, the land and territories traditionally owned or customarily used or occupied and the natural resources that they depend • Identification of key project stakeholders and elaboration of culturally appropriate process for consulting with the IPs at each stage of project cycle
	<p>2.2. Summary of results of the free, prior, and informed consultations with the affected Indigenous Peoples' communities that was carried out during Project Activity's preparation and led to broad community support for the Project Activity</p> <ul style="list-style-type: none"> • Identification of potential adverse and positive effects of Project Activity of the affected IPs within the Project Activity's area of influence • Development of measures necessary to avoid adverse effects or identification of measures to minimize, mitigate, or compensate for such effects and ensure that IPs receive culturally appropriate benefits from the Project Activity • Mechanism to prepare and implement the public consultation with the Indigenous People (consultation concerning the draft Project Activity plan, etc. as relevant), to include: determination of location and schedule of consultation, information dissemination /invitation, etc. • Public consultation process • Result/resolution and mutual agreement obtained during consultation meeting. • Number and representative of organization/institution presented by participants in the said consultation meeting.
	2.3. A framework for ensuring the free, prior, and informed consultations with the affected IPs communities during project implementation
3. ACTION PLAN (INPUTS FROM THE RESULTS OF THE SOCIAL ASSESMENT)	
	3.1. Activities for IPs to receive social and economic benefits
	3.2. Activities to avoid, minimize, mitigate, or compensate for adverse effects
	3.3. Measures to Enhance the Capacity of the Project Management
	3.4. Consultation with the affected IPs on the Draft IPP

Title of Chapter/Sub-Chapter	Content/Remarks
4. COST ESTIMATE AND FINANCING PLAN In form of table containing information about: type of activity, party in charge, timeline/milestones, cost, funding source, and remarks.	
5. INSTITUTIONAL ARRANGEMENT TO IMPLEMENT IPP <ul style="list-style-type: none"> • Agencies responsible for managing the implementation of the Indigenous Peoples Plan • Agencies responsible for reporting and monitoring on the implementation of the Indigenous Peoples Plan • Arrangements for monitoring of the implementation of the Indigenous Peoples Plan by the affected Ips 	
6. GRIEVANCE REDRESS MECHANISM ACCESSIBLE TO THE AFFECTED IPs <ul style="list-style-type: none"> • Mechanism for managing grievances as suggested by the results of the Social Assessment results 	
7. PROJECT MONITORING, EVALUATION, AND REPORTING OF IPP IMPLEMENTATION Includes arrangement for free, prior, and informed consultation with the affected IPs <ul style="list-style-type: none"> • Explaining the Work Plan for monitoring implementation of IPs and Reporting Mechanism. • Monitoring on progress implementation of IPP • Monitoring on process implementation of IPP • Reporting on implementation of (report to whom, which format to use, and deadline for submission of the report). 	
ATTACHMENT	
	Attach original or copy of documents as relevant to IPP, for example: <ul style="list-style-type: none"> • Information about the Project Activity (Map) • Table containing Baseline Data of IPs • Minutes of Dissemination and Consultation Meetings • Minutes of Agreement on Compensation Plan (if any) based on the consultations • Other relevant documentation

ANNEX 9: LAND ACQUISITION AND RESETTLEMENT POLICY FRAMEWORK

Background

A Land Acquisition and Resettlement Policy Framework (LARPF) is used as a guideline for planning, implementing, monitoring and evaluating NUDP establishment activities involving land acquisition and the resettlement of project-affected persons (PAPs). This program will identify activities during implementation phase, because it is not possible to incorporate all requirements for resettlement planning in the assessment. This framework lists principles and procedures to be adopted if an activity in NUDP establishment causes land acquisition and resettlement. In this case, the framework requires a Land Acquisition and Resettlement Action Plan (LARAP) to have been prepared for activities that cause land acquisition. The objective is to ensure that every potential impact can be minimized and that every affected person is provided with a large opportunity through compensation or other types of assistance to improve or at least maintain his/her living standard (i.e. his/her job, income, and rights to goods and services).

Through this Project local communities' rights and access will be formally strengthened. The restriction of communities' access as a result of this Project should refer to the process framework. An action plan for access restriction will be made to indicate approval by affected persons, assessment to mitigate impacts, management schemes, and monitoring and evaluation arrangements.

Basic Regulations

- Law 2/2012 on Land Acquisition for the Development for Public Interest.
- Law 6/2014 on Villages
- Presidential Decree No. 36/2005 in conjunction with the Presidential Decree No. 65/2006 on Land Acquisition for Public Interest;
- Regulation of the Head of National Land Agency (BPN) No. 3/2007 on Guidelines for Land Acquisition for Public Interest.
- Joint Regulation Minister of Home Affairs, Minister of Forestry, Minister of Public Works and Head of National Land Agency 79/2014 regarding Procedures for Settlement of Land Ownership in the Forest Area.

OP 4.12 provides important guidance about the purpose of LARAP in accordance with national and local regulations. The purpose of LARAP and definitions used are as follows;

- Every reasonable effort will be made to avoid or minimize the need for land acquisition and release, and minimize adverse impacts related to displacement. If the procurement and land

acquisition also collateral adverse impacts cannot be avoided, the principle purpose of LARAP is to ensure people who experience adverse effects ("Project Affected Persons" (PAPs) as defined below) receive compensation for the replacement cost (as defined below) for the expropriated or released land and other assets (such as buildings or plants that grow on the released land) and provide rehabilitation or other forms of assistance required to give PAPs ample opportunities to improve, or at least maintain the conditions of life (employment, income, rights to goods and services).

- "Project Affected Persons" (PAPS) refer to a person or household affected by direct economic and social impacts caused by: a. the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; b. involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons;
- "Replacement Cost" is a decent and fair compensation to PAPS in the process of land acquisition by the Project. The cost of replacement is assessed by an independent assessment team. Assessment Team assess the level of losses and compensation by using appropriate methods to meet the feasibility and fairness in accordance with the laws and regulations in Indonesia. Results of the assessment team are used as the basis in the discussion to decide the replacement cost;
- "Land Acquisition" is land acquisition activity performed by the Project by giving a decent and fair compensation to the parties who give their rights or access to the land. Land acquisition can lead to various negative impacts to the parties who give their land, such as loss of home, crops, fences, wells, graves;
- "Rehabilitation" is living recovery process of the people affected by the Project, by providing ample opportunities to restore productivity, incomes and living standards.
- "Cut-Off Date" is a time limit to identify and define who included in PAPS and their rights to acquire replacement costs or compensation. People who enter the Project area after the cut-off date are not the object for compensation or other relief.

Key Principles

World Bank guidelines OP 4.12 has established some key principles that should be followed in resettlement planning and implementation. The main principles for LARPF are as follows:

- a. If possible, the Project design and LARAPs should be perceived as a development opportunity, hence PAPs can benefit from the services and facilities provided by the Project activities.

