

# **Environmental and Social Safeguard Framework**

**(Program Safeguard System Assessment)**

**Integrated Participatory Development  
and Management of Irrigation Program**

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# Safeguard features of the program

- Rely on government regulations and processes
- And comply with ADB policy objectives and principles
  
- The program **excludes** activities:
  - (i) classified as category **A** (more than 40 KK and AMDAL);
  - (ii) listed in “ADB Prohibited Investment Activities List”

# RBL Program Due Diligence

## Assessing Building Blocks

Program Soundness	Expenditures and Financing	Results and Links with Disbursements	Systems and Institutions
Relevance and justification	Expenditure framework	Results (outcomes, outputs, other results)	<b>Monitoring and Evaluation</b>
Adequacy	Financing plan	Links with disbursements	<b>Fiduciary systems</b> (FM, procurement, anticorruption)
Implementation arrangements			<b>Safeguard systems (ENV, IR, IP)</b>
			Other institutional aspects



# Program Safeguard Systems Assessment

- Examined the safeguards system of the Government of Indonesia specifically those related to implementation institutional capacities, resources, procedures, and performance
- Assessed key gaps between written laws/regulations/procedures with ADB Safeguards Policy Statement (2009) principles
- Assessed the implementation of written systems and capacity of government units/offices (Balai, Dinas and BAPPEDAs) in handling environment and social safeguards
- Identified main improvements needed through **Safeguard Program Action**

