

# Program Safeguard Systems Assessment

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## INO: Integrated Participatory Development and Management of Irrigation Program

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## **A. INTRODUCTION**

1. The Program Safeguards System Assessment (PSSA) examines the safeguards system of the program for irrigated agriculture of the Government of Indonesia (the Government). The assessment covers the safeguards system and its implementation practices and capacities. Safeguards program actions are developed where significant gaps and weaknesses are found at both system and capacity levels. The PSSA aims to: (i) assess key gaps between written country laws, regulations, and procedures with ADB Safeguard Policy Statement (SPS 2009) principles to identify what incremental improvements are needed, should significant gaps be identified; and (ii) assess the implementation of written systems and capacities of the executing and implementing agencies and other key agencies in handling environmental and social safeguards, and identify what main improvements are needed. The PSSA was carried out at the program level through desk review, consultative meetings, and site visits with participation from various government agencies, and several NGOs in Manggarai, Indramayu, and Banjarmasin. The assessment benefitted from the results of TA 7566 and the on-going TA 8548. Findings and recommendations from PSSA were confirmed by executing and implementing agencies and other stakeholders involved in the government program.

## **B. PROGRAM DESCRIPTION**

2. The proposed Integrated Participatory Development and Management of Irrigation Program (IPDMIP, the Program) will help improve institutional capacity to effectively implement reforms. This will contribute to more sustainable operation and maintenance (O&M) and management of the irrigation systems and increase agricultural water productivity. The International Fund for Agriculture Development (IFAD) will provide parallel financing for delivery of agricultural services to maximize the benefits brought by irrigation improvements. IFAD's support will address underperforming extension services, poor access to farmer credit, and inefficiencies in the value chain that contribute to low farm gate prices.

3. The Program will take the Government program approach from 2016 to 2021. The Program will be delivered using the results-based lending (RBL) modality. The program promotes reforms in the governance of the irrigation sector in order to ensure the sustainability of infrastructure enhancements, O&M, and management improvements. These strategies are clustered into three groups representing three intermediate results (output) areas: (i) strengthened systems and institutional capacity for sustainable irrigated agriculture; (ii) improved irrigation management O&M and management; and (iii) improved irrigation systems infrastructure.<sup>1</sup> Results area 1 focuses on sustainability: i.e., putting in place institutions and governance frameworks necessary for sustaining all improvements in the long term, while results area 2 focuses on improving systems and capacities.

4. The Directorate General of Water Resources (DGWR), Ministry of Public Works and Housing (MPWH) will be the executing agency where a program focal unit will be established to monitor and report on progress in attaining disbursement-linked indicators (DLIs). The Directorate of Irrigation and Low Land (DILL) will provide technical guidance for the rehabilitation, upgrading and modernization of irrigation infrastructure, and the Directorate of Operation and Maintenance (DOM), DGWR is in charge of the O&M-related services. River basin organizations (RBOs) and

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<sup>1</sup> Preparatory assessments covering hydrological, social, environmental, institutional, agricultural, and infrastructure aspects will be conducted as the basis for investment in civil works, agriculture, and institutional services.

sub-national water resources agencies (WRAs) will deliver the irrigation infrastructure and O&M-related services at the regional level.<sup>2</sup>

### C. PROGRAM ENVIRONMENTAL AND SOCIAL IMPACTS AND RISKS

5. The social and environment impacts and risk assessment reveal that the program triggers all three ADB safeguards: environment, involuntary resettlement, and indigenous peoples.