- b. All PAPs are entitled to compensation for lost assets, or alternative forms of other assistance equivalent to compensation; PAPs lack of legal rights over the assets lost will not be blocked from the right for compensation or alternative forms of assistance;
- c. The amount of compensation as decided in LARAP, which must be paid fully to the owner of individual or collective based on the lost assets, no depreciation or taxes reduction, fees or other purposes;
- d. Value of the assets to be compensated will be assessed by an independent assessment team or institution required in national regulations (Presidential Decree 36/2005 in conjunction with Presidential Decree 65/2006). Their appointment as independent assessor has to be agreed in principle by PAPs and they should apply appropriate assessment methods;
- e. On land used for agricultural cultivation, obligatory effort should be providing replacement lands; but in the context of land rights inside the forest area, the acquisition does not obligate to provide land replacement.
- f. Replacement of tenement, site relocation for business, or replacement of farm land should be equal of value to the loss land usage;
- g. Residential transition period should be minimized. Compensation for assets should be paid before the time of impact, so that new houses can be built, fixed assets can be removed or replaced, and necessary mitigation measures can be done before the actual displacement;
- h. Project Affected Persons receive support (direct aid or allowances) to meet the cost of moving or temporary subsistence until they can continue their productive activities;
- i. Project Affected Persons should be consulted during the drafting process of LARAP, so their objections about rules of resettlement can be collected and considered: public LARAP is delivered in a easily accessible manner to PAPs;
- j. Social welfare level and access to resources will be maintained or improved after resettlement;
- k. Responsibilities should be clearly defined to comply with all costs associated with land acquisition and resettlement, and to ensure that sufficient funds are available and timely.
- l. Clear institutional management should be established to ensure effective and timely implementation of all resettlement and rehabilitation steps;
- m. Arrangements for effective monitoring will be carried out during the implementation of all resettlement measures;

- n. Methods for dealing with complaints PAPs are set up, and information about the complaints procedure is delivered to PAPS.

Distinction among GOI Regulation and World Bank OP. 4.12

While there will be issues on land acquisition this is not foreseen to be major inasmuch as the policy of the Project upholds that activities will not trigger relocation. This equivalence-gap analysis therefore limits its comparisons by not including relocation as an option.

The GOI enhanced its country system in order to address land acquisition issues for public interest development project purposes. The Land Acquisition Law No. 2/2009 and its implementing rules and regulations approximate harmonization with the World Bank OP 4.12. The Act No. 2/2012 grants that persons with no legal title over the land they occupy or utilize are entitled to compensation for improvements found thereon, including compensation for job and business losses, moving cost, etc. A land acquisition plan also needs to be prepared by the agency requiring land. People affected by land acquisition are consulted and their complaints heard and resolved in the most expeditious way during the planning and implementation of land acquisition.

Below are some gaps between the GOI Regulation on Land Acquisition comparison of World Bank Operational Procedure 4.12.

SUBJECT	GOI Framework and World Bank OP 4.12	GAP
PREPARATION	<p>GOI: Design/planning document and FS are separate documents. These documents as mentioned earlier tend to be weak. Focus on overall cost-benefit and technical consideration.</p> <p>WB OP: Become part of overall project planning and design. LARAP focuses on: solution of social economic problems based on consultation with PAPs (including livelihood restoration), alternatives scenario and action plan.</p>	<ul style="list-style-type: none"> • No consultation in this stage, though later PAP project location agreement is a requirement • No action plan and no livelihood restoration plan
ELIGIBILITY & ENTITLEMENT	<p>GOI: Only landowners (with full, development and sufficient proof of traditional rights or proof of land transaction from traditional right; including people without proof but occupying the land in 'good faith' and accompanied by two (2) witnesses of ownership) and people who own assets on that land are eligible for compensation.</p> <ul style="list-style-type: none"> • No compensation for renters except, in practice, renters from government asset. Squatters on private land are not eligible for compensation (as private land owner responsibility). • Almost no non-cash compensation 	<ul style="list-style-type: none"> • Only land and asset owner is eligible for compensation • No resettlement or rehabilitation assistance • No compensation for renter or squatter on private land

	<p>WB OP: All PAPs identified before the cut-off date of PAP inventory are eligible for compensation; non-cash compensation is preferable on resettlement case.</p>	<ul style="list-style-type: none"> • Almost no non-cash compensation • IP community need recognition first
LIVELIHOOD RESTORATION	<p>GOI: In the guidelines of the Indonesian Society of Appraisers, livelihood restoration is part of the valuation of land parcel but this is not specifically mentioned in the framework. In locations where PAPs have special economic or social opportunities, there is a possibility that livelihood restoration costs are undervalued.</p> <p>WB OP: PAP livelihoods restored to at least the original condition</p>	<p>Livelihood restoration is not mentioned, in the case where PAP special economic opportunity of the location is not represented on land price, the cost tends to be under valued</p>
AGREEMENT & GRIEVANCE	<p>GOI: There are 3 agreements and consultations, and each of them has grievance procedures:</p> <p>(a) PAPs agree on the project location → grievance to (i) preparation team → (ii) Administration Court (PTUN) → (iii) Supreme court;</p> <p>(b) PAPs agree on inventory of land & asset → grievance to implementation team (P2T):</p> <p>(c) Agree on compensation (no detail mechanism and time allocation for non-cash compensation): (i) negotiate again to implementation team → (ii) file a case on compensation value to District Court → (iii) Supreme Court</p> <p>WB OP: No discussion on PAP agreement on the project location except for affected IPs. Agreement on inventory, negotiation procedure and grievance procedure are detailed in LARAP or project framework. Non-cash compensation that secures livelihood restoration is preferable</p>	<p>Clear agreement and grievance mechanism though no time and procedure for non-cash agreement. In practice there is question on courts capacity to follow the schedule in the framework.</p>
& FINANCIAL INSTITUTIONAL SETTING	<p>GAP: (i) No detailed scenario and detailed financial estimation and arrangement,</p> <p>(ii) No institutional, procedure and time allocation for non-cash compensation</p> <p>(iii) No action plan and institutional capacity self-evaluation required</p> <p>(iv) Access to information is not specifically layout but combination of this framework and the Law of Access of Information No. 14 of 2008 is sufficient to close the gap.</p>	

Source: Gap Analysis Studied by WB 2013

Below is also indicated of gaps related to entitlement between GOI Regulation on Land Acquisition comparison of World Bank Operational Procedure 4.12

Project Person	affected	Entitlement
		Indonesia Regulation
		World Bank OP

Full land owner & management right (eq. right to build)	Full replacement cost (Law No 2 of 2012, PerPres No. 71 of 2012). Preferable cash compensation	Full replacement cost in parallel with livelihood restoration. Preferable non-cash compensation
Own asset on land	Full replacement cost	Same
Renter	Not regulated, but in practice they probably get moving allowance. Formal renter in government land will get replacement compensation. In law No 20/1961 on revocation they also eligible for replacement compensation	Livelihood restoration
Owner: without legal proof but witness, with good faith & with traditional proof	Full replacement cost	Livelihood restoration
Squatter in private land	Not regulated, but in practice they probably get moving allowance. In law No 20/1961 on Revocation they also eligible for replacement compensation	Livelihood restoration
Person who lost income but not land	If PAP got serious impact it is regulated in AMDAL (Environment Impact Assessments) law as part as mitigation measurement plan. It is a requirement to get environmental permit.	In OP 4.12 as involuntary restriction of access and if it creates serious impact to PAP, it is also regulating in EIA action plan.
Indigenous people (IP) land owner of communal land	Full replacement cost but has to be recognized first as distinct IP community by local government (same, but on recognition procedure is in Land Agency regulation)	In OP 4.12 not specifically as IP, just seen as the landowner; the communal land owner; but it is also regulated in IP OP 4.10.

Preparation of Land Acquisition and Resettlement Instruments

Land acquisition is mainly related to infrastructure planning and negotiations on compensation, whereas in World Bank-financed projects, it is part of planning for the whole project. Therefore, during the planning stage, the Indonesian law focuses on obtaining permission from citizens and analyzing the Project's overall social cost-benefit (in the project feasibility study), whereas the Bank's OP focuses on planning and developing an actionable plan related to land acquisition and resettlement. In projects where land-to-land compensation is considered preferable, Bank-financed projects should make sure that the Feasibility Study document contains a serious

analysis on the least-cost options and identifies possible consequences of the process to the social cost.