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**Technical Assessment**



**System Assessment**



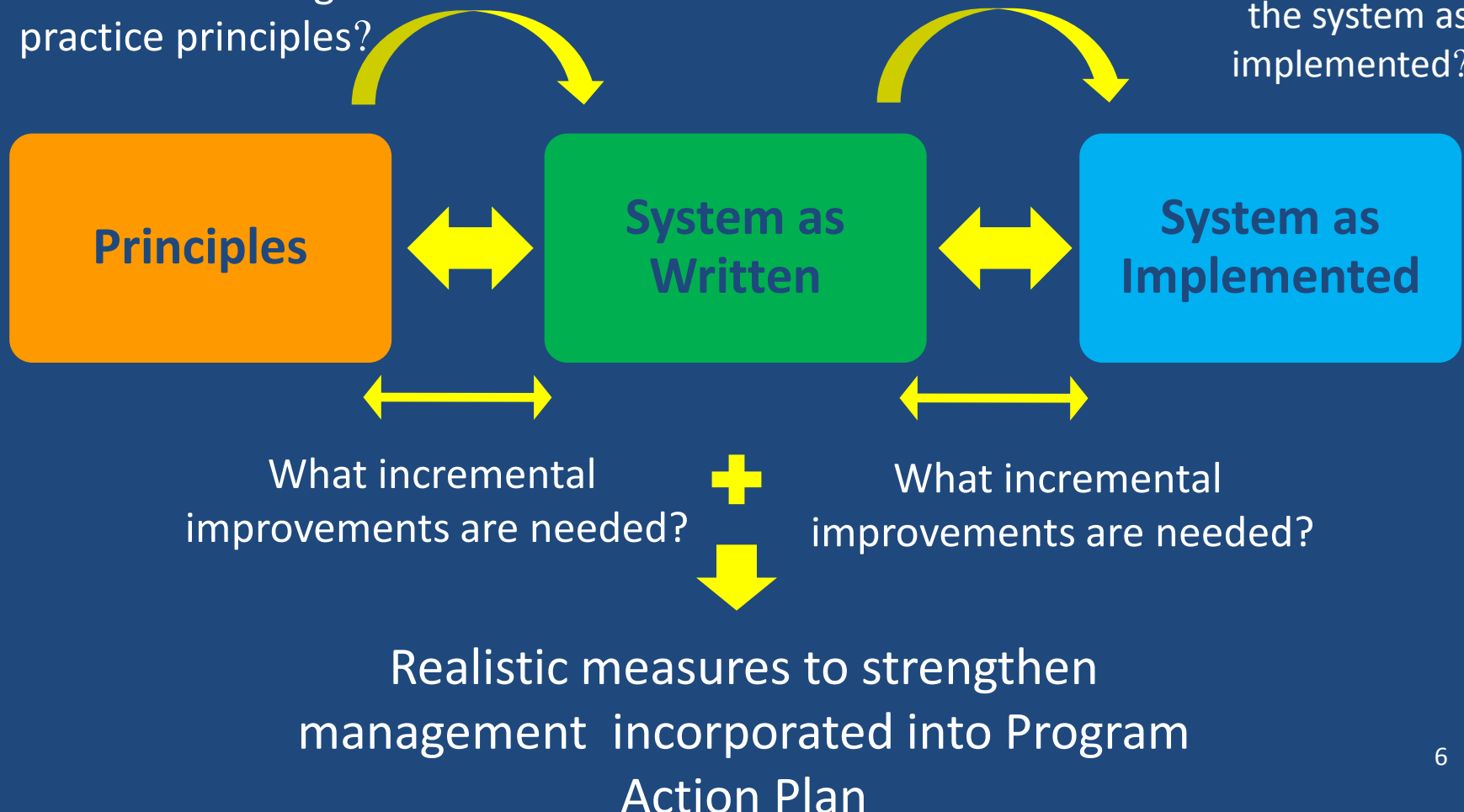
# Overview of System Assessment

## Diagnostic assessment:

Does the system as written address good practice principles?

## Capacity assessment:

How does the system as written compare to the system as implemented?



# PSSA Preparation

➤ Assessment of the adequacy of Indonesia safeguard systems through:

- **Document review**
- **Field visits** to selected relevant sites (completed, ongoing, or planned activities)
- **Consultations** with stakeholders



## Program Impacts and Components

- **Goals (Impact):** Improved food security, incomes and livelihoods of rural communities in RI
- **Objectives (Outcome):** Increased value and sustainability of irrigated agriculture
  - **Output 1:** Systems and institutional capacity for sustainable irrigated agriculture strengthened.
  - **Output 2:** Irrigation operation, maintenance, and management improved.
  - **Output 3:** Irrigation infrastructure improved.



# Safeguard Categorization

## Outputs 1, 2, and 3

- **Environment: B**
- **Involuntary Resettlement: B**
- **Indigenous People: B**

### Involuntary Resettlement

**Category A.** A proposed project is classified as category A if it is likely to have impacts:  200 or more persons experience major impacts, which are defined as **(i)** being physically displaced from housing, or **(ii)** losing 10% or more of their productive (income generating) assets.

### Indigenous People

**Category A.** A proposed project is classified as category A if it is Likely to have *significant impacts*.

The degree of impacts is determined by evaluating (i) the magnitude of the impact on Indigenous Peoples' customary rights of use and access to land and natural resources; socioeconomic status; cultural and communal integrity; health, education, livelihood systems, and social security status; or indigenous knowledge; and (ii) the vulnerability of the affected Indigenous Peoples.

# Assessment Findings and Implementation Practices Environment

- **Full alignment with ADB safeguards policy except on protection and conservation of critical habitats and biodiversity areas**
- **Other minor deviations:**
  - Lack of awareness on environmental policies;
  - New irrigation infrastructure may be developed, which may trigger impacts on critical habitats
  - No safeguards unit or staff at the Irrigation Agency of the local government
  - Increase awareness of farmers on organic farming

# Assessment Findings and Implementation Practices Involuntary Resettlement

- **Land Acquisition Law 2 of 2012 and other laws/regulations are in line with ADB safeguards policy,**
- **Minor deviations:**
  - **Handling of land clearing that affect non-land rights holders (squatters) vary and some have not fully met the ADB principle**
  - **Capacities of agencies especially at district level on land acquisition need to be strengthened**

# Assessment Findings and Implementation Practices Indigenous People

- Program sites mostly have legal framework on Indigenous Peoples/operational manuals,
- **But:**
  - not consistently implemented
  - Project outcomes could not be documented and disclosed
  - Lembor experience reveals a lack of qualified staff or specialized persons to oversee indigenous peoples safeguards
  - There is interagency effort at the local level to address indigenous peoples concerns but arrangements are on Ad Hoc