6. **Environment Related Risks.** Program activities under results area 3 trigger environmental concerns, which in general are not anticipated to be large-scale or irreversible, since most activities will take place within existing irrigation systems. Construction-related impacts, however, can also occur in rehabilitation, e.g., the generation of dredge materials from irrigation canal rehabilitation as a result of poor soil conservation practices. There is, however, the possibility that new canal stretches will link existing irrigation canals, weirs, or reservoirs. In this case, civil works are anticipated to produce more significant environmental impacts than those involving the rehabilitation and maintenance of existing systems. Potential impacts are possible changes in river hydrology and morphology, or adverse effects on habitat of aquatic life due to reduced river flows (e.g., mangroves). Sub-projects that involve groundwater abstraction and excessive tapping of groundwater may result in saline water intrusion and land subsidence. Irrigation systems where there is conversion to palm oil plantation may impact water quality in the system through acidic drainage water. Mining activities within or upstream of the irrigation schemes can cause heavy-metal pollution and high sedimentation.

7. IFAD is providing parallel financing for agriculture support activities. Impacts and risks may arise due to overuse of agro-chemicals and associated improper hazardous waste management. It is confirmed that IFAD safeguards policy will apply for the agriculture support component.

8. Climate-induced risks may affect the Program. Increased temperatures producing drought and intense rainfall producing floods increase the vulnerability of certain areas to climate-induced risks.

9. **Involuntary Resettlement-Related Risks.** Program activities that trigger involuntary resettlement safeguards arise from activities under results area 3 (improved irrigation systems infrastructure) which involve civil works.<sup>3</sup> Rehabilitation of irrigation canals and associated structures will be conducted on the existing right of way (ROW). Rehabilitation works may result in the loss of assets and business income located along the ROW, as well as relocation of people who live along the canals.<sup>4</sup> If there are squatters living in the existing ROW, severe impacts to them will be avoided and sub-projects with complicated squatters issues will be excluded. Minor issues and impacts on squatters will be addressed in consultation with them and relevant agencies. The upgrading of irrigation canals may require additional land for the construction of

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<sup>2</sup> Under the overall guidance and responsibility of the Directorate General of Regional Development (DGRD), Ministry of Home Affairs (MOHA), provincial and district planning agencies (BAPPEDAs) will ensure institutional strengthening, planning and coordination of provincial and district public works, land, agriculture, and other involved agencies. The Agency for Agricultural Extension and Human Resources Development (AAEHRD), Ministry of Agriculture (MOA) is in charge of agriculture activities in cooperation with provincial and district agriculture agencies funded by IFAD.

<sup>3</sup> ADB. SPS 2009. Involuntary resettlement covers physical and economic displacement as a result of (i) involuntary loss of land, or (ii) involuntary restrictions on land use. It covers them whether such losses and involuntary restrictions are full or partial, permanent, or temporary.

<sup>4</sup> No sub-project should affect more than 200 people to be relocated or 200 people who lose more than 10% of their productive assets.

inspection roads. SPS 2009 and Government regulation will be used to address these potential impacts.

10. **Indigenous People (IP) Related Risks.** All results areas might trigger indigenous people (*masyarakat hukum adat*) safeguards, and the Program is categorized as B for IP. The program might cause potential temporary loss of income because of restricted access to livelihood activities. Sub-project with severely impacts on masyarakat adat livelihoods including relocation of IP will be excluded.

#### D. SAFEGUARD POLICY PRINCIPLES TRIGGERED

11. The ADB SPS 2009 has 11 principles for Environment, 12 principles for Involuntary Resettlement and 9 principles for Indigenous Peoples. Each set of safeguard policy principles has been subject to the assessment of corresponding Government laws, regulations, and guidelines and capacity to comply. The detailed assessment is presented in Detailed Safeguards Assessment and Program Action Plan.<sup>5</sup>

12. **Environment.** The main environmental legal framework in Indonesia is the Law 32/2009 on Environmental Protection and Management. It requires that AMDAL (*Analisis Mengenai Dampak Lingkungan*, Analysis of Environmental Impact) be applied for all environmental impact assessments (EIA) from district to national level and across sectors. New construction or upgrading of irrigation systems are required to prepare either an AMDAL or an UKL/UPL report.<sup>6</sup>

13. For the rehabilitation of irrigation canals and associated structures, an environmental management plan (EMP) must be developed and implemented (SPPL).

