Subproject Proposal

Project Number: 44140
June 2012

TA 7566-REG: Strengthening and Use of Country Safeguard Systems

INO: Strengthening Capacity of Indonesia's Environment Impact Assessment (AMDAL) System

Asian Development Bank
A. Basic Data

1. Date: 21 May 2012
2. Subproject Title: INO: Strengthening Capacity of Indonesia’s Environment Impact Assessment (AMDAL) System
3. Subproject Officer: Mohammed Nasimul Islam, Water Resources Specialist, SEER
4. Division/Department: Environment, Natural Resources and Agriculture Division/Southeast Asia Department (SEER/SERD)
5. Country/Region: INO/SERD
7. Amount Requested: $450,000
8. Period this funding request will cover: June 2012 to October 2013

B. Name and Description of Implementing Organization

Mr. Ari Sudijanto, Head, AMDAL Directorate, Ministry of Environment, Republic of Indonesia

The AMDAL Directorate under the Deputy of Environmental Management of the Ministry of Environment (MOE) has the mandate of AMDAL system development and implementation in Indonesia. Although implementation authority has been delegated to district and provincial environment agencies, the Directorate plays a role in national policy development and capacity building.

C. Subproject Description

1. Background and Rationale

ADB has engaged with the Government of Indonesia (GOI) in improving environmental governance and management of environmental impacts through its loan and technical assistance projects and through country environmental assessments. This support include Country Environment Note for Indonesia (2010) and loan (Bappedal Regional Network Project, 1996) and technical assistance project (Capacity Building for Decentralization of the Environmental Impact Assessment Process, 2002) that addressed the issues of EIA regulations and capacity building in a decentralized framework. The lessons learned from these studies and projects include: (1) need for improvement of quality of environmental impact documents at the national and regional levels; (2) need for capacity building of environmental agencies at the national and regional level particularly in the districts; and (3) need to improve effectiveness of implementation of environmental impact assessment system through developing coherent EIA laws and regulations in all levels of Government. To address these needs and other challenges for the effective implementation of the EIA system, the government, with support from other development agencies on certain occasions, have instituted reforms and strengthened certain aspects of the EIA system. However, given the decentralized EIA system setting, and in the face of accelerating infrastructure development throughout the country, strengthening the implementation of the EIA system continues to pose several challenges. It is in this context that the Ministry of Environment seeks support from ADB to address some of the remaining challenges.

The following section describes the EIA system in Indonesia, outlines the initiatives undertaken by the government and other development agencies, and provides a rationale on specific areas needing ADB support through this proposed subproject.

An Overview of the AMDAL System

The EIA system in Indonesia which is known as Analisis Mengenai Dampak Lingkungan, or AMDAL, was established in 1982, in response to growing national and international recognition of the adverse environmental impacts of accelerated economic and social development in a country with world’s fourth largest population. Indonesia’s tropical archipelago is highly diverse with rich natural ecosystems. The AMDAL process in Indonesia starts with a notice by the AMDAL Commission upon request by a proponent, followed by preparation of terms of reference (TOR) and the environment impact assessment document (ANDAL) which includes environment management and monitoring plan with institutional arrangements. The process is managed by AMDAL Commission at national, provincial or district level (based on jurisdiction) and all documents are evaluated by the commission and its technical team while public consultation is held during TOR preparation, draft and final ANDAL preparation stages. The current process takes a minimum of six to nine months for EIA or AMDAL preparation. Since the year 2000, after promulgation of Indonesia’s decentralization law, AMDAL has evolved to reflect a fundamental shift in the national constitution and political culture from centralized control towards a decentralized authority and through empowerment of local communities who democratically elects local governmental heads. This shift resulted in AMDAL implementation authority at district levels, while national and provincial authorities come into play when two provinces and two districts are involved, respectively. The Ministry of Environment’s responsibility is to promulgate national laws, regulations, policies and institutional arrangements for AMDAL
implementation and to ensure that the AMDAL requirements are followed and implemented at provincial/district levels consistent with national regulations and to ensure quality assurance of the AMDAL documents and AMDAL Commissions.

It was recognized that decentralization poses a serious challenge to the quality and effectiveness of AMDAL in the context of the decentralized government and evolving new regulations (ADB Country Environment Note, 2010). GOI, in cooperation with multilateral and bilateral donors, undertook various adjustments to the legal framework for AMDAL, combined with capacity-building measures. The most recent development in AMDAL regulations is the enactment of the 2009 Environmental Protection and Management Act (EPMA). One of the important innovations in the EPMA is the new requirement for a proponent to obtain an “environmental license” for projects subject to AMDAL as a precondition for obtaining any other "license" issued by "sector agencies (e.g., mining, agriculture etc.). The environmental license is to be issued by the same authority that approves the AMDAL documents (national, provincial and district authority). A government regulation on the environmental license signed by the President on 23 February 2012 (Government Regulation/ Peraturan Pemerintah number 27 year 2012) is the derivative of the 2009 EPMA; this regulation governs a revised AMDAL process and provides stronger legal basis for enforcement of AMDAL implementation. Following promulgation of the government regulation, MOE plans to revise a series of ministerial decrees and technical guidelines.

Recent Initiatives to Strengthen AMDAL Implementation

Improvement of capacity and effectiveness of AMDAL requires a wide range of interventions aimed at a broad spectrum of stakeholders. In the last five years, the MOE has received support from the Danish International Development Agency (Danida) to prepare technical guidelines for impact prediction (water and air quality), introduce new training delivery techniques to train district heads of AMDAL Review Commissions (ARCs), develop and test an information system to capture, store and manage environmental data generated from the AMDAL process 1. In 2010, through the Danida technical assistance, the Ministry of Environment has also prepared a grand strategy for development of AMDAL ‘infrastructure’ which involves various stakeholders. The grand strategy provided a general vision and master plan for improving AMDAL capacity in Indonesia on policy, institutional and technical guidance development and contains these general elements: (i) basic direction of AMDAL documents, (ii) policy towards optimization of AMDAL, (iii) strategic guidelines for AMDAL stakeholder, (iv) master plan for the capacity development, and (v) strategy for improvement of AMDAL infrastructure (AMDAL infrastructure includes development of human resources and institutions that play a role as AMDAL implementers and supporters, as well as related instruments).

To respond to some of DANIDA’s recommendations, the MOE has introduced new requirements for AMDAL consultants, AMDAL Review Commissions (ARCs) at the sub-national level, and AMDAL training institutions. Since 2009, individual AMDAL consultants are required to obtain certification from the government authorized independent certifying body (INTAKINDO), 2 while consulting firms offering AMDAL study services and AMDAL training institutions are required to be registered with MOE. Under the 2009 EPMA, all ARCs are required to have a license (through meeting certain criteria), and to obtain technical guidance and supervision from MOE. These measures are intended to improve quality control of AMDAL outputs at each phase. The implementation and effectiveness of the new measures are partially under review; however, MOE is aware that some of the measures need to be improved, and a longer-term horizon needs to be built into any new interventions introduced.

Strengthening AMDAL implementation continues to pose an enormous challenge. With accelerating infrastructure development throughout the country, foreign investment currently involves a wide spectrum of sectors. It is estimated that, every year, over 2,000 AMDAL documents are processed nation-wide, administered by 1 national level, 33 province and over 200 (licensed) districts/municipal–level institutions. The studies are implemented by approximately 500 individuals who have received a competency certification as AMDAL consultants (as of March 2012). These numbers are still insufficient to meet the high demand for AMDAL studies. In the near term, the Ministry aims to address many of the challenges, including capacity development of AMDAL consultants and AMDAL review commissions, revise technical guidelines for various elements of AMDAL implementation, strengthen methodologies for impact prediction, compliance monitoring of environment license conditions, and supervision of sub-national AMDAL review commissions. While the AMDAL Directorate is expected to receive technical assistance from a Danida program until October 2012, this only covers preparation of drafts for several ministerial regulations to be issued in 2012-2013 (on public consultation and information disclosure, on definition of environmental feasibility and on reporting on

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1 The work funded by Danida builds upon some of the findings from a previous World Bank study (2005-2006) which identified the major obstacles to effectiveness and efficiency of AMDAL in the regional autonomy setting.

