

Indigenous Peoples Planning Framework (IPPF)

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ABBREVIATIONS

ADB	–	Asian Development Bank
BPSPL	–	Technical Unit of Coastal and Marine Management
CDD	–	community driven development
COREMAP-CTI	–	coral reef rehabilitation and management: coral triangle initiative project
CTI	–	coral triangle initiative
DGCF	–	Directorate General of Capture Fisheries
EA	–	Executing Agency
GOI	–	Government of Indonesia
IA	–	Implementing Agency
IP	–	indigenous people
IPP	–	indigenous peoples plan
IPPF	–	indigenous peoples planning framework
LIPI	–	Indonesian Institute of Sciences (<i>Lembaga Ilmu Pengetahuan Indonesia</i>)
LKKPN	–	National Marine Conservation Areas (<i>Loka Kawasan Konservasi Perairan Nasional</i>)
LPSTK	–	Coral Reef Management Board
MMAF	–	Ministry of Marine Affairs and Fisheries
MPAs	–	marine protected areas
PIU	–	Project Implementation Unit
Pokmas	–	Community groups (<i>kelompok kerja masyarakat</i>)
SIA	–	Social impact assessment
SPS	–	safeguards policy statement
UPT	–	Technical Implementation Unit (<i>Unit Pelaksana Teknis</i>)

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INDIGENOUS PEOPLES' PLANNING FRAMEWORK

I. INTRODUCTION

A. Project Description

1. The Coral Reef Rehabilitation and Management: Coral Triangle Initiative Project (COREMAP-CTI, the Project)¹ aims to manage coral reef resources, associated ecosystems and biodiversity in a sustainable manner for increasing the incomes of coastal communities. Indonesia is the world's largest archipelagic nation, with 18% of the world's coral reefs with the richest biodiversity in the world. Low coastal community awareness and inadequate institutional capacity to manage land and marine-based pollution, insufficient institutional framework to effectively manage marine protected areas (MPAs), and persistent poverty in coastal areas have resulted in 70% of Indonesian coral reefs becoming degraded. To address these root causes, the Government of Indonesia has taken a three-phased incremental approach with interventions focusing on: (i) institutional capacity building; (ii) development of models for MPAs; and (iii) reduction of coastal poverty through income generating infrastructure and sustainable alternative livelihoods. The Project is the third and final phase of the three phases and will follow a sector financing modality with a community driven development (CDD) approach.

2. Consistent with the successful implementation arrangements under COREMAP Phase II, the Directorate General of Marine, Coasts and Small Islands under the Ministry of Marine Affairs and Fisheries (MMAF) will serve as the executing agency. COREMAP-CTI upholds the objective of strengthening capacities of key stakeholders with respect to decentralized co-management of Marine Protected Areas through a Community Driven Development (CDD) approach. Communities will have a role in the selection of subprojects² and participate in the development of coral reef management plans and policies.³ Communities will be involved in the planning, designing, implementation/construction, and monitoring of (i) small-scale infrastructures specifically through a community contracting process; (ii) alternative livelihood development by taking a lead role in its development, promotion and implementation; and (iii) biodiversity management in partnership with NGOs, private sector and any other local stakeholders. The communities will be part of MPA management boards and the community Coral Reef Management Board (LPSTK) formed under COREMAP Phase II. LPSTK's will be given a legal status within the village and district community-based coral reef management programs.

3. The objective of the proposed Project is to build on Phase II interventions to deliver ten effective MPA models that can be replicated to more than 100 MPAs in Indonesia for sustainable coral reef management. These Project interventions will move MPAs in Phase II that were in MPA initiation stage ("red") by increasing their management effectiveness to subsequent effectiveness stages of "yellow" (MPA established), "green" (MPA managed minimally), or "blue" (MPA managed optimally). The Project will align with Indonesia's National Plan of Action (NPOA) for the Coral Triangle Initiative (CTI).

4. Sustainable management of the coral reef ecosystem is a major objective of Indonesia's subsector goal of marine and coastal resource protection.

¹ The Government requested to change the Project title to Coral Reef Rehabilitation and Management: Coral Triangle Initiative (COREMAP-CTI) from COREMAP3-CTI Support Project, as reflected in ADB. 2012. *Country Operations Business Plan: Indonesia, 2013–2014*. Manila.

² Subprojects within, but not limited to the following sectors/concerns: infrastructure, livelihoods, and bio-diversity management.

³ Examples are integrated coastal management, MPA management and zoning plans, integrated coastal management plans, sustainable fisheries regulations, etc.