14. The country safeguards review under TA 8548-INO reveal that, to a large extent, the Country Safeguards System (CSS) for environment is relatively equivalent with ADB SPS 2009. Of 11 key elements of environmental safeguard principles, there are three key elements which are considered partially equivalent. These are: (i) identification of socio-economic impacts of the project on vulnerable groups and gender issues; (ii) consideration of the “no-project” alternative; and (iii) avoidance of significant conversion or degradation of (non-critical) natural habitats. The current implementation performance, resources, and institutional capacities are limited in their ability to comply with the requirements of environmental laws and regulations. In addition, environmental screening, assessment, examination of alternatives, environmental management plan preparation and implementation, public consultation and grievance-redress mechanisms, information disclosure, monitoring, and reporting are not fully applied as prescribed in the AMDAL regulation by implementing agencies, due to lack of awareness of environmental policies and lack of resources to implement the policies

15. **Involuntary Resettlement.** The Government enacted Land Law 2/2012 on Land Acquisition for Development in the Public Interest and its implementing regulations to expedite land acquisition processes for infrastructure development with clear, time-bound procedures and greater protection for the rights of entitled parties<sup>7</sup> through consultations and fair compensation,

<sup>5</sup> Detailed Safeguards Assessment and Program Action Plan (accessible from the list of linked documents in RRP Appendix 2).

<sup>6</sup> AMDAL is mostly equivalent to an EIA report, while UKL/UPL is equivalent to an IEE report in ADB SPS (2009). AMDAL or UKL/UPL of projects covering two or more districts are reviewed by the Provincial Environment Agency while those covering only one district, by the District Environment Agency.

<sup>7</sup> Entitled party means any party by whom objects of the acquired land are possessed or owned. Law No. 2/2012.

including compensation for non-land rights holders. Results of the country safeguard review indicate that four key elements of ADB safeguard principles are not covered in the provisions of Land Law 2/2012 and other relevant legal framework: (i) relocated persons should be provided with transitional support and development assistance, and host communities should be provided with integration assistance and Program benefits; (ii) a resettlement plan should be prepared elaborating on the income and livelihood restoration strategy; (iii) displaced persons lacking titles or recognizable legal rights to land should be eligible for resettlement assistance; and (iv) resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved should be monitored and assessed.<sup>8</sup>

16. **Customary Legal Communities (Indonesian term for indigenous people).** The existence of a customary legal communities safeguard is recognized in the Indonesian constitution (UUD 1945) and other law and regulations.<sup>9</sup> There are indigenous peoples maps issued by the government, the World Bank, and AMAN (Indonesia customary communities Alliance). Three significant gaps have been identified in the Government system and laws: (i) screening on the presence of indigenous peoples and project potential impacts to them;<sup>10</sup> (ii) social impact assessment does not specify impacts on indigenous people; and (iii) the monitoring of the implementation of the Indigenous People Plan (IPP) and assessment of the achievement of the IPP's objectives and disclosure of the monitoring reports.

## E. DIAGNOSTIC ASSESSMENT

### 1. Assessment Methodology and Resources

17. The assessment was carried out by ADB staff and consultants with active participation in executing and implementing, and other agencies from national to district levels and various stakeholders through desk review, consultations, and site visits. Desk review was carried out toward applicable laws and regulations and guidelines capitalizing on results from CSS RETA7566 for social safeguards and environment, other ADB-TAs, Country Safeguards Review (TA 8548-INO), and any other relevant documents collected from executing and implementing agencies and other stakeholders. Meetings with various agencies were conducted. The Directorate General of Water Resources (DGWR), the Ministry of Home Affairs (MOHA), the Ministry of Agriculture (MOA), and the national planning board BAPPENAS were consulted to vet the assessment, findings, and proposed action plan. At the regional level, meetings were conducted with river basin organizations (RBOs) or *Balai Besar Wilayah Sungai* (BBWS) and other relevant local government agencies, non-government organizations, and participating communities.