2 INTAKINDO is an association of consultants appointed by MOE to execute the administration of certification process of individual AMDAL consultant, including assessment, maintaining consultant database, etc.
environment permit implementation). The MOE needs technical assistance from other international development agencies to support other activities. Specifically MOE seeks ADB’s support to close the gap between AMDAL and international good practices on environmental safeguards, and to explore, clarify and refine several concepts to improve the quality of AMDAL, and to enhance knowledge-sharing among AMDAL practitioners across sectors and across the country. MOE requests ADB’s technical assistance in the following areas:

(i) Identification of gaps between the AMDAL regulatory framework and administrative procedures with international good practices. Many development projects are funded by multilateral development banks and international financing institutions, each with a separate set of safeguard requirements. In the past, project proponents have complied with two sets of safeguard requirements, i.e. that of the Indonesian Government (AMDAL) and that of the MDBs (that includes other studies, such as LARAP, biodiversity baseline studies). This meant long burdensome process for the project proponent, and often unclear approval authorities. In recent years, many MDBs have began to promote the use of country safeguard systems, including ADB. Use of AMDAL for ADB-financed projects will require strengthening of AMDAL requirements as well as improve quality of AMDAL outputs. Identification of gaps between AMDAL and ADB SPS may inform MOE’s efforts to strengthen AMDAL implementation in the long run. No formal or systematic ‘gap analysis’ has been conducted to date.

(ii) Integration of AMDAL implementation procedures into the planning and permitting process in priority sectors. Several sectors are growing at a very high rate, and, yet, there is confusion with regard to the most effective timing for AMDAL study to ensure that AMDAL can influence decision-making on projects. These projects include infrastructure projects promoted under a Public-Private Partnership (PPP) scheme, geothermal development, water resources, and/or forestry sector. MOE intends to clarify the timing issue and develop a guidebook that would inform project proponents and financiers.

(iii) Strengthening the capacity of AMDAL consultants and improving the Certification Procedure. The current certification scheme for AMDAL consultants only recognizes one competency category, i.e. that of the AMDAL compiler (who synthesizes inputs from various experts and compiles the AMDAL documents). However, the Ministry of Environment (MOE) foresees that, in the future, one generic category may not be sufficient, as different sectors and/or different ecological settings may require additional competencies for AMDAL consultants. MOE’s AMDAL Directorate would like to explore the need to refine the certification system, and possibly consider introducing formal recognition of specialized competencies and introduce requirements for advanced training in specific fields. MOE is interested in a ten-year horizon to build capacity of AMDAL consultants, which will eventually improve the performance and outputs of AMDAL consultants. An assessment of available training courses and training institutions is also necessary as part of the effort to identify training-providers in the future.

(iv) Strengthening the technical teams’ capacity to review the AMDAL reports. For the AMDAL Review Commissions/ARCs, MOE plans to strengthen an element of the ARCs, namely the Technical Team, which comprise independent environment and sector specific experts to assist in reviewing AMDAL documents. The accountability of the Technical Team is to the head of ARC. A model pool of experts in at least one sector as an example for other sectors will be developed. Availability of sector-specific pools of experts for the Technical Team is expected to upgrade the AMDAL document review process, by having experts review the scientific and technical content of the documents. A competent Technical Team is also expected to prepare sound arguments for decision-making in the ARC. At present, ARCs (a multi-stakeholder forum) often fail to address critical issues in AMDAL documents, due to lack of capacity.3

The AMDAL quality at national and regional levels (including both with and without donor assistance) vary considerably and will require an evaluation to address specific quality issues. Also AMDAL units within sector ministries have to be strengthened in order to improve the quality of AMDAL. Many technical guidelines are either inadequate or not well-developed and need to be developed and simplified for easier understanding.

(v) Strengthening knowledge sharing and peer exchange among the AMDAL stakeholders. An informal stakeholder network was established at the end of 2009, with an aim to contribute to improving the effectiveness of AMDAL in Indonesia. This network, called Forum AMDAL Indonesia (FAI), operates on a voluntary basis, and currently has a very loose structure. The FAI forum is an independent sounding board consisting of individuals from various

3 The ARCs, at the sub-national levels, are chaired by Head of Environmental Agency, and members largely come from other technical agencies, NGOs and representatives of affected communities. Their knowledge of scientific parameters related to environmental impact and technical issues related to project design is very limited. Therefore, in most cases, ARC meetings are dominated by comments on report form (not substance), administration or others -- not necessarily constructive towards improving the quality of analysis in AMDAL reports. As a result, there is no demand for high quality or in-depth analysis from the ARCs.
stakeholder groups (national government, local government, university, consultants, project proponents). FAI has met 14 times in the last 25 month-period, each attended by over 60 persons. The mailing list has over 150 members, and is very active with individuals seeking information, guidance, best practices for a wide range of AMDAL related issues, and other members offering advice and information. The forum meetings have served as a venue for members from the MOE to bounce ideas and discuss relevant aspects of the 2009 EPMA and the revised AMDAL procedures. FAI’s high level of activities demonstrates the desire for changes in the AMDAL policies and implementation, and it has given MOE many ideas to consider in preparing regulations and technical guidelines. The forum also demonstrated the need for information exchange among AMDAL stakeholders, and the commitment of all parties to find solutions for many issues that have plagued AMDAL implementation in Indonesia.

MOE intends to support the forum by providing a website for knowledge management and sharing among AMDAL stakeholders. The aim is to enhance the current forum’s medium of communication, by allowing sharing of guidelines, best practices, samples of good AMDAL reports, etc. The website will also serve as a way to identify experts to support Technical Teams at the sub-national level; and thus expert databases developed in this sub-project for water resources, energy/geothermal sectors/REDD+ will be uploaded to the website. Technical guidelines and other publications developed by MOE’s AMDAL Directorate with other donor support (Danida, GTZ, others) will also be disseminated through the website. The forum has the potential to serve as a good representative of environmental assessment practitioners in the international scene. The website would be developed through the sub-project and the subproject will support necessary capacity building efforts so that the website can be managed by FAI in the future. For a country of its relative size and influence, Indonesia is under-represented in informal regional and international environmental forums focusing on best practices in environmental and social assessment, such as the IAIA (International Association for Impact Assessment) and its regional chapters in the Asia-Pacific region. To promote such engagement, MOE recognizes the necessity of seeking to better integrate Indonesia’s own environmental assessment practitioners (consultants, academics, lawyers and NGOs) through development of a self-sustaining informal web-based professional network and a web-based AMDAL resource base that can also serve as a forum for engagement with regional and international professional associations.

To address the needs of the grand strategy and to overcome the constraints, challenges and opportunities outlined above, it is proposed that the subproject support the activities outlined below:

1. **Recommendations for Strengthening of AMDAL Regulatory Framework and Administrative Procedures with International Good Practices:** Conduct a systematic, “gap analysis,” through a structured and comprehensive comparison between the current AMDAL legal framework with the objectives and operational principles reflecting international best practice for the environmental impact assessment (EIA), as exemplified by ADB’s 2009 Safeguard Policy Statement (SPS). This will also include related “legal analysis” to identify gaps and inconsistencies within AMDAL legal framework that may be hindering its effective implementation. MOE requests recommendations on gap-filling measures to attain full equivalence with international financing institutions (IFI) requirements over time. The “gap analysis” will also look at the type and extent of social impact analysis that should be conducted under AMDAL.