Pre-selection and identification of land acquisition impact scale will be performed based on the estimated number of people affected and the size of land to be taken. There are two main planning instruments for the resettlement impacts of the Project, namely the Land Acquisition and Resettlement Action Plan (LARAP) and the brief or simple LARAP.

- Action Plan for Land Requisition and Resettlement is required when land acquisition affects more than 200 people, or the requisition requires more than 10% of owned-land or household productive assets and/or involving physical relocation;
- Simple LARAP is acceptable if it affects less than 200 people or the requisition requires less than 10% owned-land or household productive assets from all households affected.

There is no fundamental difference between completed LARAP and simple LARAP in achieving equality and social costs compensation. However, there are some procedural differences between simple and completed LARAP. Completed LARAP is more detailed and requires a longer time to complete, it is necessary to include a review of legal and institutional framework, while it is not required in simple LARAP. A simple LARAP based on census assets at each PAPs. While completed LARAP requires both complete census of PAPs assets and social-economic survey as a monitoring benchmark in understanding the changes in PAPs socioeconomic conditions.

Description of a brief/simple LARAP is as follows:

- Assets and livelihoods, and its value based on 100% census of PAPs;
- Description of compensation and resettlement assistance;
- Consultation with PAPs about acceptable alternatives;
- Institutions for compensation implementation and complaints;
- Arrangements for monitoring and implementation; and
- A schedule and budget.

All LARAP must be reviewed and approved by the PIU before final approval of the Project. All LARAP must be delivered and easily accessed by PAPs at the local level, and documented by the PIU. Every LARAP Implementation should be monitored its effectiveness and repaired if necessary.

Public Consultation and Disclosure

Project proponents must disclose information about the Project and the process of land acquisition to PAP and village chief explained the proposals and the potential impact that may

occur and the legal rights of PAP based on this framework. This information will be disclosed in the local language and in non-technical terms, taking into account their level of knowledge.

Project Affected Persons should be given the opportunity to participate in planning and implementing resettlement. At a minimum, the Project Affected Persons should be consulted on the preferences and concerns during the process of resettlement planning. All Project Affected Persons should be informed about the potential impacts and proposed mitigation measures, including the level of compensation.

LARAPs or simple LARAPs in Bahasa Indonesia will be disclosed in places that are accessible to PAPs, in particular to ensure that PAPs understand their rights. This document will also be disclosed on the Project website of the MPWH-RIDA and the World Bank Info Shop.

Feasibility and Rights Policy

PAPs eligible for compensation are landowners and owners of asset attached to the land. However, in the Bank OP, all PAPs including renters and squatters on private land are deemed eligible. In the case where landowners are also IPs, a more sophisticated understanding of related regulations governing IP land ownership will be required. Bank-financed project should make sure that renters and squatters in private lands are considered eligible PAPs. For questions related to land rights for IPs, they are better handled under the World Bank's operational policies on Indigenous Persons.

All PAPs will be assessed for eligibility for compensation and/or other forms of assistance, which is relevant to the nature of the impacts that affect them. Although screening project is intended to eliminate significant impacts such as loss of house or commercial structure, or a large loss of productive land, the provisions of this framework will be applicable in the case of unavoidable significant impacts occur.

In general, people who are fit for compensation will include those who affected in the following ways:

1. Land permanently acquired for this Project including:
 - a) Owners with formal legal basis; Although this Project since its inception designed only for city planning, but has the possibility to come into contact with the farm-land is encumbered property rights (land rights) can occur;
 - b) Land users are qualified for formal legal basis under Indonesian law;
 - c) Land that was occupied by the IP;

- d) State forest area that are controlled before the specified cut-off date. Project Affected Persons in the categories a), b) and c) are entitled to compensation for the cost of replacement. In lieu of a formal compensation, Project Affected Persons in category d) will be provided with alternative forms of assistance, with a value equivalent to the cost of replacement.
2. Loss of houses, other structures and fixed assets, including trees and plants: Homeowners and other assets (regardless of whether they have certificates of the land or buildings for built structures before the cut-off date).
 3. Losses associated with temporary effects: These include temporary loss of land, and transition costs associated with moving, or businesses disruption during construction.
 4. In particular, PAPs will be entitled to type of compensation and rehabilitation measures of the following:
 5. Project Affected Persons lose their agricultural land:
 - a) Preferred mechanism for lost agricultural land compensation will be done through the provision of replacement land equal to productive capacity and satisfy the Project Affected Persons. If a satisfactory replacement land cannot be identified, compensation at replacement cost may be provided.
 - b) Project Affected Persons will be compensated for the loss of crops at market prices, for economical trees at the net present value, and other fixed assets (supporting structures, wells, fences, irrigation repair) at the cost of replacement.
 - c) Compensation will be paid for the temporary use of land, with rates appropriate to the duration of use, and land or other assets will be returned to the condition prior to the usage at no charge to the owner or user.
 6. Project Affected Persons losing their residential land and structures:
 - a) Loss of residential land and structures will be compensated in the form (via replacement) of house sites and land with equal size, and satisfy the Project Affected Persons, or cash compensation at replacement cost.
 - b) If after the purchase of the land, the remaining portion of residential land is not enough to be rebuilt or restored with a house or other structure at equivalent size or value, then at the request of the Project Affected Persons, there would be replacement cost for the entire residential land and structure.
 - c) Compensation will be paid at replacement cost for fixed assets.

- d) Tenants, who have a rental house for residential purposes will be provided with a cash grant of three months rental fee at the prevailing market rate in the area and will help to identify alternative accommodation.
7. Project Affected Persons who lose their business will be compensated in relation with the loss of relevant business: (i) the provision of alternative business site with similar size and accessibility to customers, satisfactory to the Project Affected business operators; (ii) cash compensation for lost business structure: and (iii) transition support for loss of income (including employee wages) during the transition period.
8. Infrastructure and access to infrastructure services will be restored or replaced at no cost to the affected communities. If the location of new settlements has been established, infrastructure and services by local standards will be provided at no cost to the relocated person.

Voluntary Land Acquisition

There is a possibility that NUDP activities will involve voluntary land acquisition, in which the affected persons voluntarily contribute a small portion of their land for the Project. Soil Contributions are accepted only if there is "informed consent" and "power of choice". "Informed consent" means that the people involved fully understand the Project and its implications, consequences and agreed to participate in the Project. "The power of choice" means that the person involved has the option to agree or disagree with the land acquisition.

Because determining informed consent/power of choice can be difficult, the following criteria are suggested as a guide:

- Infrastructure should not be a specific site;
- The impact should be insignificant, i.e., involving no more than 10 percent of the area and does not require a physical relocation;
- The land required to meet technical Project criteria must be identified by the affected communities, not by line agencies or project authorities (permanent, technical authorities can ensure that the land is suitable for the purpose of the Project and that the Project would not cause health issues or environmental safety;
- The land must be free from squatters, encroachers, or other claims or encumbrances;
- Verification (e.g., notarized or witnessed statements) of the voluntary nature of the land donation should be acquired from each person who donated the land. (See sample of Soil Contributions letter);

- If the public service must be provided in this Project, guarantee of public access to services is provided by private rights holders;
- Complaints mechanism should be established

Rehabilitative Measures

Compensation might be sufficient to enable Project Affected Persons to restore their income if it's paid at replacement cost, assuming that the asset replacement is available. Often, however, the resettlement may require the Project Affected Persons to acquire new skills necessary to continue the production in the new environment, or to pursue new sources of revenue. LARAP must assess the significance of the impact on the Project Affected Persons, and provide measures to help those affected in adapting to the challenges of the new life. The requirement to participate in these actions, including training, education, or employment, along with the responsibility to provide them, must be described in LARAP.