18. Site visits to irrigation schemes (*Daerah Irigasi/DI*) were conducted in three districts: (i) Lembor in East Nusa Tenggara Province; (ii) Indramayu District of West Java Province; and (iii) Anjir Tamban in South Kalimantan. In each district, site visits were carried out in irrigation schemes where completed, ongoing, and in proposed irrigation Programs with activities that trigger

<sup>8</sup> Perpres 71 does not require monitoring and assessment of outcomes of resettlement monitoring. By law (Land Law 2012) BPN is only responsible for monitoring the implementation stage and delivering result stage. The planning stage is the responsibility of the institution needing land and the preparation stage is the responsibility of the institution needing land and of the provincial government.

<sup>9</sup> Among others are the Basic Agrarian Law of 1960 and Constitutional Court Decision No. 35/2012 which recognizes customary communities' rights.

<sup>10</sup> ADB SPS 2009. Indigenous Peoples trigger: if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as their ancestral domain.

safeguards. Assessment for the *masyarakat adat* safeguard was conducted only in Lembor and Anjir Tamban, as no *masyarakat adat* were found to be living in Indramayu District. The matrix includes assessment on procedures, institutions, capacity, and performance.

## 2. Findings: Procedures, Capacities and Performance

19. Diagnostic assessment of the procedures, capacities, and performance was carried out for environment, involuntary resettlement, and indigenous peoples that identified equivalence, deficiencies, and weaknesses in safeguards-implementation that require action to improve the system.

20. **Environment.** There are environmental management procedures based on existing Government environmental regulations and from environmental guidelines developed from previous projects.<sup>11</sup> Yet, there are no dedicated safeguards units or staff in sub-national irrigation agencies to oversee environmental management.

21. Irrigation system rehabilitation works are also covered by the AMDAL Law, but local district agencies have limited knowledge and experience in undertaking environmental impact assessment. In addition, some water user associations (WUA) are not aware of environmental impact assessments and environmental management and mitigation plans, and do not know how to register complaints. Some problems faced by the district local government in implementing environment safeguards are: (i) limited budget, staff, and technical know-how about conducting environmental screening and assessments, securing environment permits, and monitoring environmental compliance; (ii) procedures are not cascaded down from the national level; (iii) in cases of environment-related complaints, the *Badan Lingkungan Hidup Kabupaten* (BLH) only mediates, and the complaint resolution process takes a long time, to the disadvantage of the environment and affected persons; (iv) the absence of environmental screening and categorization of impacts during Program selection; and (v) limited coordination between local government agencies, as well as between provincial and district levels.

22. Impacts from rehabilitation of irrigation infrastructure will be mitigated through measures that are included in the EMP. Changes in river hydrology and morphology are mitigated by integrating ecological engineering into MPWH design standard guidelines. In addition, management measures assure that the necessary ecological flow remains in the river to reduce adverse effects on aquatic habitats.

23. Land was converted to palm oil and mining in some irrigation schemes, for example, in the Binua area. Palm oil plantations within irrigation systems potentially impact irrigation water quality through acidic drainage water. A potential mitigation would be to design a proper drainage system of the plantation with no drainage into irrigation channel. In addition, lowland irrigation is potentially affected by already-contaminated river water. It is not clear whether operators of palm oil plantations prepare environmental documents or whether mitigation measures are enforced. Mining activities upstream of the irrigation schemes frequently cause high sedimentation and potential heavy-metal contamination, which will be addressed e.g. through sediment traps and baseline assessment of heavy metals in the soil.

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<sup>11</sup> The ADB Participatory Irrigation Sector Program developed a rapid environmental-screening checklist that was used by the local governments in identifying environmental impacts and in determining the environmental assessment document to be submitted to the Environmental Agency for the proposed irrigation project.

24. Climate-induced risks may affect the Program, as, for example, floods increase the vulnerability of irrigation systems, which will be mitigated through developing climate-resilient infrastructure.