5. **Impact and Outcome.** The impact of the Project will be sustainable management of coral reef ecosystems in selected project areas. The outcome of the Project will be enhanced capacity to manage coral reef ecosystems inside target MPAs (See Appendix 1 for the Design and Monitoring Framework).

6. **Outputs.** The Project has four outputs:

(i) Output 1: coral reef management and institutions strengthened

7. This Project will focus on strengthening and institutionalizing capacities developed under COREMAP Phase II to institutionalize Phase I and II community-based coral reef management initiatives with existing Government's legal systems and institutions. Significant key targets under this output are (i) Number of community development extension workers deployed (30% are women); (ii) Number of local laws, decrees and regulations related to coral reef ecosystem management; and (iii) Number of DGMCSI, DGCF, Secretariat General and LIPI staff obtaining postgraduate qualifications.

(ii) Output 2: ecosystem based resources management developed

8. The Project will strengthen MPA management effectiveness and biodiversity conservation. Under this output, identified targets are (i) Number of district spatial plans prepared; (ii) Number of regulations adopted for protecting threatened and endangered species; and (iii) Number of MPA and threatened species management action plans developed.

(iii) Output 3: sustainable marine-based livelihoods improved

9. Sustainable marine-based livelihoods improved by promoting sustainable livelihood and income generating infrastructure. Targets under this output are (i) Number of eco-friendly infrastructures installed; (ii) Number of households provided with livelihood financial and/or input assistance; and (iii) Number of operational Sustainable Enterprise Alliances.

(iv) Output 4: project management

10. The Project will not only implement the Phase II interventions, but also institutionalize national coral reef management institutional arrangements through an operational project performance monitoring system and quarterly project monitoring and evaluation reports.

11. The Project will be implemented in existing COREMAP Phase II areas of seven districts that include at least 57 existing project villages in three provinces in Sumatra (North Sumatra, West Sumatra and Riau). Additional project activities will focus on MPA management effectiveness at three national MPAs: Anambas in Anambas District in Riau Islands province, Pulau Pieh in Pariaman District in West Sumatra province, and Gili Matra in North Lombok District of West Nusa Tenggara province.

B. Rationale for IP Planning Framework

12. Indonesia has a population of around 237 million. The government recognizes 365 ethnic and sub-indigenous peoples as *komunitas adat terpencil* - geographically-isolated customary law communities. They number approximately 1.1 million. Many more peoples, however, consider themselves, or are considered by others, to be indigenous. The national indigenous peoples' organization, Aliansi Masyarakat Adat Nusantara (AMAN), uses the term *masyarakat adat* to refer to indigenous peoples. A conservative estimate of the number of indigenous peoples in Indonesia amounts to between 30 and 40 million people.⁴

13. The ADB's SPS 2009 defines "indigenous peoples" as a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees (i) self-identification as

⁴ <http://www.iwgia.org/regions/asia/indonesia>

members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) distinct language, often different from the official language of the country or region. This may cover a group that has lost collective attachment to geographically distinct habitats or ancestral territories within a project area because of forced severance. For the purpose of this project, the term of indigenous peoples (*masyarakat adat*) will be used.

14. In the ADB's COREMAP-CTI Project districts beneficiaries areas, several IPs recognized as Customary Community or "*Masyarakat Adat*" in terms of isolated and/or vulnerable peoples⁵ spread over in the districts region. These indigenous peoples or *masyarakat adat* is recognized by domestic law and their presence has been noted in the Project areas.

15. Of the four project outputs, it is anticipated that outputs 1-3 will directly or indirectly affect the dignity, human rights, livelihood systems, or culture of IP_or affect the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. Overall IP concerns on cultural integrity are built into the project design resulting to positive impacts. Such is the CDD approach where control in development decision-making and distribution of resources and benefits are given to community groups. However, potential negative impacts on their social economic conditions may temporarily arise but will be mitigated through a menu of alternative livelihood packages also of their own choosing, as built into the project design. Such conditions will trigger ADB's safeguards policy requirements pertaining to IPs. An Indigenous Peoples Planning Framework (IPPF) is therefore necessary to provide policy and procedures to screen project impacts on indigenous peoples (IPs) and to prepare an appropriate planning document, Indigenous Peoples Plan (IPP) to safeguard their rights in accordance with domestic laws and the ADB's Safeguard Policy Statement (SPS), 2009.

16. While this is a sector loan and core subprojects have been identified, details have not been prepared and finalized as this project is rooted on CDD approaches. Subproject details will be provided at implementation. Therefore IPP will not be prepared prior to Fact Finding Mission and before MRM/SRM. Should the subproject directly or indirectly affect the dignity, human rights, livelihood systems, or culture of IPs, or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as their domain an IP Plan will have to be prepared after all the social impact assessment have been done.