2. **Integration of AMDAL Implementation Procedures into Sector Specific Project Permitting Process:** Updated/new technical guidelines for ANDAL (Analisis Dampak Lingkungan Hidup (Environmental Impact Analysis)) and RKL-RPL (Rencana Pengelolaan Lingkungan- Rencana Pemantauan Lingkungan (Environmental Management Plan and Environmental Monitoring Plan)) in MOE/ADB priority sectors (e.g., water resources, geothermal, forestry/REDD+ etc) that can be used at both technical levels, by sector ministries, as well as concise checklists for use at the district/city level. The guidelines will be based on World Bank Group Environmental, Health and Safety Guidelines (EHSGs) or other guidance documents recognized as international “best practices” for these sectors. The guidelines will also clarify the recommended processes including timing of AMDAL implementation in relation to sector planning and permitting requirements. The aim is to ensure that the results of AMDAL can inform decisions on project plans and permit approvals.
3. **Recommendations for Improvement to the Certification Procedure and of the Training of AMDAL Consultants**: MOE would like to explore the need to refine the certification system, and possibly introduce formal recognition of specialized competencies, and introduce requirements for advanced training in specific fields. Such specialized competencies may be necessary to enhance the quality of analysis in AMDAL studies, necessary to render more in-depth and focused AMDAL reports. MOE is interested in a ten-year horizon to build capacity of AMDAL consultants, which eventually improves the performance and delivery of AMDAL consultants. Review AMDAL current process and identify any areas for improvement and recommend actions to meet the improvement needs. An assessment of available training courses and training institutions is also necessary as part of the effort to identify training-providers in the future. Consultations with key stakeholders are expected, including with certified consultants, with project proponents (users) and with training institutions/ universities.

4. **Strengthened Technical Capacity for Review of AMDAL (Environmental Impact Assessment) Reports**: MOE requests assistance in further defining the Technical Teams’ specific roles and responsibilities, set of criteria (expertise and experience) of recommended pool of experts, indicative costs incurred for deployment to Technical Team at sub-national levels, and preparation of a sample product of the Technical Team (for presentation to the ARC). Recommendations will be developed for MOE on actions to be taken in to establish pool of experts to support Technical Teams for ARCs at all levels. A pilot activity will be designed to commence formation of pool of experts in two key sectors, for example water resources (e.g. dams) and geothermal development or Forestry. The pilot shall involve: (a) identification of core experts from or recommended by the relevant technical ministries (Public Works, Energy, Mineral Resources, Forestry); (b) development of database with profile of experts to be uploaded in web-based resource (link with Output 4); (c) test and evaluate AMDAL document review by Technical Teams and ARCs, for one water resource project in West Java province, involving district- and province-level ARCs. The activity may involve an ADB-funded project in water resources in West Java; and (e) test and evaluate AMDAL document review by Technical Teams and ARCs, for one geothermal or forestry development project, involving the national-level ARC. In addition, MOE requires assistance to produce publications (1-2 booklets in Bahasa Indonesia and English) that describe the new Technical Team concept and work mechanism, and provides guidelines to be used by Technical Teams in the sub-national level on water resources and geothermal/Forestry sectors. The publications are intended to be the first of a series to be developed by MOE at a later date. Booklets for simplified technical guidelines for environmental assessment (based on international best practices) will also be developed in water resources, geothermal or forestry sector (particularly related to reducing deforestation and degradation (REDD+) pilots.

5. **Improved Knowledge-Management for National AMDAL Practitioners Network**: MOE intends to support the network by providing a website for knowledge management and sharing for AMDAL stakeholders. The aim is to enhance the current forum’s medium of communication, by allowing sharing of guidelines, best practices, samples of good AMDAL reports, etc. The website will also serve as a way to identify experts to support Technical Teams at the sub-national level; and thus expert databases developed in this sub-project for water resources and geothermal/forestry sectors will be uploaded to the website. Technical guidelines and other publications developed by MOE’s AMDAL Directorate with other donor support (Danida, GTZ, others) will also be disseminated through the website. During the sub-project implementation, the website will be designed, developed and maintained. Towards the end of the sub-project, MOE will engage in discussions with FAI about future management and self-sufficiency of the website, related also to the FAI’s aspirations to become a more formal organization, and possibly an Indonesian chapter for one of the international associations for impact assessment, such as the IAIA (International Association of Impact Assessment) and also possibly AECEN (Asian Environmental Compliance and Enforcement Network).
2. Outcome:

Strengthened policy and institutional capacity for the implementation of the Country Safeguard System for Indonesia’s Environmental Impact Assessment (AMdal).

3. Outputs

Key outputs of the TA will include:

- Output 2. Integration of AMDAL Implementation Procedures into Sector Specific Project Permitting
- Output 3. Recommendations for Improvement to the Certification Procedure and of the Training of AMDAL Consultants
- Output 5. Improved Knowledge-Management for National AMDAL Practitioners Network

The main deliverables include:

- By September 2012, present website to Forum AMDAL Indonesia (FAI) members, and enlist contributions from members to be handed over to the FAI at the subproject closing.
- By October 2012, concept for the Technical Team, including specific tasks, and selection criteria for members, possible source of experts, specific outputs of the Technical Team, indicative costs incurred submitted to the AMDAL Directorate of the Ministry of Environment.
- By January 2013, present final recommendations submitted to the AMDAL Directorate of the Ministry of Environment.
- By February 2013, final report on capacity building related to certification and training procedures of AMDAL consultants.
- By September 2013, the revised technical guidelines based on simulation results submitted to the AMDAL Directorate of the Ministry of Environment. A report on recommend measures to integrate a reformed AMDAL process into local level decision-making and project permitting is submitted by the subproject closing.
- By October 2013 report containing recommendations for establishment of pool of experts to support Technical Teams for ARCs at all levels submitted to the AMDAL Directorate of the Ministry of Environment.
- By December 2012, submit a draft diagnostic study report on “gap analysis” between the current AMDAL legal framework with the objectives and operational principles reflecting international good practice for the environmental impact assessment (EIA) and recommendations for improvement, and a final report before the subproject closing.

4. Key Activities and Inputs


i. Conduct a formal Gap Analysis of the relative “equivalence” of Indonesia’s AMDAL and other relevant laws and regulations that correspond to international good practice such as ADB’s SPS environmental safeguard policy principles. Attention shall be given on coverage of social impact analysis within the AMDAL framework;
ii. Discuss gaps identified (above) with stakeholders (project proponents and consultants) following international financial institution's (ADB’s SPS will be assessed as an representative example) requirements to reconfirm issues and challenges faced;
iii. Prepare report summarizing results of gap analysis, and provide recommendations to close gap between AMDAL and other relevant laws and regulations that correspond to international good practice such as ADB’s SPS environmental safeguard policy principles; and
iv. Final recommendations and submission to the Ministry of Environment AMDAL Directorate.

Output 2. Integration of AMDAL Implementation Procedures into Sector Specific Project Permitting Process and Development of Technical Guidelines

i. Review AMDAL current process and identify and recommend any areas for improvement;
ii. Conduct regulatory analysis for internal coherence of AMDAL regulations including identification of issues related to project planning and approval processes;
iii. Discuss with key stakeholders issues related to effective timing of AMDAL implementation in project planning and approval processes;
iv. Recommend measures to integrate a reformed AMDAL process into local level decision-making and project permitting with particular attention to how social impacts can be identified through the AMDAL screening process and addressed in the context of AMDAL implementation at the local level;

v. Develop or update technical guidelines for ANDAL and RKL-RPL in MOE/ADB priority sectors (e.g., water resources, geothermal or forestry/REDD+ etc) that can be used at both technical levels, by sector ministries, as well as concise checklists for use at the district/city level to be based on World Bank Group Environmental, Health and Safety Guidelines (EHSGs) and similar guidance documents of international “best practices” for these sectors;

vi. Draft technical guidelines;

vii. Review of Recommended AMDAL Procedures by MOE/AMDAL Directorate;


ix. Revise and finalize technical guidelines based on test and evaluation results (Output 4), and prepare publications (1,000 copies each title); and