25. In order to address environmental impacts from the beginning of the Program implementation, environmental aspects, as well as screening and categorization of impacts, are integrated into the Social, Economic, Technical and Institutional Profile (SETIP). For environmental management of infrastructure upgrading or rehabilitation under results area 1, the legal requirements of UKL-UPL/ SPPL are applicable. Mitigation measures to address the potential environment impacts will be designed within the CSS.

26. **Involuntary Resettlement.** The existing procedures applied to address land acquisition/resettlement (involuntary resettlement) are based on the old land-acquisition regulations<sup>12</sup> and land Law 2/2012 and its implementing regulations. Practice is likewise governed by institutional policies from executing and implementing agencies that build on past and ongoing experiences with multilateral institutions requiring safeguards application.<sup>13</sup> However, the implementation of legal framework and procedures varies. Currently, land acquisition undertaken by local governments is mostly through negotiated land acquisition,<sup>14</sup> while for national projects through involuntary resettlement. The procedure of negotiated land acquisition is in line with ADB principles, as this is undertaken through consultations with entitled parties, transparent identification of lost assets, and negotiation of the compensation rate based on valuation by an independent appraiser.

27. The assessment of implementation practices reveals the following key gaps: (i) for district programs, compensation for affected assets owned by non-land rights holders (squatters) are provided for using the *uang kerohiman* scheme, which may be lower than the market rate. In some cases that involve regular canal maintenance programs, there is no compensation for affected assets and temporary loss of income. Informal dwellers often return to the areas upon program completion, raising concerns about the appropriateness and capacities when engaging contractors in involuntary resettlement implementation. For national programs, new relocation areas are provided and lost assets are compensated using *uang kerohiman*; (ii) improvement of the living standards of displaced poor people and other vulnerable groups, especially non-land rights holders, are delivered only for national projects financed by international agencies requiring safeguards, not program using fully government budget.<sup>15</sup> (iii) a grievance-redress mechanism (GRM) with a time frame set for complaints resolution is not established for land clearing; (iv) livelihood restoration programs (LRP) for affected vulnerable people are provided for programs financed by multilateral agencies and state-owned enterprises, while for local government programs there are none, resulting in a lack of clarity on benefit sharing; (v) no relocation assistance for entitled parties is provided; and (vi) regular monitoring by agencies does not include a resettlement outcome, as prevailing land acquisition regulations do not require monitoring and

<sup>12</sup> Presidential Regulation No. 36 of 2005, Presidential Regulation No. 65 of 2006, and BPN Head Regulation No. 7 of 2007.

<sup>13</sup> The World Bank safeguards apply in WISMP (OP 4.12 on Involuntary Resettlement), ADB Policy on Resettlement Policy 1995 applies in PISP and the West Tarum Canal Rehabilitation Project. All these projects have environmental and social safeguards frameworks (ESSF) and procedures to guide preparation and implementation of safeguards.

<sup>14</sup> Land required for the local government's projects are mostly less than 5 hectares (ha), as per Presidential Regulation 40/2014, that land acquisition of less than 5 ha can be undertaken through direct negotiation between landowners and the agency needing the land.

<sup>15</sup> In Indramayu, improvement of the living standards for the displaced poor and other vulnerable groups is provided only for national projects financed by international agencies requiring safeguards, such as toll road projects managed by PT LMS and power plant projects managed by PT PLN.

assessment of resettlement outcomes. Other issues identified in the assessment are: (i) some local government programs experience delays due to prolonged negotiation of compensation; and (ii) many infrastructure programs requiring land have been cancelled because of budget limitations. There were no complaints received by local governments for negotiated land acquisition, while complaints raised by entitled parties for programs with significant involuntary land acquisition and resettlement have been settled through project mechanism and courts.