II. OBJECTIVES AND POLICY FRAMEWORK

A. Objectives and Principles

17. The main objective of this IPPF is to help ensure that subprojects are designed and implemented in a way that fosters full respect for IP identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves to enable them to (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of the project; and (iii) can participate actively in the project.⁶ This IPPF safeguards the rights of IPs to participate and equitably receive culturally appropriate benefits from the project. An IP Plan will be prepared if a subproject triggers IP safeguards.

⁵ As mentioned in WB data on Indigenous People Map and *KAT-Kelompok Adat Terpencil* (Remote Customary Community Groups). See also data on Remote Customary Community Year 2009 published by Ministry of Social, Directorate of Empowerment of Remote Customary Community (Direktorat Pemberdayaan Komunitas Adat Terpencil).

⁶ ADB-SPS 2009, Appendix 3.

B. Legal Framework

1. National Laws

18. **1945 Constitution.** The existence of *adat* communities is recognized in the Constitution, namely in Article 18 and its Explanatory Memorandum. It states that in regulating a self-governing region and *adat* communities, government needs to respect the ancestral rights of those territories. After amendments, recognition of the existence of *adat* communities was provided in Article 18 B Para. 2 (concerning “*adat* law community” and regional government) and Article 28 I Para. 3 (“traditional community” and Human Rights).

19. **Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (or Basic Agrarian Law).** Article 2 Para. 4, Article 3, and Article 5 provide general principles that accommodate recognition of *adat* communities, *ulayat* land rights, and *adat* laws. In later developments BAL recognition of *adat* law is straightforwardly tied to “national interest”.

20. **1967 - Forestry Acts (Act No. 5 of 1967 and Act No. 41 of 1999).** The Act divides the forest area into two categories, namely, state forest and proprietary forest. State forest is defined as forest growing on land not covered by any proprietary rights. Included in the category of state forest is *ulayat* or *adat* forest. Proprietary forest is forest growing on land covered by proprietary rights. By including *ulayat* forest as state forest, this Act ignores *ulayat* rights of *adat* communities over their forest area.

21. The Forestry Law of 1999 underwent scrutiny whereby the constitutional court in Indonesia in 2013 resolved a major ambiguity in Article 1 of the Forestry Law and ruled that the word “state” should be scrapped in the provision: customary forests are state forests located in the areas of customary communities. Article 5 of the same law was revised to also show that state forest does not include customary forest. The ruling was made in favor of a petition filed by Indonesia’s national indigenous peoples’ alliance, AMAN (Aliansi Masyarakat Adat Nusantara)⁷ in March 2012.

22. **Act No. 5 of 1990 concerning the Conservation of Biological Resources and the Ecosystem.** This Act, also using the eminent domain or right of control by the State as a legal base, places the State (Government) in the central position to manage protected areas (articles 16 and 34). In this capacity, the Government is to direct and motivate people to participate in the conservation of biological resources (Article 37 Para.1).

23. **Act No. 25.** By 2000, Act No. 25 concerning the National Development Program (*Program Pembangunan Nasional; PROPENAS*), stresses that the legal system for management of natural resources must have the perspectives of sustainability, respect for human rights, democracy, gender equality, and good governance. It asserts the importance of active participation of communities in making use of, access to, and controlling the use of, natural resources in the framework of protecting public rights and rights of *adat* communities (Annex Chapter X).

24. **Act No. 32/2004 concerning Local Government** – establishes state respect of customary and traditional rights and laws, devolves authority to village or customary governance systems and empowers them to promulgate customary village rules that may affect projects e.g. levying land transaction tax.

⁷ In 1999, a national congress of Indonesian indigenous peoples took place, attended by over 200 *adat* community representatives from 121 indigenous peoples. The Congress agreed to establish a national alliance of indigenous peoples, AMAN. By 2001, AMAN had 24 affiliated organizations in islands and provinces. It has several objectives, including the restoration to *adat* communities of sovereignty over their socioeconomic laws and cultural life, and control over their lands and natural resources and other livelihoods.

25. **Regulation No. 5 of 1999** by the Minister of State, Agrarian Head of National Land provides guidance for resolution of problems within ulayat lands of adat law communities.

26. **Act No. 39 of 1999 on Human Rights.** Article 6 Para. 1: "In the framework of maintenance of human rights, the differences in and the needs of, adat law communities are observed and protected by the law of society and Government." Article 6 Para. 2: "Cultural identity of *adat* law communities, including rights to *ulayat* land, is protected in line with the evolvement of time."