# Institutional Assessment

- **Positive aspects of institutional arrangements of safeguards at various levels:**
  - Enhanced participation and coordination among agencies;
  - Availability of legal framework/operational manual for safeguards;
  - Experiences in handling ADB's safeguards
- **Weaknesses of institutional arrangements.**
  - AdHoc functioning of staff to take care safeguards
  - Knowledge of local government staff on environmental and social safeguards is still weak
  - No clear roles/responsibilities for monitoring, reporting and evaluation of overall implementation of safeguards
  - Minimal involvement of BLH to environmental safeguard procedures in some districts

# Safeguard Program Action (1)

## Environment:

- Strengthen and prepare a negative checklist in line with UU32/2009
- For new irrigation infrastructures that apply groundwater abstraction, conduct hydrogeological (groundwater) studies
- Strengthen Grievance Redress Mechanism (GRM) to handle environmental and social safeguard-related complaints with clear time frame and involving relevant institutions

## Indigenous People (customary Legal Communities):

- prepare appropriate indigenous peoples screening , social impact assessment, and consultation procedures
- Conduct monitoring on participation and beneficial measures of program to customary legal communities

# Safeguard Program Action (2)

## Involuntary Resettlement

- Strengthen the delivery of income restoration program (IRP) for vulnerable and severely affected persons, if any
- Compensation for emotional loss (*solatium*) covers transitional allowance as per KJPP standard SP 204
- Advise APs to use cash money wisely
- Facilitation of consultation with host communities as necessary
- Improvement of delivery of compensation for non-land rights holders;
- Exclude sub-project that may affect significant impact of people
- Protect and manage ROW from the return of affected persons and new encroachers: Legalize land assets; improve delineation along irrigation canals

# Safeguard Program Action (4)

## Capacity Development:

- Issue guidance on screening criteria for selecting program component to ensure program will exclude category A for environment, Involuntary resettlement, and Indigenous People.
- Establish and/or strengthen dedicated unit for both environment and social safeguards.
- Assign and train environment and social safeguards focal persons
- Hire social and environmental safeguards expert to monitor and implement the program and safeguard actions.
- Training on safeguard Country Systems (environment including EMP implementation, involuntary resettlement and indigenous peoples), Action Plan, and monitoring report standard.
- Develop guidance for Grievance Redress Mechanism and strengthen RBOs and WRAs to address complaints.

## Monitoring

- Adopt the MOEF online system
- Prepare standard format and guidance for reporting impacts of land acquisition, land clearing, and post LAR.
- Disclosure of report for land acquisition and land clearing
- Monitoring resettlement impacts.

Submission annual monitoring on implementation of program action plan and any complaint handling to ADB



**Terimakasih**

Proposed Action	Indicator	Responsibility	Time frame	Budget source
<b>Involuntary Resettlement and Negotiated land Acquisition</b>				
<p>For land acquisition using Law 2/2012 procedure (land to be acquired more than 5 hectares)</p> <p>(i) Strengthen the delivery of social/livelihood program for entitled parties considered vulnerable and severely affected persons. The program can be covered by local government program</p> <p>(ii) Clarify and agree for physical relocation to include transitional allowance</p> <p>(iii) advise APs in using cash compensation wisely</p>	<p>Guidance on land acquisition and resettlement include identification of vulnerable and severely AHs and social action plan delivered to these groups</p> <p>Compensation for emotional loss <i>Solatium</i> provided to cover transitional allowance and depreciation of affected building</p> <p>MOU between agencies on arrangement and implementation of SAP prepared</p> <p>Consultation with host communities conducted if resettlement option is taken for compensation.</p> <p>Included in M&amp;E system and reporting</p>	RBOs, WRAs	2017 – 2020	RBOs, WRAs
<p>For Non-Land Right Holders (squatters) Improve compensation and its delivery for non- land assets at replacement cost along the irrigation channel</p>	<p>Compensation at replacement and assistance delivered as per regulations or exclusion of sub projects with significant impact from the program</p>	RBOs, WRAs	2017 – 2020	RBOs, WRAs
<p>Protect and manage ROW to prevent return of affected persons and new encroachers</p> <p>Legalize land assets</p> <p>Improve delineation along irrigation canals</p>	<p>ROW protection and management included in official detailed engineering design guidelines</p> <p>ROW management plans developed as part of the O&amp;M plans</p> <p>DGWR's land assets legalized</p> <p>2016: Screening of irrigation schemes, 2017: Xxx km, 2018: Xxx km, 2019: Xxx km, 2020: Xxx km, 2021: Xxx km of irrigation canals have physical delineation</p>	<p>DGWR</p> <p>RBOs, WRAs</p>	<p>2017</p> <p>2017 – 2020</p>	<p>DGWR</p> <p>RBOs, WRAs</p>