Regulation Implementation

LARAP reviews the organizational arrangements, to ensure that the implementation procedures are clear, definite responsibilities aimed at providing all forms of assistance, and that adequate coordination among all agencies involved in the implementation of LARAP is guaranteed. LARAP must include a detailed implementation schedule, connect the project schedule for related land acquisition activities. Implementation schedule should specify that the compensation (in the form of cash or other form) must be completed at least one month before the commencement of works, and at least three months before the demolition of the housing structure (if any).

Cost and Budget

Each action plan will include detailed cost of compensation and other rehabilitation rights and relocation of project affected person, if it becomes a problem, with details of the agricultural land, residential land, business land, houses, businesses and other assets. The cost estimate will make adequate provision for contingency. The action plan will explicitly establish the source for all the necessary funds, and will ensure that the flow of funds is in accordance with the schedule of compensation payment and provision of all other services.

Procedures for Grievances

LARAPs will construct the facility for Project Affected Persons to bring complaints to the attention of the relevant authority of the Project. Complaints procedure should include reasonable performance standards, for example, the time required to respond to complaints, and it must be free of charge for Project Affected Persons. LARAP also must deliver alternative solution to the aggrieved person if the procedures associated with the Project fail to resolve the complaint. The main procedure for complaints related to NUDP are via website which will be coordinated by the RIDA.

Resettlement Monitoring

In addition to the internal setting of monitoring program, the PIU will ensure that LARAP implementation will be overseen by a qualified independent agency of the program implementation agencies at least once every three months (quarterly reports) for each year of the NUDP program. LARAP must define the scope and frequency of the monitoring activities. External monitoring reports will be prepared for simultaneous submission to the Projects office (PIU and PMU).

On regular basis, for example monthly, the report should track items such as: i) the disclosure of information and consultation with PAPs; ii) the status of land acquisition and payment of compensation; iii) payments for loss of income; iv) income restoration activities; v) the number and type of complaints received, how they were handled and when they have completed.

Resettlement Action Plan

The scope and level of detail of the action plan vary with the magnitude and complexity of land acquisition and resettlement. The plan covers the elements below as relevant and irrelevant, they are recorded in RAP:

- A description of the Project, identification on how the Project has led to resettlement;
- Identification of potential project impacts;
- The purpose of the resettlement program;
- A description of the socio-economic studies (both the baseline and census of assets survey);
- The legal framework;
- Institutional framework and organizational responsibilities;
- Requirements matrix and the right that shows the resettlement steps;
- The methodology for damages and loss compensation assessment;

- Site selection, site preparation and relocation to suitable site including housing, infrastructure and social services, and integrated support to be provided;
- Management and Protection of the environment;
- participation, consultation and disclosure of PAP;
- The grievance mechanism;
- Schedule and budget implementation; and,
- Monitoring and evaluation activities.

ANNEX 10: FORMAT OF COMPREHENSIVE AND ABBREVIATED LARAP

A. Comprehensive LARAP

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

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

5. **Socio-economic Study.** The Socio-economic Study must be conducted in the early stage of the Project Activity's preparation and with the involvement of the potentially PAPs. The Study must include the following components:

- a. The results of the Census of the PAPs in para No. 4 above
- b. The description about production systems, labour, and household organization; and baseline information on livelihoods and standards of living of the PAPs;
- c. Characteristics of social interaction within the affected communities, including social networks and social support systems, and how they will be affected by the Project Activity;
- d. Information about vulnerable groups or persons for whom special provisions may have to be made;
- e. Existing land ownership rights and systems of land transfer, including an inventory of shared natural resources, sources from which community members obtain their livelihood and food, right to use system based on non-ownership rights (including fishing, harvesting from vegetation/trees for own consumption, or use of forested areas) as governed by land allocation mechanisms, locally-applicable systems, and systems to settle any issues arising due to particular land occupation schemes;
- f. Magnitude of the expected loss –total or partial—of assets and the extent of displacement, physical or economic, as well as public infrastructure and social services to be affected;
- g. Social and cultural characteristics of the PAPs, including a description about local formal and informal institutions (for example, community organizations, ritual groups, non-government organizations (NGO), who are possibly related to the public consultation strategy, project design process and implementation of resettlement);
- h. Initial information concerning the livelihoods of PAPs (to include, if necessary, level of production and income obtained from any formal as well as informal economic activity) and level of their livelihood (including their health status); and
- i. Provisions to update information on the PAPs' livelihoods and standard of living at regular intervals so that the latest information is available at the time of their displacement.

6. **Legal Analysis.** The findings of an analysis of the legal framework, covering,

- a. The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- b. The applicable legal and administrative procedures, including a description of remedies available to the PAPs in the judicial process, the normal time frame for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the Project;

- c. Relevant laws (including customary and traditional laws) governing land tenure, valuation of assets and losses, compensation and natural usage of rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- d. Laws and regulations relating to the agencies responsible for implementing land acquisition and resettlement;
- e. Any legal steps necessary to ensure the effective implementation of land acquisition and resettlement under the Project, including, as appropriate, a process for recognizing claims to legal rights to land, including any claims obtained according to traditional law and traditional usage.

7. **Institutional Framework.** The findings of an analysis of the institutional framework includes:

- a. The identification of agencies responsible for resettlement activities and NGOs that may have a role in Project Activity 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 Project Activity. The compensation packages, combined with assistance and other support offered for every category of PAPs must be sufficient to ensure that their livelihood following resettlement is not getting worse. Options for resettlement and other assistance offered to PAPs must be prepared based on consultation and must be technically and economically appropriate, and in accordance to the most preferable options from the cultural viewpoint of the PAPs.

11. Location selection, preparation, and resettlement. Alternative resettlement sites and the description of each site including:

- a. Institutional and technical arrangements that are needed to identify and prepare the resettlement site, whether it is in rural or urban areas, of which, a combination of potentially productive and beneficial locations, as well as a combination of other factors, to the greatest extent possible, will give equal benefits to the PAPs compared to their situation in their previous location, within an estimated time period required to obtain and to convert the land and its additional resources;
- b. Measures to prevent land speculation or an increasing influx of newcomers who are ineligible for resettlement, to the site;
- c. Procedures for physical relocation, including a schedule for preparation of the new relocation site and land transfers; and,
- d. Legal arrangements to occupy the land in the new relocation site and to transfer land rights to the PAPs.

12. Housing, infrastructure, and social services. Plans to provide (or to finance) the settlers to receive their entitlements pertaining to housing, infrastructure (for example, clean water, road access etc.), and basic social services (for example, schools, health services etc.); plans to ensure that those services are equal or greater than the existing standards of the host community; and exploration for expansion of location, technique, and architectural design for those facilities.

13. Environmental management. A description on the boundaries of relocation area, and assessment on the environmental impacts due to the proposed land acquisition, and the steps to reduce and mitigate the impacts (to be coordinated, as necessary, with the environmental assessment of the Project Activity, which requires land acquisition).

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

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

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

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

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

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

B. Abbreviated LARAP

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

1. **Description of the Project Activity.** General description concerning the Project Activity and identification of the Project Activity's site.
2. **Potential various impacts that may occur.** The identification includes: (i) components of Project Activities that would require land acquisition; and (ii) areas to be affected by the activity.
3. **Census on the PAPs, and inventory of assets affected by the Project Activity.** Results of the survey and asset inventory, which will include: (i) list of PAPs, which differentiate PAPs who have land rights and land users (tenants) who do not have land rights; and, (ii) inventory of land parcels and structures affected by the Project Activity. Information produced by the survey needs to be summarized into a table.
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 Project Activity, 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 Project Activity's implementation.
9. **Cost and Budget.** Costs estimations for land acquisition are required by the Project Activity.
10. **Complaints Handling Procedures.** A workable procedure must be set up, which can be accessed by complainants for settlement of disputes arising from the land acquisition; such complaints' mechanisms should consider the options to go to the district court as well as community-based and traditional dispute resolution mechanisms.
11. **Monitoring.** Plan to monitor land acquisition activities and compensation payment to the PAPs.