28. **Indigenous Peoples/*Masyarakat Hukum Adat*.** Program sites have mostly benefited from either past or ongoing projects.<sup>16</sup> However, the implementation of procedures for indigenous people safeguards is not consistent on the ground, if at all.<sup>17</sup> In Lembor, the indigenous people identification process for the programs has been carried out; but it did not fully follow the program's indigenous peoples safeguards framework. The lack of baseline and disaggregated data by ethnicity is also noted, specifically on available socio-economic data for the district as a whole. Despite the lack of formal recognition of indigenous people, broad community support is evident in Lembor. In Lembor and Anjir Tamban, *masyarakat adat* communities are consulted and actively participate in the water user associations (WUAs).

29. The grievance-redress mechanism (GRM) in Lembor is procedurally through the project implementation unit as guided by WUA procedures,<sup>18</sup> while the Tua Golo<sup>19</sup> is recognized and all related *masyarakat adat* complaints go through the Tua Golo water user association (WUA) member. However, only a Tua Golo whose lands are within the irrigation scheme will automatically become a WUA member. The program will need to recognize inherent decision-making structures of the *masyarakat adat*. There is inter-agency effort at the local level to address indigenous people's concerns, but arrangements are on ad hoc basis with the facilitation budget considered as each participating agency's share.

30. **Institutional Assessment.** There are positive aspects of the institutional arrangements of safeguards at various levels. A land facilitation sub-division has been set up under the Secretariat of the Directorate General of Water Resources (DGWR). The DGWR established a task force for monitoring, evaluation, and coordination for the acceleration of land acquisition in water resources infrastructure. DGWR and RBO staff have been provided with the safeguards trainings in Lembor and Indramayu. The strong participation of the Land Office (Ministry of Agrarian and Spatial Planning – National Land Agency, MASP/NLA<sup>20</sup>) and BAPPEDA/SETDA enforces compliance to social safeguards at national and district levels. The assessment identified the following institutional weaknesses: (i) knowledge of local government staff on environmental and social

<sup>16</sup> Such as the Water Resources and Irrigation Sector Management Project (WISMP) or Participatory Irrigation Sector Program (PISP).

<sup>17</sup> In particular, WISMP screening for IPs use a combination of World Bank criteria and Indonesian laws. Sub-projects with IPs are assessed as regards the presence and population of IPs in the project-affected village. Reporting, monitoring and documentation procedures are likewise provided. The ESSF similarly provides screening procedures on the negative list, which includes among others, the possibility of negative impacts on IPs and damage of historical and natural heritage. Another procedural guideline is the Requirements Standards for Environmental Management During Construction that contains a section on Impact on Cultural Heritage

<sup>18</sup> Regulation Of The Minister Of Agriculture. No. 79 / Permentan / OT.140 / 12/2012. About Guidelines For Guidance And Empowerment Water User Associations (WUAs). Specifically, this states that WUA empowerment targets are: (i) independent growth in terms of both organizational, technical, and financial participation in the development and management of irrigation system supported by the Government's role as a facilitator; and (ii) a dynamic through programs that meet the needs of WUA, one of which is to solve organizational problems in case of conflict between members and/or with outsiders.

<sup>19</sup> Traditional leader of the *masyarakat adat*.

<sup>20</sup> The Ministry of Agrarian and Spatial Planning – National Land Agency is Kementerian Agraria dan Tata Ruang – Badan Pertanahan Nasional.

safeguards, including land acquisition laws and regulations, is limited; (ii) no dedicated staff from implementing agencies and other participating agencies is specifically assigned to handle social and environmental safeguards; (iii) there is no clear role/responsibility for monitoring, reporting, and evaluation of overall implementation of safeguards; (iv) there is minimal involvement of the Environmental Agency (BLH) in environmental safeguard procedures in some districts, partly because of limited staff and funding; and (v) there is a lack of coordination across levels from national, province, and district/sub-district, with resentment at the local level regarding roles in implementing programs on the ground in relation to top-level oversight initiatives. Institutional capacity building to improve knowledge and skill on environment and social safeguards will be conducted and have been included in the safeguards action plan (Table 1).