Institutional Capacity for social and environment safeguards				
Establish and/or strengthen dedicated units for both environment and social safeguards in RBOs and WRAs including generic terms of reference	Generic TOR for environment and social safeguards units developed	DGWR	2017	DGWR
Assign and train focal persons for social and environment safeguards in RBOs and WRAs	Dedicated units in RBOs and WRAs for both environment and social safeguards established (2017: 5%, 2018: 20%, 2019: 50%, 2020: 75%, 2021: 100%)	RBOs, WRAs	2017 – 2020	RBOs, WRAs
Hire safeguards expert to ensure the smooth implementation of the program	Focal persons for social and environment safeguards assigned and trained	RBOs, WRAs	2017 – 2020	RBOs, WRAs
Training orientation across levels (executing and implementing agencies and participating agencies) on Country Systems with key concerns for environment, involuntary resettlement and indigenous peoples, safeguards and PSSA Action plan	Safeguards specialists is hired	DGWR	2017	DGWR
Awareness raising and capacity development for WRAs to assure that the EMP implementation is carried out. DADU-online.com is used as basis for monitoring/reporting of compliance to environmental regulations.	Trained staff across levels	DGWR	2017	DGWR
Develop guidance for GRM with clear role and responsibility and timeline covering social, environment and other issues	Guidance for GRM developed or upgraded	DGWR, MOHA	2017	DGWR, MOHA
Ensure that GRM are made available through various ways (phone lines, websites, newspaper, radio)	Functioning communication platform for GRM	RBOs, WRAs, BAPPEDAs	2017 – 2019	RBOs, WRAs, BAPPEDAs
Strengthen public relation units in RBOs and WRAs to handle complaints	Trained public relation units staff in RBOs and WRAs to handle complaints	RBOs, WRAs, BAPPEDAs	2017 – 2019	RBOs, WRAs, BAPPEDAs
Public announcement within 7 days after receiving complaint	Registry system for complaints established	RBOs, WRAs, BAPPEDAs	2017 – 2019	RBOs, WRAs, BAPPEDAs

<p>Prepare a standard format and guidance for reporting on impacts and actions related to land clearing and/or vulnerable groups (with disaggregated data on vulnerability) and post LAR</p> <p>Brief RBOs and WRAs staff on the reporting requirements for land clearing and/or vulnerable groups</p> <p>Ensure preparation and disclosure of reports for land clearing and/or vulnerable groups</p> <p>Monitor the resettlement outcomes and their impacts on the living standards of displaced person (if any) through reviewing complaints received and conducting consultation with community, and take necessary actions of impacts are found to affect the livelihood status of affected persons</p>	<p>Standard format and guidance for reporting on impacts and actions related to land clearing and/or vulnerable groups developed (with disaggregated data on vulnerability) and post LAR</p> <p>RBOs and WRAs staff briefed and trained on reporting requirements for land clearing and/or vulnerable groups and post LAR</p> <p>Reports for land clearing and/or vulnerable groups prepared and disclosed</p>	<p>DGWR, MOHA, MOA</p> <p>DGWR, MOHA, MOA</p> <p>RBOs, WR</p>	<p>2017 2017 –</p> <p>2018</p> <p>2017 – 2018</p>	<p>DGWR, MOHA, MOA</p> <p>DGWR, MOHA, MOA</p> <p>RBOs, WRAs</p>
<p>Annual monitoring on program action plan implementation including any complaint handling is compiled by DGWR and submitted to ADB</p>	<p>Annual environment and social safeguards monitoring reports submitted to ADB</p>	<p>DGWR</p>	<p>2017 – 2021</p>	<p>DGWR</p>