ANNEX 11: ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT TEMPLATE

An ESIA report focuses on the significant environmental issues of a project. The report's scope and level of detail should be commensurate with the project's potential impacts. The report submitted to the Bank is prepared in English and the executive summary in English. The ESIA report should include the following items (not necessarily in the order shown):

- a) *Executive summary*. Concisely discusses significant findings and recommended actions.
- b) *Policy, legal, and administrative framework*. Discusses the policy, legal, and administrative framework within which the EA is carried out. Explains the environmental requirements of any co-financiers. Identifies relevant international environmental agreements to which the country is a party.
- c) *Project description*. Concisely describes the proposed project and its geographic, ecological, social, and temporal context, including any offsite investments that may be required (e.g., dedicated pipelines, access roads, power plants, water supply, housing, and raw material and product storage facilities). Indicates the need for any resettlement plan or Indigenous Peoples development plan (see also sub-para. (h)(v) below). Normally includes a map showing the project site and the project's area of influence.
- d) *Baseline data*. Assesses the dimensions of the study area and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences. Also takes into account current and proposed development activities within the project area but not directly connected to the project. Data should be relevant to decisions about project location, design, operation, or mitigation measures. The section indicates the accuracy, reliability, and sources of the data.
- e) *Environmental impacts*. Predicts and assesses the project's likely positive and negative impacts, in quantitative terms to the extent possible. Identifies mitigation measures and any residual negative impacts that cannot be mitigated. Explores opportunities for environmental enhancement. Identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions, and specifies topics that do not require further attention.
- f) *Analysis of alternatives*. Systematically compares feasible alternatives to the proposed project site, technology, design, and operation—including the "without project" situation—in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements. For each of the alternatives, quantifies the environmental impacts to the extent possible, and attaches economic values where feasible. States the basis for selecting the particular project design proposed and justifies recommended emission levels and approaches to pollution prevention and abatement.

g) *Environmental and social management plan (ESMP)*. Covers mitigation measures, monitoring, and institutional strengthening; see outline in **Annex 12**.

h) Annexes:

- List of EA report preparers--individuals and organizations.
- References--written materials both published and unpublished, used in study preparation.
- Record of interagency and consultation meetings, including consultations for obtaining the informed views of the affected people and local non-governmental organizations (NGOs). The record specifies any means other than consultations (e.g., surveys) that were used to obtain the views of affected groups and local NGOs.
- Tables presenting the relevant data referred to or summarized in the main text.
- List of associated reports (e.g., resettlement plan or indigenous people development plan).

ANNEX 12: ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN TEMPLATE

A sub-project's environmental and social management plan (ESMP) consists of the set of mitigation, monitoring, and institutional measures to be taken during implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. The plan also includes the actions needed to implement these measures. To prepare an ESMP, PT SMI will (a) identify the set of responses to potentially adverse impacts; (b) determine requirements for ensuring that those responses are made effectively and in a timely manner; and (c) describe the means for meeting those requirements. More specifically, the ESMP will include the following components.

Mitigation

The ESMP identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient. Specifically, the ESMP:

- identifies and summarizes all anticipated significant adverse environmental impacts (including those involving indigenous people or involuntary resettlement);
- describes--with technical details--each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate;
- estimates any potential environmental impacts of these measures; and
- provides linkage with any other mitigation plans (e.g., for involuntary resettlement, Indigenous Peoples, or cultural property) required for the project.

Monitoring

Environmental monitoring during project implementation provides information about key environmental aspects of the project, particularly the environmental impacts of the project and the effectiveness of mitigation measures. Such information enables the borrower and the Bank to evaluate the success of mitigation as part of project supervision, and allows corrective action to be taken when needed. Therefore, the ESMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the ESIA report and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides:

- a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and

- monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

Capacity Development and Training

To support timely and effective implementation of environmental project components and mitigation measures, the ESMP draws on the ESIA's assessment of the existence, role, and capability of environmental units on site or at the agency and ministry level. If necessary, the ESMP recommends the establishment or expansion of such units, and the training of staff, to allow implementation of ESIA recommendations. Specifically, the ESMP provides a specific description of institutional arrangements—who is responsible for carrying out the mitigation and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). To strengthen environmental management capability in the agencies responsible for implementation, most ESMPs cover one or more of the following additional topics: (a) technical assistance programs, (b) procurement of equipment and supplies, and (c) organizational changes.

Implementation Schedule and Cost Estimates

For all three aspects (mitigation, monitoring, and capacity development), the ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables.

ANNEX 13: CHANCE FIND PROCEDURE

A chance find is when an archaeological, historical, cultural, and remain material were encountered unexpectedly during project construction or operation. A chance find procedure is a project-specific procedure which will be followed if previously unknown cultural heritage is encountered during project activities. Such procedure generally includes a requirement to notify relevant authorities of found objects or sites by cultural heritage experts; to fence off the area of finds or sites to avoid further disturbance; to conduct an assessment of found objects or sites by cultural heritage experts; to identify and implement actions consistent with the requirements of the World Bank and Indonesian law; and to train project personnel and project workers on chance find procedures.

Since physical cultural resources, both tangible and intangible, are irreplaceable and has an intrinsic value to the identity and existence of certain communities, dynamic efforts are needed to maintain and develop the existence and functions of cultural heritage. NUDP will not finance any activities that have intended adverse impacts on physical cultural resources, including removal or alteration of any physical cultural property (includes sites having archeological, paleontological, historical, religious, or unique natural values) and/or restriction of access of certain communities to such sites. In circumstances where project activities unintentionally discover any cultural object or property during their implementation such as (but not limited to) an archeological or historical location, a cultural remnant or relic, a cemetery or a tomb during an excavation or construction, the implementing CSOs/CBOs and communities should:

1. Stop any activities in the discovery area;
2. Describe the discovered site or area to the NEA and NSC for follow-up actions;
3. Secure the location to avoid damage to or the loss of the relics. If there is any ancient relic or historical remnant discovered, local communities need to be mobilized to guard the areas;
4. Prohibit the collection of the relics by individuals and/or workers;
5. With endorsement from community representatives, immediately notify the local authority;
6. Record the chance find objects and the preliminary actions;
7. The local authority should protect and preserve the location before setting the next program procedure. Any decision should be consulted with communities through free, prior and informed consultations with regards to the management of discovered cultural property/sites;
8. An evaluation of the discovery by an archeologist may be needed to assess the significance of the discovery against criteria related to cultural heritage, including the

aesthetics, the history, science or research importance, social science and economic values;

9. Mutually acceptable decision should be made with communities and local authority regarding the handling of the discovery. This will include changes in the project layout, conservation, maintenance, restoration and rescue (such as when finding an immovable historical ruin that has cultural or archeological value);
10. The implementation of decisions regarding discovery management conveyed in writing to community representatives and the relevant local government offices;
11. The mitigation measures could include the change of project design/layout, protection, conservation, restoration, and/or preservation of the sites and/or objects; and
12. Construction may be resumed after permission has been given by the communities and the local authority responsible for the protection of cultural physical objects.