Output 3. Recommendations for Improvement to the Certification Procedure and of the Training of AMDAL Consultants

i. Review the existing regulations related to certification scheme and updated MOE plans to revise the requirements;

ii. Assess the need to refine the certification scheme, to recognize different specializations or competences, based on type of projects or field/discipline. Conduct consultations with certified consultants, and project proponent groups (sector representatives, as users), and assess practices in other countries;

iii. Develop recommendations to include formal recognition of different fields or specialization and to introduce other measures to ensure the certification system meets the needs of development activities (especially key sectors);

iv. Develop recommendations on minimum requirements for certified consultants to maintain their competence certification, which may include advanced or sector-specific training programs;

v. Prepare recommendations on potential training institutions, including identifying institutions and assessing capacity and interest in delivering advanced or sector-specific training for certified consultants; and


i. Review and document recent ideas regarding the structure and composition of national and provincial/district/city AMDAL Review Commissions (AMCs), particularly with regard to the Technical Team element of the AMCs;

ii. Review, document and assess the structure and mechanism of AMCs at the Ministry of Environment, Environmental Management Agency of West Java Province (BPLHD), and one district in West Java (to be selected with BPLHD West Java) and provide results of assessment and recommendations;

iii. Develop further concept for the Technical Team, including specific tasks, and selection criteria for members, possible source of experts, specific outputs of the Technical Team, indicative costs incurred, etc.;

iv. Assist MOE in discussing with key stakeholders in the water resources (Ministry Public Works) to initiate formation of pool of experts to support Technical Teams;

v. Assist MOE in discussing with key stakeholders in the water resources, geothermal and forestry sector (Ministry of Public Works, Energy and Mineral Resources) to initiate formation of pool of experts to support Technical Teams;

vi. Develop database with profile of pool of experts in the water resources and geothermal energy and/or other sectors, for later uploading in website (Output 5);

vii. Test and evaluate AMDAL document review by Technical Teams and ARCs, for one water resource project (e.g., dams, canal rehabilitation) in West Java province, involving district- and province-level ARCs;

viii. Test and evaluate AMDAL document review by Technical Teams and ARCs, for one geothermal development project one REDD+ project, involving the national-level ARC;

ix. Develop sample output of Technical Team for presentation to full ARC meeting;

x. Assess quality of AMDAL by reviewing actual AMDAL documents at national and regional levels (both donor and Government funded projects) to identify and assess AMDAL quality and prepare a report; and

xi. Prepare report containing recommendations for establishment of pool of experts to support Technical Teams for ARCs at all levels.
Output 5. Improved Knowledge-Management for National AMDAL Practitioners Network

i. Design the concept for a web-based AMDAL technical resource, to serve as a medium to exchange technical guidelines, best practices, and dialog among AMDAL stakeholders. Discuss with key members/ coordinators of the FAI;

ii. Develop web-based AMDAL technical resource and upload existing technical guidelines, best practices, and dialog among AMDAL stakeholders. Manage website until 2 months prior to completion of sub-project;

iii. Develop pilot roster of experts covering water resource sector, and/or geothermal sector (developed in Output 3);

iv. Establish hyperlinks with list of certified consultants and to the AMDAL information system (established by Ministry of Environment);

v. Present website to Forum AMDAL Indonesia members, and enlist contributions from members;

vi. Prepare materials (related to this TA) for MOE to present at several meetings of the Forum AMDAL Indonesia;

vii. Discuss with Forum AMDAL Indonesia coordinators future management of website, and assist in developing concept for self-sustained maintenance of website;

Support to existing AMDAL network/ forum (Forum AMDAL Indonesia, FAI) by providing information on international forum for impact assessment; and explore possibility of establishment of a formal self-sustaining national professional network of AMDAL practitioners, to eventually become an Indonesian chapter of the International Association of Impact Assessment (IAIA) or AECEN;

viii. Hand-over website to Forum AMDAL Indonesia, 2 months prior to completion of sub-project; and

ix. Prepare report on website development and hand-over.

5. Implementation Arrangements, Timetable, and Reporting Plan

SEER will be responsible for the subproject administration and will be closely coordinate with Indonesia Resident Mission (IRM). More specifically, SEER Water Resource Management Specialist (Mohammed Nasimul Islam) will oversee and coordinate the subproject including activities and outputs. IRM Water, Environment and Natural Resource sector National Staff (Pantja Putih Wardani and Helena Lawira) will coordinate and liaise with the consulting firm, GOI (BAPPENAS and MOE) and other stakeholders including development partners and interest group at country level. The project will be delivered through engaging a consulting firm using QCBS method, in accordance with ADB Guidelines on the Use of Consultants (2010), as amended from time to time. Disbursements will conform to ADB’s Technical Assistance Disbursement handbook (amended from time to time). Equipment will be procured in line with ADB’s Procurement Guidelines (April 2010, as amended from time to time). The subproject will be carried out over 17 months, from May 2012 – October 2013. Please see the design and monitoring framework for key milestone dates.

The overall regional capacity development technical assistance (R-CDTA 7566-REG) will be coordinated by National Planning and Development Agency (BAPPENAS), under whose guidance subproject focal point will be the AMDAL Directorate of the Ministry of Environment. The AMDAL Directorate will be the implementing organization and will monitor the subproject implementation in conjunction with ADB and provide day to day guidance on coordination and technical matters related to the outputs of consulting firm specialists to be recruited by ADB. The AMDAL Directorate of MOE will also review consultants’ outputs and ensure cross sector coordination. The subproject will closely coordinate with the companion subproject on Capacity development for social safeguard preparation and implementation in selected agencies in Indonesia and coordinate with all related national and local government agencies and related departments, civil society, academe, trade associations, certification boards, private sector, etc. during its implementation. AMDAL sub-project progress and directions will be guided by a team of Government counterparts (MOE, BAPPENAS, Environment Protection Agency of West Java (BPLHD), and relevant ministries) and ADB. The MOE will provide in-kind contribution, such as office accommodation and counterpart staff.

In addition to the deliverables discussed under section 3 (Output), the consultant will submit: (i) an inception report within one month after mobilization; (ii) quarterly progress reports; (iii) semi-annual reports, (iv) final completion report; and (v) knowledge products (e.g., brochures for AMDAL timing and procedures, sector specific technical guidelines etc). A final subproject completion report will be prepared at the end of TA and presented at a workshop one month prior to the completion of the TA. The semi-annual reports will be submitted to RSES.

Specific milestone dates are provided in the design and monitoring framework.

6. Subproject Completion and Information Dissemination

The outputs will be disseminated through national and/or regional workshops, forums, websites and preparation of booklets (both in English and Bahasa Indonesia). A final subproject completion report will be submitted to RSES at the end of the subproject.
### E. Cost Estimate

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<th>Item</th>
<th>Partner(s) Contribution* ($)</th>
<th>TA 7566 Contribution ($)</th>
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<td>1. Consultants</td>
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<td>(a) Remuneration and per diem</td>
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<td>(i) International consultants (2 person months)</td>
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<td>(ii) National consultants (42 person months)</td>
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<td>• AMDAL Management and Implementation Specialist-Team Leader</td>
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<td>• National Environmental Legal Specialist</td>
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<td>(b) International and local travel</td>
<td>21,500</td>
<td>21,500</td>
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<td>(c) Reports and communication**</td>
<td>34,000</td>
<td>34,000</td>
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<tr>
<td>2. Equipment</td>
<td>-</td>
<td>-</td>
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<tr>
<td>3. Trainings, workshops, seminars***</td>
<td>60,000</td>
<td>60,000</td>
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<td>4. Targeted studies, study tours</td>
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<tr>
<td>5. Administration and support costs</td>
<td>30,000</td>
<td>6,500</td>
<td>36,500</td>
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<tr>
<td>6. Misc. and Contingency</td>
<td>45,000</td>
<td>45,000</td>
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<tr>
<td><strong>Total</strong></td>
<td>30,000</td>
<td>450,000</td>
<td>480,000</td>
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</table>

* Contributions from the Government are in kind.