## F. SAFEGUARD PROGRAM ACTIONS

31. This section recommends salient actions to improve the system and its compliance through a clustered approach: (i) technical aspects for environment, resettlement, and indigenous people safeguards; (ii) institutional capacities; and (iii) reporting and monitoring (Table 1). To oversee implementation of the program's safeguards program actions, the safeguards teams in river basin organizations and the safeguard unit (Sub-directorate of Land Facilitation and Assets Management) under DGWR will be strengthened. The safeguard unit of DGWR will closely coordinate with the Directorate of Irrigation and Lowlands (DILL) under the Ministry of Public Works and Housing (MPWH). The DILL shall coordinate with the MOHA, MOA, and BAPPENAS in providing guidance on program implementation to local governments and other agencies and in the conduct of all environmental and social safeguard monitoring. At national, level environment, social safeguards specialists will be hired to assist the Government in preparing and monitoring the implementation of the safeguards program actions and in training the sub-national agencies. At provincial level environment and social safeguards staff will be assigned with a clear TOR and support.

32. The results-based lending (RBL) will exclude sub-programs with: (i) category A impact for environment,<sup>21</sup> involuntary resettlement,<sup>22</sup> and indigenous peoples,<sup>23</sup> (ii) significant impacts on squatters residing on the DGWR's and water resources agencies' (WRAs) land.

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<sup>21</sup> Definition of category A: An activity is classified category A if it is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented. These impacts may affect an area larger than the sites or facilities subject to physical works.

<sup>22</sup> A proposed project is classified as category A for resettlement if there are 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 because of the project..

<sup>23</sup> A proposed project is classified as category A if it is likely to have significant impacts on IP. An Indigenous Peoples Plan (IPP), including assessment of social impacts, is required;

**Table 1: Program Action Plan for Safeguards<sup>a</sup>**

<b>Proposed Action</b>	<b>Responsibility</b>	<b>Time frame</b>
<b>Technical Aspects</b>		
<b>Environment</b>		
Update the MPWH regulation with guidance on categorizing irrigation rehabilitation projects to UKL/UPL or SPPL to develop and implement EMP commensurate to environmental impacts. The regulation will include: (i) guidance on the environment audit of irrigation systems; (ii) negative checklist to ensure exclusion of environmentally critical projects; (iii) SPPL revised format; and (iv) EMP and monitoring requirements and format. Specific mitigation measures to address the identified environmental impacts are implemented.	DGWR in consultation with MOEF	2017
	DGWR	2016
Disseminate the new regulation and provide training to RBOs and WRAs staff on environmental requirements for irrigation rehabilitation including screening, preparation of AMDAL, UPL/UKL, SPPL and EMP.	DGWR, MOHA	2017–2018
Integrate the screening and categorization of impacts into the Social, Economic and Technical and Institutional Profile (SETIP).	RBOs, WRAs	2017–2020
Integrate EMP and monitoring requirements into standard bidding documents for work.	DGWR	2016
Develop and implement full RKL/RPL for each proposed sub-projects if needed.	RBOs, WRAs	2016–2021
Integrate environmental aspects, ecological engineering for infrastructure, and climate-resilient infrastructure into MPWH design standard guidelines for irrigation (KP).	DGWR	2016
Disseminate MPWH design standard guidelines for irrigation to WRAs.	DGWR	2017
<b>Involuntary Resettlement and Negotiated Land Acquisition</b>		
For land acquisition, use Law 2/2012 procedure (land to be acquired more than 5 hectares).	RBOs, WRAs	2017–2020
Strengthen the delivery of social/livelihood program for entitled parties considered vulnerable and severely affected persons. <sup>b</sup> The program will be covered by local government program.		
Clarify and agree for physical relocation to include transitional allowance, if needed		
For non-land rights holders (squatters) provide compensation and its delivery for non-land assets at replacement cost along the irrigation channel.	RBOs, WRAs	2017–2020
Protect and manage ROW to prevent the return of affected persons and new encroachers.	DGWR	2017
Legalize land assets.	RBOs, WRAs	2017–2020