ANNEX 14: TOR FOR SAFEGUARD SPECIALIST

Under the supervision of BPIW, the safeguard officers are responsible for the implementation of the ESMF and shall provide expertise with the following tasks:

1. Work closely with the PMU and PIU to ensure that ESMF is well implemented;
2. Ensure the effective integration of environmental and social due diligence defined by the World Bank Group safeguard policies as well as international good practice documents into the implementation of NUDP;
3. Provide expert advice to PIUs with regard to the preparation of strategic environmental and social assessments, mitigation assessment and plans, public consultations, and strategies based on thorough analysis of national legal and institutional frameworks and project impacts, so as to ensure compliance with the Government of Indonesia regulatory requirements and WBG's operational policies;
4. Provide expert guidance in project implementation and relevant project cycle documentation including TORs of environmental and social safeguard instruments;
5. Participate as team member to the development and/or supervision of NUDP activities and seeking opportunities to integrate environmental and social management and policies into the activities;
6. Facilitate and maintain effective communication with multi-PIU, key agencies in the central and local level, consultants and public;
7. Coordinate all activities closely and share information with NUDP team members and staffs responsible for the Project's safeguards management.

ANNEX 15: WORLD BANK GROUPS ENVIRONMENTAL HEALTH AND SAFETY (EHS) GENERAL GUIDELINES



Environmental, Health, and Safety (EHS) Guidelines GENERAL EHS GUIDELINES: INTRODUCTION



Environmental, Health, and Safety General Guidelines

Introduction

The Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP)¹. When one or more members of the World Bank Group are involved in a project, these EHS Guidelines are applied as required by their respective policies and standards. These **General EHS Guidelines** are designed to be used together with the relevant **Industry Sector EHS Guidelines** which provide guidance to users on EHS issues in specific industry sectors. For complex projects, use of multiple industry-sector guidelines may be necessary. A complete list of industry-sector guidelines can be found at: www.ifc.org/ifcext/enviro.nsf/Content/EnvironmentalGuidelines

The EHS Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable costs. Application of the EHS Guidelines to existing facilities may involve the establishment of site-specific targets, with an appropriate timetable for achieving them. The applicability of the EHS Guidelines should be tailored to the hazards and risks established for each project on the basis of the results of an environmental assessment² in which site-specific variables, such as host country context, assimilative capacity of the environment, and other project factors, are taken into account. The applicability of specific technical recommendations should be

based on the professional opinion of qualified and experienced persons. When host country regulations differ from the levels and measures presented in the EHS Guidelines, projects are expected to achieve whichever is more stringent. If less stringent levels or measures than those provided in these EHS Guidelines are appropriate, in view of specific project circumstances, a full and detailed justification for any proposed alternatives is needed as part of the site-specific environmental assessment. This justification should demonstrate that the choice for any alternate performance levels is protective of human health and the environment.

The **General EHS Guidelines** are organized as follows:

1. Environmental	3
1.1 Air Emissions and Ambient Air Quality	3
1.2 Energy Conservation	17
1.3 Wastewater and Ambient Water Quality	24
1.4 Water Conservation	32
1.5 Hazardous Materials Management	35
1.6 Waste Management	45
1.7 Noise	51
1.8 Contaminated Land	53
2. Occupational Health and Safety	59
2.1 General Facility Design and Operation	60
2.2 Communication and Training	62
2.3 Physical Hazards	64
2.4 Chemical Hazards	68
2.5 Biological Hazards	70
2.6 Radiological Hazards	72
2.7 Personal Protective Equipment (PPE)	72
2.8 Special Hazard Environments	73
2.9 Monitoring	74
3. Community Health and Safety	77
3.1 Water Quality and Availability	77
3.2 Structural Safety of Project Infrastructure	78
3.3 Life and Fire Safety (L&FS)	79
3.4 Traffic Safety	82
3.5 Transport of Hazardous Materials	82
3.6 Disease Prevention	85
3.7 Emergency Preparedness and Response	86
4. Construction and Decommissioning	89
4.1 Environment	89
4.2 Occupational Health & Safety	92
4.3 Community Health & Safety	94
References and Additional Sources*	96

¹ Defined as the exercise of professional skill, diligence, prudence and foresight that would be reasonably expected from skilled and experienced professionals engaged in the same type of undertaking under the same or similar circumstances globally. The circumstances that skilled and experienced professionals may find when evaluating the range of pollution prevention and control techniques available to a project may include, but are not limited to, varying levels of environmental degradation and environmental assimilative capacity as well as varying levels of financial and technical feasibility.

² For IFC, such assessment is carried out consistent with Performance Standard 1, and for the World Bank, with Operational Policy 4.01.

ANNEX 16: DOCUMENTATION FOR PUBLIC CONSULTATION FOR DRAFT ESMF

(Minutes, Attendance List and Documentations)

The draft ESMF has been disclosed in BPIW's website [bpiw.go.id] on 14 December 2018 and the first public consultation has been initiated on 19 December 2018. The second stakeholder consultation has been conducted on Feb 8, 2019 to provide more input to the ESMF draft.

A. Minutes

Public Consultation with Government Officials (December 19, 2018)	
Key Issues	<ol style="list-style-type: none">1) Indigenous Peoples Mitigation. The ESMF mentioned the importance of considering the presence of Indigenous Peoples. However, strategies to address the issue were not clearly explained.2) Monitoring and Evaluation Indicators of the ESMF is unclear, especially in the PIU level.3) Capacity of City Governments are still lacking in including thematic issues in the RTRW. In addition, project outcomes and the ESMF should be clearer and adjusted to City Government capacity.4) Regulatory Structures for Spatial Plans specifically related to the implementation of RTRW and RPJM are often not integrated. Local Governments often has misconceptions that the RPJM is more important than RTRW which resulted in the decrease of urgency and quality of RTRW.5) Coordination Between The ESMF and The KLHS should be established to prevent overlapping.6) Social Issues such as gender, vulnerable people, etc. varies in each cities and should be addressed in the ESMF.7) Lack of Attention Towards Cultural Heritages in the RDTR made it hard for cities to accentuate their culture.
Responses and Proposed Actions	<ol style="list-style-type: none">1) Training and Workshops for City Governments Regarding Thematic Issues In Urban Planning to be part of the institutional capacity building in the ESMF.2) Consideration of Gender and Difables in the ESMF.3) Put more attention on strengthening the local and cultural identity of the city when developing the detailed planning.

Public Consultation with CSOs (February 8, 2019)	
Key Issues	<ol style="list-style-type: none"> 1) Physical Cultural Resources. IAI representatives (Indonesian Architech Assosication) stressed the importance of PCR aspects in city planning both at CIP or RDTR processing. 2) Cities' Uniqueness IAI representatives also raised an important information that some cities shall require special attention during city planning processing such as at Banjarmasin and Danau Sentani where locals built settlements on lake or river surfaces that does not have a building permit. Moreover, there are also cases where squatters refuse to leave state owned lands due to the fact that these lands are often not legally certified; 3) Clarification is needed for whether the benefits provided by NUDP will be the same for the government and practitioners such as professional planners, consultants etc. (inputs from Indonesia Planner Association). 4) Rationale for not triggering OP 4.04 on Natural Habitat and OP 4.11 on Physical Cultural Resources was not mentioned clearly in the ESMF; 5) SDF/SAF adaptation in Indonesia should be carefully considered since Indonesia has different land systems with South Africa; 6) The ESMF assessments are very generic and does not cover city cultures, protected areas, etc. Therefore the assessment should be done after city selection in order to produce a more accurate analysis.
Responses and Proposed Actions	<ol style="list-style-type: none"> 1) The ESMF Annex 5 and 13 have addressed the PCR aspect both at the upstream level during KLHS and also during implementation by providing chance find procedures. 2) Further discussion between key practitioners regarding the national planning system, SDF/SAF and capacity building will be continually undertaken as part of stakeholder engagement outlined in the ESMF during project implementation as they have many on ground experiences in that field; 3) The ESMF has been revised to provide more rationales on triggering policies. The Government has also responded to this by stating that the possibility of degrading natural habitats or destroying physical cultural resources in NUDP are unlikely, due to the fact that it is already regulated in existing national policies that doing constructions in natural habitats are strongly prohibited and is a form of regulatory violation. Additionally, natural habitats and physical cultural resources are part of the KLHS assessment which is currently implemented before the RTRW/RDTR finalization. In addition, the ESMF has provided an ESCOP and a Chance Find Procedure for future investments resulted from NUDP;