**includes cost for publications (technical editor, graphic designer, commercial printing.

***Training programs, workshops, and seminars cost estimates are subject to ADB approval.
**F. Proposed Subproject Monitoring Framework**

<table>
<thead>
<tr>
<th>Design Summary</th>
<th>Performance Targets/Indicators</th>
<th>Data Sources/ Reporting Mechanisms</th>
<th>Assumptions/ Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outcome:</strong></td>
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</table>
| Strengthened policy and institutional capacity for the implementation of the Country Safeguard System for Indonesia’s Environmental Impact Assessment (AMDAL) | Recommendations on legal framework improvement and on institutional strengthening by the subproject adopted by MOE and other relevant agencies. | Data Sources:  
- Publications  
- Interviews, surveys  
Reporting Mechanisms  
- Subproject Semi-annual progress reports  
- Subproject Completion Report  
- Comparative evaluation report before and after the TA | Assumption:  
Government and ADB/SERD remain committed to maintaining a structured dialogue on strengthening Indonesia’s AMDAL system  
Risk:  
Fiscal and personnel constraints limit the ability of Government of Indonesia to implement the necessary capacity development activities |
| **Outputs:**  |                                 |                                     |                    |
| 1. Recommendations for Strengthening of AMDAL Regulatory Framework and Administrative Procedures with International Good Practices | Report and recommendations to the Government of greater internal coherence of the AMDAL legal framework thereby reducing potential for conflicting interpretations of legal and regulatory requirements with international safeguards requirements  
Submission to Government for approval of a “gap filling” equivalence assessment of AMDAL more closely aligned with ADB SPS requirements | Data Sources:  
- Interviews, surveys  
- Comparative analyses | Assumption:  
Government and ADB/SERD remain committed to following through on recommended improvements to AMDAL Legal and Regulatory Framework  
Risk:  
Continued evolution of and lack of GOI consensus over content of AMDAL Legal and Regulatory Framework during course of sub-project creates “moving target,” whereby ADB recommendations are soon overtaken by events |
<p>| 2. Integration of AMDAL Implementation Procedures into Sector Specific Project Permitting | Prepare booklets to guide project proponents on AMDAL implementation procedures of specific sectors and the most effective timing to implement AMDAL (in English as required and Bahasa Indonesia for 1,000 copies each title) |                                     |                    |</p>
<table>
<thead>
<tr>
<th>Design Summary</th>
<th>Performance Targets/Indicators</th>
<th>Data Sources/Reporting Mechanisms</th>
<th>Assumptions/ Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Recommendations for Improvement to the Certification and of the Training of AMDAL Consultants</td>
<td>Preparation and publication of technical guidelines for two sectors important to ADB and MOE.</td>
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<td></td>
<td>Assess minimum requirements for certified consultants</td>
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<td></td>
<td>Recommendations for training institutions</td>
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<td></td>
<td>Consultations, workshops and reports</td>
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<tr>
<td>5. Improved knowledge-management for national AMDAL practitioners network</td>
<td>Assessment of AMDAL Review Commissions (ARCs)</td>
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<td></td>
<td>Assessment of ARCs at National Level and Provinicial/District Level (West Java Province and a selected district)</td>
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<td></td>
<td>Database profile of pool of experts and recommendations</td>
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<td></td>
<td>Technical guideline publication for ARCs</td>
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<td></td>
<td>Assessment of AMDAL quality at national/regional levels</td>
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<td></td>
<td>Consultations, workshops and reports</td>
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<td></td>
<td>Design and create web-based AMDAL technical resource</td>
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<td></td>
<td>Develop roster of experts in web. Establishment of Indonesia chapter of international associations (IAIA, AECEN) Consultations, workshops and reports</td>
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**Key Activities and Milestones**

1. **Output 1: Recommendations for Strengthening of AMDAL Regulatory Framework and Administrative Procedures with International Safeguards Requirements**
   1.1. Conduct a formal Gap Analysis of the relative “equivalence” of Indonesia’s AMDAL legal framework with the corresponding EIA safeguard requirements of the ADB SPS as a reference point for international best practices. Special attention shall be given on social impact analysis (Jun-Sep 2012);
   1.2. Discuss gaps identified (above) with stakeholders (project proponents and consultants) following international financial institution’s requirements to reconfirm issues and challenges faced (Sep 2012);
   1.3. Prepare report summarizing results of gap analysis, and provide recommendations to close gap between AMDAL with international financial institution’s requirements (Oct-Nov 2012); and
   1.4. Final recommendations and submission to the Ministry of Environment AMDAL Directorate (Jan 2013).

2. **Output 2: Integration of AMDAL Implementation Procedures into Sector Specific Project Permitting**
   2.1. Review AMDAL current process and identify and recommend any areas of improvement (Jun 2012)
   2.2. Conduct regulatory analysis for internal coherence of AMDAL regulations including identification of issues related to project planning and approval processes (Jun-Jul 2012)
   2.3. Discuss with key stakeholders issues related to effective timing of AMDAL implementation in project planning and approval processes (Jul-Aug 2012)
   2.4. Recommend measures to integrate a reformed AMDAL process into local level decision-making and project permitting with particular attention to how social impacts can be identified through the AMDAL screening process and addressed in the

**Inputs:**

- ADB TA 7566: $450,000
- Government of Indonesia: $30,000 (in-kind support)
<table>
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<tbody>
<tr>
<td>context of AMDAL implementation at the local level (Sep 2012).</td>
<td>2.5. Develop or update technical guidelines for ANDAL and RKL-RPL in MOE/ADB priority sectors (e.g., water resources, geothermal or forestry/REDD+ etc) that can be used at both technical levels, by sector ministries, as well as concise checklists for use at the district/city level to be based on World Bank Group Environmental, Health and Safety Guidelines (EHSGs) and similar guidance documents of international “best practices” for these sectors (Oct-Dec 2012)</td>
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<td>2.6. Draft technical guidelines (Oct-Dec 2012)</td>
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<td>2.7. Review of Recommended AMDAL Procedures by MOE/AMDAL Directorate (Dec 2012)</td>
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<td>2.9. Revise and finalize technical guidelines based on test and evaluation results (Output 4), and prepare publications (1,000 copies each title) (Mar-May 2013)</td>
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<td>3. Output 3: Recommendations for Improvement to the Certification Procedure and of the Training of AMDAL Consultants</td>
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<tr>
<td>3.1. Review the existing regulations related to certification scheme and updated MOE plans to revise the requirements (Jun-Jul 2012);</td>
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<td>3.2. Assess the need to refine the certification scheme, to recognize different specializations or competences, based on type of projects or field/discipline. Conduct consultations with certified consultants, and project proponent groups (sector representatives, as users), and assess practices in other countries (Jul-Sep 2012);</td>
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<td>3.3. Develop recommendations to include formal recognition of different fields or specialization or to introduce other measures to ensure the certification system meets the needs of development activities (especially key sectors) (Oct-Nov 2012);</td>
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<td>3.4. Develop recommendations on minimum</td>
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requirements for certified consultants to maintain their competence certification, which may include advanced or sector-specific training programs (Nov – Dec 2012);

3.5. Prepare recommendations on potential training institutions, including identifying institutions and assessing capacity and interest in delivering advanced or sector-specific training for certified consultants (Dec 2012 – Jan 2013);


4. **Output 4: Improved Capacity and Performance of AMDAL Review Commissions**

4.1. Review and document recent ideas regarding the structure and composition of national and provincial/district/city AMDAL Review Commissions (ARCs), particularly with regard to the Technical Team element of the ARCs (Jun-Jul 2012);

4.2. Review and document the structure and mechanism of ARCs at the Ministry of Environment, Environmental Management Agency of West Java Province (BPLHD), and one district in West Java (to be selected with BPLHD West Java) (Aug-Oct 2012);

4.3. Assess quality of AMDAL by reviewing actual AMDAL documents at national and regional levels (both donor and Government funded projects) to identify and assess AMDAL quality and prepare a report. (Aug-Oct 2012);

4.4. AMDAL current process reviewed and any areas of streamlining identified and recommended. (Aug-Sep 2012);

4.5. Develop further concept for the Technical Team, including specific tasks, and selection criteria for members, possible source of experts, specific outputs of the Technical Team, indicative costs incurred, etc (Sep – Oct 2012);

4.6. Assist MOE in discussing with key stakeholders in the water resources (Ministry Public Works) to initiate formation of pool of experts to support Technical Teams (Oct – Nov 2012);

4.7. Assist MOE in discussing with key stakeholders in the geothermal sector or forestry (REDD+) (Ministry of Energy and Mineral Resources, or Ministry of Forestry) to initiate formation of pool of