Proposed Action	Responsibility	Time frame
<b>Indigenous People/Masyarakat Adat</b>		
Prepare guidance on screening check lists, impact assessment of program to indigenous people including culturally appropriate GRM, and meaningful consultation. <sup>c</sup>	DGWR in collaboration with Ministry of Social, AMAN and support by ADB	2017
Indigenous people safeguard is included in the SETIP.	MOHA	2017–2021
<b>Institutional Capacity</b>		
Issue guidance on screening criteria for selecting program components to ensure that the program will exclude activities that; (i) would be classified category A for environment, involuntary resettlement, and indigenous peoples according to ADB SPS; (ii) significant impacts on squatters residing on the DGWR's and WRAs land; and (iii) relocation of indigenous peoples from their their ancestral land	DGWR	2017
Establish and/or strengthen dedicated units for both environmental and social safeguards in RBOs and WRAs including generic terms of reference.	DGWR	2016
Assign and train focal persons for social and environmental safeguards in RBOs and WRAs.	RBOs, WRAs	2017–2020
Hire social and environmental safeguards experts to advise and monitor the implementation of the program.	RBOs, WRAs	2017–2020
Training orientation across levels (executing and implementing agencies, participating agencies, and contractors) on Country Systems with key concerns for environment, involuntary resettlement, and indigenous peoples safeguards and PSSA Action plan including screening..	RBOs, WRAs	2017–2020
Awareness raising and capacity development for WRAs to assure that the EMP implementation is carried out. DADU-online.com is used as the basis for monitoring/reporting of compliance to environmental regulations.	RBOs, WRAs	2017
Develop guidance for GRMs with clear roles and responsibilities, timeline, and record covering social, environmental, and other issues.	DGWR, MOHA	2017
Ensure that GRMs are made available through various ways (field staff, phone lines, websites, newspaper, radio) and recorded.	RBOs, WRAs, BAPPEDAs	2017–2019
Strengthen public relation units in RBOs and WRAs to address complaints.	RBOs, WRAs, BAPPEDAs	2017–2019
Public announcement within 7 days after receiving complaint	RBOs, WRAs, BAPPEDAs	2017–2019

Proposed Action	Responsibility	Time frame
<b>Reporting and Monitoring</b>		
Socialize the requirements of the MOE regulation 17/2012 on public disclosure of environment documents.	DGWR, MOHA	2017
Adopt the official MOEF online system (DADU-online.com) for public disclosure.	RBOs, WRAs	2017–2021
Prepare a standard format and guidance for reporting on impacts and actions related to land acquisition/resettlement and land clearing (squatters). and post-LAR.	DGWR, MOHA, MOA	2017
Brief RBOs and WRAs staff on the reporting requirements for land acquisition/resettlement and land clearing.	DGWR, MOHA, MOA	2017
Ensure preparation and disclosure of reports for land acquisition/resettlement and land clearing.	DGWR, MOHA, MOA	2017–2018
Monitor the resettlement impact outcomes and their impacts on the living standards of displaced persons (if any) through reviewing complaints received and conducting consultation with community, and take necessary actions if impacts are found.	RBOs, WRAs	2017–2018
Annual monitoring on program action plan implementation including any complaint handling is compiled by DGWR and submitted to ADB.	DGWR	2017–2021

<sup>a</sup> Detailed table on program's safeguard action plan is in Detailed Safeguards Assessment and Program Action Plan (accessible from the list of linked documents in RRP Appendix 2).

<sup>b</sup> Vulnerable groups are people who might suffer more or face the risk of being further marginalized due to the project and specifically include: i) households that are headed by women; ii) household heads with disabilities; iii) households falling under the regional poverty line; and iv) elderly household heads. 'Severely affected persons' refers to the affected/displaced persons who will: i) lose 10% or more of their total productive assets; ii) have to relocate; and/or iii) lose 10% or more of their total income sources due to the project.

<sup>c</sup> The identification of indigenous people will refer to the indigenous people's maps published by government (Ministry of Social Affairs), the World Bank, or AMAN.