	<p>4) ESMF has provided a mechanism to undertake necessary preparation and consultation needed to implement ESMF requirements for the selected cities;</p> <p>5) Capacity building for non-governmental practitioners should be initiated and will become part of the institutional capacity building and stakeholder engagement during project implementation.</p>
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B. Invitations and Attendance List

Public Consultation with Government Officials



KEMENTERIAN PEKERJAAN UMUM DAN PERUMAHAN RAKYAT
BADAN PENGEMBANGAN INFRASTRUKTUR WILAYAH
Jl. Pattimura No. 20 Keb. Baru, Jakarta Selatan Tlp. 7276487 Fax. 72791850

Nomor : UM. 02. 06 - KW / 64
Lampiran : 2 (dua) Hal
Hal : Konsultasi Publik Dokumen
Environmental and Social Management Framework (ESMF)
Kegiatan National Urban Development Program (NUDP)
Jakarta, 14 Desember 2018

Kepada Yth.
(daftar terlampir)
di Tempat.

Dengan Hormat,

Sehubungan dengan telah selesainya draft dokumen ESMF sebagai dokumen pendukung kegiatan NUDP, bersama ini kami mengundang Bapak/ Ibu untuk hadir dalam konsultasi publik mengenai draft dokumen ESMF yang akan dilaksanakan pada:

Hari/ Tanggal : Rabu, 19 Desember 2018
Waktu : Pukul 09.00 – selesai
Tempat : Hotel Park Regis Arion Kemang
Jl. Kemang Raya No.7
Mampang Prapatan, Kota Jakarta Selatan

Mengingat pentingnya acara ini untuk penyempurnaan draft dokumen ESMF yang telah kami susun, kami sangat mengharapkan kehadiran dan masukan dari Bapak/ Ibu sekalian terhadap draft dokumen ESMF ini.

Demikian disampaikan, atas perhatian dan kehadiran Bapak/ Ibu diucapkan terima kasih.

Kepala Badan
Pengembangan Infrastruktur Wilayah,



Ir. Hadi Sucahyono, MPP, Ph.D
NIP. 196104281989031001

Tembusan disampaikan kepada Yth:

1. Sekretaris Jenderal Kementerian PUPR;
2. Deputi Bidang Pengembangan Regional, Bappenas;
3. Direktur Jenderal Tata Ruang, Kementerian ATR/ BPN;
4. Direktur Jenderal Bina Pembangunan Daerah, Kementerian Dalam Negeri; dan
5. Gayatri Singh, World Bank.

Lampiran:

Daftar Undangan

- A. Bappenas**
 - 1. Deputi Bidang Pendanaan Pembangunan;
 - 2. Direktur Perencanaan dan Pengembangan Pendanaan Pembangunan;
 - 3. Direktur Pendanaan Luar Negeri Multilateral;
 - 4. Direktur Perkotaan, Perumahan, dan Permukiman;
 - 5. Direktur Lingkungan Hidup;
 - 6. Kepala Subdit Perencanaan Pendanaan Luar Negeri, Dit. Renbang;
- B. Kementerian Keuangan**
 - 1. Direktur Pinjaman dan Hibah, Ditjen Pengelolaan Pembiayaan dan Risiko;
 - 2. Direktur Pembiayaan dan Transfer Non-Dana Perimbangan, Ditjen Perimbangan Keuangan;
- C. Kementerian Dalam Negeri**
 - 1. Direktur Jenderal Bina Keuangan Daerah;
 - 2. Direktur Sinkronisasi Urusan Pemerintah Daerah II, Ditjen Bina Pembangunan Daerah;
 - 3. Direktur Perencanaan Anggaran Daerah, Ditjen Bina Keuangan Daerah;
- D. Kementerian ATR/ BPN**
 - 1. Direktur Pembinaan Perencanaan Tata Ruang dan Pemanfaatan Ruang Daerah;
 - 2. Direktur Pengendalian Pemanfaatan Ruang;
 - 3. Direktur Pengukuran dan Pemetaan Dasar;
 - 4. Kepala Pusat Penelitian dan Pengembangan;
 - 5. Kepala Biro Perencanaan dan Kerjasama;
- E. Kementerian Lingkungan Hidup dan Kehutanan**
 - 1. Direktur Pencegahan Dampak Lingkungan Kebijakan Wilayah dan Sektor KLHK;
- F. Badan Informasi Geospasial**
 - 1. Deputi Bidang Informasi Geospasial Dasar;
- G. Kementerian Pekerjaan Umum dan Perumahan Rakyat**
 - 1. Kepala Biro Perencanaan Anggaran dan KLN;
 - 2. Direktur Keterpaduan Infrastruktur Permukiman;
 - 3. Direktur Pengembangan Kawasan Permukiman;
 - 4. Kepala Pusat Penelitian dan Pengembangan Perumahan dan Permukiman;
 - 5. Sekretaris BPIVV;
 - 6. Kepala Pusat Perencanaan Infrastruktur PUPR;
 - 7. Kepala Pusat Pemrograman dan Evaluasi Keterpaduan Infrastruktur PUPR;
 - 8. Kepala Pusat Pengembangan Kawasan Strategis;
 - 9. Kepala Pusat Pengembangan Kawasan Perkotaan;
- H. Asosiasi dan Akademisi**
 - 1. Ketua IAP DKI Jakarta;
 - 2. Ketua IATPI;
 - 3. Sekretaris Jenderal AMAN;
 - 4. Direktur Eksekutif WALHI;
 - 5. Ketua IDF;
 - 6. Climate and Energy Manager WWF;
 - 7. Ketua Rujak Center for Urban Studies;
- I. World Bank Group**
 - 1. Bapak Prawoto Tjonro Sugianto, World Bank Group;
 - 2. Bapak Sri Probo Sudarmo, World Bank Group.

**LAMPIRAN KERANGKA ACUAN KERJA
KONSULTASI PUBLIK
(NATIONAL URBAN DEVELOPMENT PROGRAM / NUDP)
Jakarta, 12 Desember 2018**

I. LATAR BELAKANG

Tujuan utama NUDP adalah memperkuat kapasitas kota-kota yang berpartisipasi untuk dapat melaksanakan perencanaan terintegrasi, serta memprioritaskan dan mengelola investasi kapitalnya secara efisien dengan mengarusutamakan kebutuhan proyek-proyek sektoral. NUDP juga dapat membantu pengambilan keputusan untuk menyeimbangkan kebutuhan investasi kapital baru dan kebutuhan operasi serta pemeliharaan. Penerima manfaat dari program ini adalah penduduk dari kota-kota yang berpartisipasi dalam proyek ini.

Sehubungan dengan rencana kegiatan NUDP tersebut, dimana salah satu syarat yang harus dipenuhi adalah penyusunan Draft ESMF (*Environmental and Social Management Framework* atau *Kerangka Pengelolaan Lingkungan dan Sosial*), Pusat 4 Badan Pengembangan Infrastruktur Wilayah sebagai *Executing Agency* (EA) memandang perlu dilaksanakannya konsultasi publik sebagai bagian dari proses penyusunan Draft ESMF. Dokumen ESMF ini dirancang untuk memenuhi peraturan perundangan dan kebijakan pengamananan/*safeguard* Bank Dunia secara efektif dan berkelanjutan sehingga risiko lingkungan dan sosial NUDP dapat dikelola dengan sebaik-baiknya.