<table>
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<tr>
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<td>Assumptions/ Risks</td>
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<tr>
<td>experts to support Technical Teams (Nov 2012 – Jan 2013);</td>
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<tr>
<td>4.8. Develop database with profile of pool of experts in the water resources and geothermal energy/Forestry and/or other sectors, for later uploading in website (Output 5) (Jan-Feb 2013);</td>
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<tr>
<td>4.9. Test and evaluate AMDAL document review by Technical Teams and ARCs, for one water resource project in West Java province, involving district- and province-level ARCs (Apr – Jun 2013);</td>
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<tr>
<td>4.10. Test and evaluate AMDAL document review by Technical Teams and ARCs, for one geothermal development project and/or REDD+ pilot , involving the national-level ARC (May – Jul 2013);</td>
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<td>4.11. Develop sample output of Technical Team for presentation to full ARC meeting (Jul-Aug 2013);</td>
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<td>4.12. Revise technical guidelines based on testing and evaluation results, and prepare publications (1000 copies each title) (Aug- Sep 2013);</td>
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<td>4.13. Prepare report containing recommendations for establishment of pool of experts to support Technical Teams for ARCs at all levels (Sep – Oct 2013).</td>
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<tr>
<td>5. Output 5: Improved Knowledge-Management for National AMDAL Practitioners Network</td>
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<tr>
<td>5.1 Design the concept for a web-based AMDAL technical resource, to serve as a medium to exchange technical guidelines, best practices, and dialog among AMDAL stakeholders. Discuss with key members/ coordinators of the FAI (May-June 2012);</td>
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<tr>
<td>5.2 Develop web-based AMDAL technical resource and upload existing technical guidelines, best practices, and dialog among AMDAL stakeholders. Manage website until 2 months prior to completion of subproject (Jun 2012- Aug 2013);</td>
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<td>5.3 Develop pilot roster of experts covering water resource sector, and/or geothermal/forestry sector (developed in Output 3) (Feb- Mar 2013);</td>
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<td>5.4 Establish hyperlinks with list of certified consultants and to the AMDAL information system (established by Ministry of Environment) (Aug 2012);</td>
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<td>5.5 Present website to Forum AMDAL Indonesia members, and enlist contributions from members (Sep 2012);</td>
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<td>5.6 Prepare materials (related to this TA) for MOE to</td>
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<tr>
<td>Design Summary</td>
<td>Performance Targets/Indicators</td>
<td>Data Sources/ Reporting Mechanisms</td>
<td>Assumptions/ Risks</td>
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<td>present at several meetings of the Forum AMDAL Indonesia (Aug 2012 – Aug 2013);</td>
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<tr>
<td>5.7 Discuss with Forum AMDAL Indonesia coordinators future management of website, and assist in developing concept for self-sustained maintenance of website (Jul-Aug 2013);</td>
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<tr>
<td>5.8 Support to existing AMDAL network/ forum (Forum AMDAL Indonesia, FAI) by providing information on international forum for impact assessment; and explore possibility of establishment of a formal self-sustaining national professional network of AMDAL practitioners, to eventually become an IAIA and if possible AECEN chapter (Jul-Aug 2013)</td>
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<tr>
<td>5.9 Hand-over website to Forum AMDAL Indonesia, 2 months prior to completion of sub-project (Aug-Sep 2013);</td>
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<td>5.10 Prepare report on website development and hand-over (Sep –Oct 2013).</td>
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**Prepared by:**

Mohammed Nasimul Islam  
Water Resources Specialist, SEER  
21 May 2012

**Endorsed by Division Director/Country Director:**

Javed H. Mir  
Director, SEER

**Approved by Director General:**

Kunio Senga  
Director General, SERD
<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>State how the proposed subproject meets the TA’s subproject eligibility criteria</th>
<th>RSES Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) Intervention is in one or more of the TA’s priority areas (please mark one or more of the following criteria):</td>
<td>The proposed subproject includes a Gap Analysis (“equivalence assessment”) of the GOI legal framework for AMDAL is compared with the EIA and associated Objectives, Scope/Triggers and Policy Principles of the ADB’s SPS which may also include coverage of social issues.</td>
<td></td>
</tr>
<tr>
<td>[x] legal and regulatory framework, rules, and/or procedures on environmental assessment and management, involuntary resettlement, and Indigenous Peoples safeguards</td>
<td>The proposed subproject seeks to strengthen the institutional capacity of AMDAL Review Commissions at the national, provincial and district/city level also strengthens the capacity of AMDAL Directorate of Ministry of Environment and West Java Provincial Environmental Management Agency and AMDAL consultants. Also technical guidance will be prepared and key procedural issues will be clarified.</td>
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<tr>
<td>[x] institutional strengthening and capacity development of relevant government institutions or agencies, CSOs, and/or other stakeholder groups to implement, enforce, and comply with national laws and regulations on environmental assessment and management, involuntary resettlement, and Indigenous Peoples</td>
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<td>[ ] state-owned and/or private sector companies’ environmental and social management systems</td>
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<td>[ ] public awareness and participation in environmental and social assessment, planning, and implementation processes;</td>
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<td>[ ] targeted training programs and/or studies on environmental and social safeguards for governments including the judiciary, CSOs, media, academia, and/or other stakeholder groups;</td>
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<td>[ ] demonstration activities (“South-South initiatives”, such as through twinning arrangements).</td>
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1 This may include the environmental assessment process, pollution prevention and abatement, biodiversity conservation and sustainable natural resources management, occupational and community health and safety, and physical cultural resources.

2 This may include activities for improved institutional arrangement and administrative procedures, inter-agency coordination and governance, and for effective compliance monitoring and enforcement.

3 This may include activities for enhanced corporate environmental and social policies, project safeguard review, and monitoring and reporting system.
2.) The subproject is fully in line with and supportive of DMCs' priorities identified in their development plans and programs and with ADB's country partnership strategies.

The subproject responds to a demand-driven request by the Ministry of Environment/AMDAL Directorate for support in strengthening the legal framework and institutional capacity for AMDAL preparation and appraisal. It also focuses the development of Technical Guidelines on the priority sectors – for example, water resource management, energy/Forestry sectors that are identified in the draft CPS as the priority sectors for ADB engagement with Indonesia.

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>State how the proposed subproject meets the TA’s subproject eligibility criteria</th>
<th>RSES Comments</th>
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<tbody>
<tr>
<td>3.) The subproject balances the use of international and national consultants and emphasizes the transfer of international experience and knowledge to governments, CSOs, and staff of other domestic organizations in the DMC.</td>
<td>Six of the seven proposed consultants would be national consultants with an international consultant providing key analytical support on the policy level and methodological guidance to national consultants.</td>
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<tr>
<td>4.) The subprojects is complementary but does not substitute nor duplicate ADB ongoing or pipeline activities (i.e., the TA does not finance subprojects that are normally financed by project preparatory TA work or by other funds managed by ADB, including the Japan Special Fund).</td>
<td>The subproject does not substitute for or duplicate any ongoing or proposed activities normally financed by ADB, including by the Japan Special Fund. It complements a proposed companion subproject under this RETA 7566-REG that is designed to strengthen Indonesian social safeguards with a focus on the same province (West Java) for provincial-level activities.</td>
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<td>5.) The proposed subproject cost does not exceed $500,000.</td>
<td>The total cost of the proposed subproject is $450,000</td>
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<td>6.) Counterpart funds for the subproject (in cash and/or in kind) are expected to be committed by the DMC.</td>
<td>The GOI is expected to make in-kind contributions to the review and revision of subproject outputs and provide guidance and attend relevant consultations/workshops.</td>
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<tr>
<td>7.) The DMC has been requested to endorse the TA and to appoint a focal point.</td>
<td>The Ministry of Finance and BAPPENAS have endorsed the TA 7566-REG and appointed an executing and coordinating unit in BAPPENAS and the AMDAL Directorate at the Ministry of Environmental as the focal points, respectively.</td>
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Prepared By:
Mohammed Nasimul Islam
Water Resources Specialist, SEER
30 April 2012

Reviewed by RSES TA Team:

(Name, Signature and Date)
GENERAL OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

TA 7566-INO: Strengthening Capacity of Indonesia’s Environment Impact Assessment (AMDAL) System Subproject

One international consultant (total of 2 person-months) and seven national consultants (total of 42 person-months) will be recruited through a national firm (QCBS). International consultant will have expertise in comparative legal analysis for environmental assessment (EA), in particular gap-analysis comparing Country Safeguard Legal Systems with the EA requirements of ADB’s 2009 Safeguard Policy Statement (SPS assessment of the compliance of EA outputs, in particular Environmental Impact Assessment (EIA) and Environmental Monitoring and Management Plans (EMMPs) inclusive of social impacts such as involuntary resettlement and impacts on Indigenous and other potentially vulnerable project affected people. The national consultant team leader will provide technical leadership, coordinate and supervise all the national and international consultants and be responsible for all project outputs, activities and outcomes. The national consultants will be responsible for outputs 1 through 4 as described in the design and monitoring outputs (consistent with their individual terms of references). However, all consultants need to work in a team since there are overlapping responsibilities in producing the activities and outputs. The following general terms of reference are provided, but not limited to identify specialized functions required by the outputs to be achieved and will be adjusted as needed by the national team leader.

1. AMDAL Management and Implementation Specialist –National Team leader (intermittent 10 months)

Qualifications: An advanced degree and training in environmental engineering, environmental management or related field with at least 15 years experience (both through national Government and international funding) in AMDAL policy, management and institutional issues with the Ministry of Environment and other national and local Government agencies and proven experience in managing AMDAL related national level projects and programs in Indonesia. Must be proficient in English and Bahasa Indonesia.

Tasks:

i. Responsible for all the outputs, activities including the outcome of the sub-project proposal.

ii. Overseeing and coordination of all sub-project consultant and consultation/workshops under the project.

iii. Responsible for managing the financial (procurement, disbursement etc) of the project as per the ADB guidelines.

iv. Reviews all documents and responsible for preparation of inception, mid-term and final reports

v. Serves as the senior AMDAL system specialist, who provides technical leadership and guidance to all outputs, and acts as the key liaison with MOE, ADB, government institutions, international organizations academe, NGOs, forums, and other key donors (e.g. WB, JICA, DANIDA)

vi. Ensures key recommendations are considered for integration into Government systems and procedures.

vii. Responsible for designing and organizing all consultations and workshops in consultation with AMDAL and documenting the results of consultations and workshops.

viii. Conducts quality control over all reports and publications.
2. International Environmental Safeguard and Legal Specialist (2 months)

**Qualifications:** The consultant will have an advanced degree in environmental law or comparative public policy analysis and at least five years experience in the analysis of country environmental safeguard system including experience in Asia and the Pacific. The consultant will have a thorough understanding of current ADB environmental and social safeguard requirements as applied to EA.

**Tasks** (to be conducted in coordination with National Legal Environmental Specialist):

i. The main task of the consultant will be to conduct a Gap Analysis (GA) to determine the “equivalence” between Indonesia’s AMDAL legal framework with the corresponding Objectives; Scope/Triggers and Policy Principles of ADB’s SPS on environmental safeguard areas. This main task will be undertaken in the following manner:

a. The GAs will use the methodology (using both matrix and narrative formats) for “equivalence analysis” as set forth in ADB’s “Guidance Note for Country Safeguard Review” (GN for CSR) developed, to provide guidance to ADB staff and consultants in implementing the new SPS provisions for Strengthening and Use of Country Safeguard Systems (CSS). The GA will make use of the following Inputs:

- As the benchmark for assessing “equivalence,” the “key elements” of the ADB SPS for Environmental Safeguards as set forth in Table 1 of the SPS (Table 1), with respect to environmental impact assessment (EIA), environmental management planning (EMP) and monitoring EMP implementation. These “key elements” are set forth as the “Objectives” “Scope/Triggers” and “Policy Principles” of Table 1. A comprehensive inventory all GOI laws and regulations relating to AMDAL and other environment-related laws and regulations on the national level, including regulations pertaining to all aspects of the AMDAL process and to those laws and regulations directly relevant to AMDAL in selected priority sectors (e.g., Ministries of Energy and Mineral Resources (with respect to geothermal energy), and the Ministry of Public Works with respect to Water Resource Management).
- A comprehensive inventory of provincial level laws and regulations issued by the Province of West Java related to AMDAL and other environment-related laws and regulations (and related social impacts) on the provincial level and to those laws and regulations directly relevant to AMDAL as well as those laws and regulations issued by priority sectors (e.g., Ministries of Energy and Mineral Resources (with respect to geothermal energy), and the Ministry of Public Works with respect to Water Resource Management).

b. The Gap Analysis will generate the following outputs:

- For each key element above characterize the extent of equivalence between the AMDAL and other environment-related legal framework and the corresponding requirement of the SPS in terms of “full equivalence,” “partial equivalence” or “no equivalence,” with concise explanations of the findings were not otherwise self-evident from the language of the cited GOI laws and regulations.
- For each key element of the above, for which there is a finding of “partial” or “no equivalence,” recommended revisions and/or amendments to the AMDAL and related
environment legal framework as necessary to attain “full equivalence” with the corresponding provision of the SPS. (For purposes of efficiency wherever feasible, such recommendations should be targeted at the legal instrument most conductive to amendment or revision. In most instances this instrument would be found at the lower level of the legal hierarchy).

- Narrative summary of findings and recommendation of Gap Analysis.
- Submit Gap Analysis to ADB for peer review by National Legal Environmental Specialist Equivalence.
- Prepare concise Executive Summary and power point (PPT) presentation of findings and recommendations of the Gap Analysis for presentation to MOE/AMDAL Directorate and relevant stakeholders at consultation workshop.
- Present Executive Summary and PPT to MOE/AMDAL Directorate and relevant stakeholders at consultation workshop.
- Based on feedback from peer review and consultation workshop prepare final Gap Analysis (matrix and narrative summary) for submission to ADB and MOE/AMDAL Directorate.

ii. The second task of the International Environmental Legal specialist will be to provide methodological guidance to the National Consultants in carrying out all legal analyses and assessments of implementation effectiveness in a manner that is demonstrates overall consistency with the Guidance Note for CSR.

3. National Legal Environmental Specialist: 2 months (intermittent)

**Qualifications:** Bachelor of Law degree or equivalent legal training, and experience with Indonesian environmental law and some knowledge of operative legal framework with respect to associated “social” impacts of projects and activities such a land acquisition, involuntary resettlement and impacts on Indigenous (“adat”) law communities and other categories of project-affected people and the interface between environmental and social legal frameworks at both the national level and at regional (e.g., the West Java province) levels. Must be proficient in English and Bahasa Indonesia.

**Tasks:**

i. Assist International Specialist in conducting Gap Analysis as discussed above, especially providing support on interpreting Indonesian regulations, and assessing the social impact portion of the gap analysis;

ii. Peer review and provide input to draft Gap Analysis report prepared by International Environmental Legal Specialist.

iii. Conduct regulatory analysis on other project schemes covered in the output, to identify project planning and approval processes.

iv. Discuss with key stakeholders issues related to AMDAL implementation in the project planning and approval processes.

v. Assist in facilitating dialog between MOE and key stakeholders on the most effective timing of AMDAL implementation in the project planning and approval processes.

vi. Outputs of National Legal Specialist will include:

- Summary of findings on AMDAL’s position in various project schemes, based on regulatory review and discussion with stakeholders; includes developing flowcharts or diagrams depicting the planning and approval process, and AMDAL’s position;
• Recommended measures to clarify AMDAL’s position in the planning and approval process of project schemes analyzed, including, where necessary recommend changes in MOE’s guidelines or regulations.

vii. An Executive Summary and PPT presentation of findings and recommendations suitable for presentation to MOE/AMDAL Directorate and relevant national level stakeholders at consultation workshop(s).

viii. Present Executive Summary and PPT to national level consultation workshop and to the BPLHD and relevant stakeholder consultation workshop.

4. National AMDAL Specialist 1: 7 months (intermittent)

Qualifications: Advanced degree (MS) in engineering, environment, natural resource or related field with preferred certification experience as AMDAL (ANDAL and RKL-RPL) as compiler or reviewer. Preferably with AMDAL experience in wide range of sectors, including water resource management. Must be proficient in English and Bahasa Indonesia.