Konsultasi ini dirancang sebagai proses partisipatif untuk menerima masukan dari pemangku kepentingan yaitu Kementerian/Lembaga terkait, asosiasi, serta akademisi dalam menyempurnakan dokumen Draft ESMF yang akan dijadikan sebagai panduan dalam melaksanakan pengelolaan aspek lingkungan dan sosial NUDP.

II. TUJUAN

Tujuan penyelenggaraan Konsultasi Publik Kerangka Pengelolaan Lingkungan dan Sosial (*Environmental and Social Management Framework/ESMF*) NUDP adalah untuk menerima masukan dari para pemangku kepentingan untuk menyempurnakan dokumen Draft ESMF NUDP melalui penyampaian informasi dan diskusi tentang:

1. Penjelasan tujuan dokumen ESMF;
2. Penjelasan rancangan proyek NUDP;
3. Dampak-dampak penting terkait lingkungan dan sosial yang dapat ditimbulkan oleh proyek NUDP, serta strategi dan langkah-langkah mitigasinya.

III. KELUARAN

Keluaran yang diharapkan dalam penyelenggaraan Konsultasi Publik:

1. Meningkatnya pemahaman terhadap Draft ESMF dan aplikasinya pada tahap implementasi NUDP;
2. Menyempurnakan Draft ESMF sebagai bagian dari tahap *Appraisal* NUDP sehingga dapat dilanjutkan ke tahap finalisasi dokumen.

- Dokumen ESMF dapat dilihat pada tautan
http://bpiw.pu.go.id/uploads/related%20info/attachment/ESMF_DRAFT_NUDP.pdf
- Summary dokumen ESMF pada tautan
http://bpiw.pu.go.id/uploads/related%20info/attachment/ESMF_ExecutiveSummary_NUDP.pdf

NO	NAMA	JABATAN	Instansi	Email	Telp	TTD	
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13.	Putri Nuri P.	FSB - Penstasi	ATR			(13)	
14.	Ilham Vikri	Sec Keasire DITR	ATR			(14)	
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16.	Rogymand					(16)	
17.	Rahmo Witrn	Kabid SIB	BIS	wismu@yaho	08171713786	(17)	
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19.	Lidya PK	Dit Perencanaan	ATR/BPN			(19)	
20.	Buelhi S	Dit Pengendali PR	ATR/BPN			(20)	
21.	Rian Wulan	Peneliti Rostikang Kim	PUPR			(21)	
22.						(22)	
23.						(23)	
24.						(24)	
25.						(25)	

DAFTAR HADIR

Kegiatan :
 Hari/Tanggal :
 Tempat :

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8.	Fahmi	Subdit W1	DJTR/ATR/BPN	fahmi.abdullah@yahoo.com	08360011358	(8)	
9.	Ayu Nadia	Kasubag KLN	rementeron ATR/BPN	ayunadia11@gmail.com	082129111986	(9)	
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Public Consultation with Civil Society Organizations (CSOs)



KEMENTERIAN PEKERJAAN UMUM DAN PERUMAHAN RAKYAT BADAN PENGEMBANGAN INFRASTRUKTUR WILAYAH

Jalan Pattimura No. 20 Kebayoran Baru - Jakarta Selatan 12110

Nomor : UM.01-02-KW/15

Jakarta, 4 Februari 2019

Lampiran : 1 (satu) berkas

Perihal : Undangan Konsultasi Publik Dokumen ESMF NUDP

Kepada Yth.
(daftar terlampir)
Di Tempat.

Dengan Hormat,

Sehubungan dengan persiapan National Urban Development Program (NUDP) yang akan didanai oleh Bank Dunia, bersama ini kami sampaikan bahwa salah satu dokumen yang perlu disiapkan adalah dokumen *Environmental and Social Management Framework* (ESMF).

Draf dokumen ESMF ini dirancang untuk memenuhi peraturan perundangan Indonesia dan kebijakan pengaman / *safeguard* Bank Dunia secara efektif dan berkelanjutan, sehingga risiko lingkungan dan sosial NUDP dapat dikelola dengan sebaik-baiknya.

Dalam rangka penyempurnaan draf dokumen ESMF tersebut, kami mengundang Bapak/Ibu untuk hadir dalam acara konsultasi publik draf dokumen ESMF yang akan diselenggarakan pada :

Hari/Tanggal : Jumat, 8 Februari 2019
Waktu : Pukul 09.30 – 11.30
Tempat : Ruang Rapat BPIW Gedung G Lantai 2,
Kementerian Pekerjaan Umum dan Perumahan Rakyat
Jl. Pattimura No. 20, Kebayoran Baru, Jakarta Selatan

Adapun draf dokumen ESMF dapat diunduh pada tautan :
[http://bpiw.pu.go.id/uploads/Kerangka_Pengelolaan_Lingkungan_dan_Sosial_NUDP\(Draft\).pdf](http://bpiw.pu.go.id/uploads/Kerangka_Pengelolaan_Lingkungan_dan_Sosial_NUDP(Draft).pdf).

Dokumen ESMF ini masih merupakan draf yang akan diperbaharui dan direvisi setelah proses pelibatan pemangku kepentingan (*stakeholder engagement*).

Demikian disampaikan, atas perhatian dan kehadiran Bapak/Ibu kami ucapkan terima kasih.

Kepala Badan Pengembangan Infrastruktur Wilayah


J. Hadi Sucahyono, MPP, Ph.D
NIP. 196104281989031001

Tembusan :

1. Direktur Perumahan dan Permukiman Perkotaan, Deputi Bidang Pengembangan Regional, BAPPENAS
2. Direktur Perencanaan, Evaluasi, dan Informasi Pembangunan Daerah, Ditjen Bina Pembangunan Daerah, Kementerian Dalam Negeri
3. Direktur Pembinaan Perencanaan Tata Ruang dan Pemanfaatan Ruang Daerah, Ditjen Tata Ruang Kementerian ATR/ BPN
4. World Bank NUDP Task Team

Lampiran Surat Kepala Badan Pengembangan Infrastruktur
Wilayah
Nomor : dM.01.02-kw/15
Tanggal : 4 Februari 2019




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








Daftar Undangan

- 1 Kemitraan Habitat
- 2 World Wildlife Fund (WWF)
- 3 Program Studi Teknik Lingkungan Institut Teknologi Bandung (ITB)
- 4 Dana Mitra Lingkungan
- 5 Oxfam GB - Indonesia Country Office
- 6 World Vision Indonesia
- 7 Ikatan Arsitek Indonesia (IAI)
- 8 Ikatan Ahli Perencanaan Indonesia (IAP)
- 9 Ikatan Ahli Teknik Penyehatan dan Teknik Lingkungan Indonesia (IATPI)
- 10 Tim Perumusan dan Pengendalian NUDP BPIW

DAFTAR HADIR

Hari/Tanggal :
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7.	LUCY M. MITCHELL	World Bank - social development	lmitchell62@worldbank.org	081585117108	

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15	A. Iqbal SC	---		08220661809	
16	Tiara Tili Kartika	BPIW P2		08138184554	
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18	Indy	IPK		08115458150	
19	P. Zuarmanu				
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Hari/Tanggal :
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Tempat :
Kegiatan :

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C. Documentations

Public Consultation with Government Officials





Public Consultation with Civil Society Organizations (CSOs)