Tasks:

i. Along with the Capacity-Building Specialist, review the existing regulations related to certification scheme and updated MOE plans to revise the requirements;

ii. Along with the Capacity-Building Specialist, assess the need to refine the certification scheme, to recognize different specializations or competences, based on type of projects or field/discipline. Conduct consultations with certified consultants, and project proponent groups (sector representatives, as users), and assess practices in other countries;

iii. Along with the Capacity-Building Specialist, develop recommendations to include formal recognition of different fields or specialization OR to introduce other measures to ensure the certification system meets the needs of development activities (especially key sectors);

iv. Review and document the structure and mechanism of AMCs at the Ministry of Environment, Environmental Management Agency of West Java Province (BPLHD), and one district in West Java (to be selected with BPLHD West Java) Develop further concept for the Technical Team, including specific tasks, and selection criteria for members, possible source of experts, specific outputs of the Technical Team, indicative costs incurred, etc;

v. Assist MOE in discussing with key stakeholders in the water resources (Ministry Public Works) to initiate formation of pool of experts to support Technical Teams;

vi. Prepare technical guidelines for AMDAL review in water resource sector for use by Technical Teams at the district/city. Guidelines to be based on World Bank Group Environmental, Health and Safety Guidelines (EHSGs) and similar guidance documents of international “best practices” for these sectors;

vii. Lead simulation of AMDAL document review by Technical Teams and ARCs, for one water resource project in West Java province, involving district- and province-level ARCs;

viii. Develop sample output of Technical Team for presentation to full ARC meeting;

ix. Revise technical guidelines based on simulation results, and supervise preparation of publications;

x. Prepare report containing recommendations for establishment of pool of experts to support Technical Teams for ARCs at all levels

xi. Preparation of Executive Summary and PPT presentation to GOI (MOE and sector ministries,) and other relevant stakeholders at consultation workshop.
xii. Presentation of Executive Summary and PPT to consultation workshop.

xiii. Based on inputs from consultation workshop, contribute to preparation and submission of final report to ADB MOE/AMDAL Directorate and applicable sector ministries.

xiv. Other relevant work as assigned by team leader.

5. National AMDAL Specialist 2: 3 months (intermittent)

Qualifications: Advanced degree (MS) in engineering, environment, natural resource or related field with preferred certification experience as AMDAL (ANDAL and RKL-RPL) as compiler or reviewer. Preferably with AMDAL experience in energy/geothermal sector and REDD+. Must be proficient in English and Bahasa Indonesia.

Tasks:

i. Assist MOE in discussing with key stakeholders in the geothermal sector (Ministry of Energy and Mineral Resources) to initiate formation of pool of experts to support Technical Teams;

ii. Develop database with profile of pool of experts in the water resources and geothermal energy sectors, for later uploading in website;

iii. Prepare technical guidelines for AMDAL review in geothermal development sectors for use by Technical Teams at the district/city. Guidelines to be based on World Bank Group Environmental, Health and Safety Guidelines (EHSGs) and similar guidance documents of international “best practices” for these sectors;

iv. Lead simulation of AMDAL document review by Technical Teams and ARCs, for one geothermal development project, involving the national-level ARC;

v. Develop sample output of Technical Team for presentation to full ARC meeting;

vi. Revise technical guidelines based on simulation results, and supervise preparation of publications;

vii. Prepare report containing recommendations for establishment of pool of experts to support Technical Teams for ARCs at all levels;

viii. Preparation of Executive Summary and PPT presentation to GOI (MOE and sector ministries) and other relevant stakeholders at consultation workshops.

ix. Presentation of Executive Summary and PPT in consultation workshops.

x. Based on inputs from consultation workshop, contribute to preparation and submission of final report to ADB MOE/AMDAL Directorate and sector ministries.

xi. Other relevant work as assigned by team leader.

6. National Environmental (AMDAL) Capacity-Building Specialist: 5 months (intermittent)

Qualifications: Advanced degree (MS) in environmental management or engineering. With experience in training, competency-based certification, and knowledge of AMDAL implementation in Indonesia. Must be proficient in English and Bahasa Indonesia.

Tasks:

i. Along with AMDAL Specialist 1, review and document recent ideas regarding the structure and composition of national and provincial/district/city AMDAL Review Commissions (ARCs), particularly with regard to the Technical Team element of the ARCs.
ii. Provide input regarding concept for the Technical Team, including specific tasks, and selection criteria for members, possible source of experts, specific outputs of the Technical Team, indicative costs incurred, etc.

iii. Along with AMDAL Specialist 1, review the existing regulations related to certification scheme and updated MOE plans to revise the requirements.

iv. Along with AMDAL Specialist 1, assess the need to refine the certification scheme, to recognize different specializations or competences, based on type of projects or field/discipline. Conduct consultations with certified consultants, and project proponent groups (sector representatives, as users), and assess practices in other countries.

v. Develop recommendations to include formal recognition of different fields or specialization OR to introduce other measures to ensure the certification system meets the needs of development activities (especially key sectors).

vi. Develop recommendations on minimum requirements for certified consultants to maintain their competence certification, which may include advanced or sector-specific training programs.

vii. Prepare recommendations on potential training institutions, including identifying institutions and assessing capacity and interest in delivering advanced or sector-specific training for certified consultants.

viii. Present findings and recommendations to consultation workshop.

ix. Assist in preparation of final report.

x. Preparation of draft report on analysis and recommendations on necessary enhancements to AMDAL Consultant certification requirements for presentation to MOE/AMDAL Directorate, ADB and other relevant stakeholders at national/regional level consultation workshop.

xi. Other relevant work as assigned by team leader.

7. National Web-based Information Technology Specialist: 9 months (intermittent)

Qualifications: Undergraduate degree and/or comparable training in information technology; relevant experience in research and compilation of information resources related to environmental assessment and management and in professional web-based professional network coordination. Must be proficient in English and Bahasa Indonesia.

Tasks:

i. Along with Team Leader, design the concept for a web-based AMDAL technical resource, to serve as a medium to exchange technical guidelines, best practices, and dialog among AMDAL stakeholders;

ii. Develop web-based AMDAL technical resource and upload existing technical guidelines, best practices, and dialog among AMDAL stakeholders;

iii. Manage website until 2 months prior to completion of sub-project, making sure contributions from members are properly uploaded, trouble-shooting, identifying problematic features and or developing new features upon input from users;

iv. Develop feature and upload pilot roster of experts covering water resource sector, and/or geothermal sector (developed in Output 3);

v. Establish hyperlinks with list of certified consultants and to the AMDAL information system (established by Ministry of Environment);

vi. Present website to Forum AMDAL Indonesia members, and enlist contributions from members;
vii. Hand-over website to Forum AMDAL Indonesia, 2 months prior to completion of sub-project;
viii. Prepare report on website development and hand-over
ix. Develop a web-based information network, building on existing work, and inputting required data and information and socializing and creating mechanisms for sustaining the network.
x. Other relevant work as assigned by team leader.

8. National AMDAL Stakeholder Consultation Specialist: 6 months (intermittent)

Qualifications: Undergraduate or higher-level degree in public administration, environmental management, communications or related field and demonstrated experience in organizing and facilitating government, professional and public stakeholder consultation workshops on diverse legal and technical matters relating to environmental impact assessment and management. Must be proficient in English and Bahasa Indonesia.

Tasks:

i. Facilitate and stakeholder consultation workshops at national and regional levels, on the following (but not limited to) following outputs and activities:

ii. Assist Team Leader in developing plans for stakeholder consultations for all outputs.

iii. Assist other team members in organizing consultation meetings and workshops, and preparing minutes of meeting from each meeting.

iv. Through informal interviews and workshops with a representative group of Indonesian AMDAL practitioners assess the level of interest and specific needs of AMDAL practitioners to engage in peer learning experiences and the preferred format (workshops, web-based “social networks;” peer review of publications and other work products).

v. Assist Team Leader in establishing contact with international associations, and researching on international forum/associations for environmental assessment, including their history, how they were formed; their range of activities, resource requirements and engagement with regional and international counterparts, etc.

vi. Prepare PPT and present concept for IAIA or AECEN chapter to key FAI members/ coordinators;

vii. With the Information Technology Specialist, develop materials to present and discuss the AMDAL knowledge management website with the Forum AMDAL Indonesia (FAI) members.

viii. With the Team Leader, and based on consultation workshop with MOE/AMDAL Directorate and potential network participants prepare proposal for a self sustained management of the website for FAI.

ix. Assist Team Leader in preparing all reports and all workshops.

x. Other relevant work as assigned by team leader.