27. Under the **Universal Declaration of Human Rights**, *ulayat* land is considered a property right that must be respected and protected. Articles 36 and 37 of Act 39 of 1999 concerning property rights and acquisition of property rights protect *adat* communities' *ulayat* right. Thus, acquisition of *ulayat* land by government must be done through due process of law following the free and prior informed consent of *adat* communities.

28. The GOI national legislation **Presidential Decree No. 111/1999** sets the criteria of identifying IPs as follows: (i) in form of small, closed and homogenous community; (ii) social infrastructure supported by familial relationship; (iii) in general geographically remote and relatively difficult to reach; (iv) in general live with subsistence economy; (v) its equipment and technology is simple; (vi) dependency to local environment and natural resources are relatively high; and (viii) limited access of social, economic, and political service.

29. **The Law of the Republic of Indonesia Number 27 Of 2007** Concerning the Management of Coastal Zones and Small Islands was proclaimed in order to (i) to protect, conserve, rehabilitate, utilize, and enrich Coastal Zone and Small Islands Resources and their ecological system in a sustainable manner; (ii) to create harmony and synergy between the Government and the Local Government in the management of Coastal Zone and Small Islands Resources; and (iii) to strengthen community and government agencies participation, and motivate community initiative in the management of Coastal Zone and Small Islands Resources.

30. By 2009 a judicial review⁸ was petitioned by concerned sectors as to the constitutionality of some articles of Law 27. While Article 61 of Law 27/2007 clearly provides the recognition, respect and protection of customary law communities. The position of customary law communities is equal to legal entities and natural persons. Article 18 of Law 27/2007 does not position customary law communities in the context of governmental entity, but it places them parallel to natural persons and other legal entities. It has to be observed further that in Article 21 paragraph (4) sub-paragraph b of Law 27/2007, the existence of customary law communities is subordinated to the holders of HP-3 since it is stated that the holders of the HP-3⁹ must foster and empower customary law communities. It is a condition of regulation that is directly inconsistent with Article 18B paragraph (2) of the 1945 Constitution. Subsequently, another implication is limited access to information, transparency, public participation, public accountability.

31. Decision on the petition show that some articles indeed were ruled inconsistent with the Indonesian Constitution of 1945 and non-binding, while other articles were upheld. To date, the contention of the petitioners is that Article 14 paragraph (1) of Law 27/2007 is inconsistent with the 1945 Constitution due to conspicuous partiality with businessmen in the regulation of the utilization of coastal water areas through Coastal Water Area Concession (HP-3), which only

⁸ Excerpt From The Decision Of The Constitutional Court Of The Republic Of Indonesia. Decision Number 3/PUU-VIII/2010 Concerning Judicial Review of Law Number 27 Year 2007 regarding the Management of Coastal Areas and Small Islands under the 1945 Constitution of the State of the Republic of Indonesia.

⁹ Business undertaking in Coastal Waters is given in the form of HP-3. HP-3 as is stipulated in Law 27 includes business undertaking on the sea surface, water column down to the seabed.

involves Regional Government and the business sector. This exclusiveness is related not only to the proposal of strategic plan preparation, but also to utilization area size stating that, HP-3 includes the exploitation of sea level and water column up to the sea-bed surface [Article 16 paragraph (2) of Law 27/2007].

32. Petitioners to date persist in their effort to argue against the constitutionality of activities in the preparation of the strategic plan, zoning plan, management plan and action plan of the management of coastal areas and small islands is only conducted by Regional Government and business circles, thus decreasing the access of community's involvement, especially local and traditional communities.

33. Indonesia is a signatory to the **2008 UN Declaration on the Rights of Indigenous Peoples**. The United Nations (UN) General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples during its 61st session on 13 September 2007. While it is not a legally binding instrument under international law, according to a UN press release, it does “represent the dynamic development of international legal norms and it reflects the commitment of the UN's member states to move in certain directions”; the UN describes it as setting “an important standard for the treatment of indigenous peoples that will undoubtedly be a significant tool towards eliminating human rights violations against the planet's 370 million indigenous people and assisting them in combating discrimination and marginalization”.¹⁰

34. While an official definition of “indigenous” has not been adopted by any UN-system body, the UN has developed a modern understanding of this term based on the following:¹¹ (i) Self-identification as indigenous peoples at the individual level and accepted by the community as their member; (ii) Historical continuity with pre-colonial and/or pre-settler societies; (iii) Strong link to territories and surrounding natural resources; (iv) Distinct social, economic or political systems; (v) Distinct language, culture and beliefs; (vi) Form non-dominant groups of society; and (vii) Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

35. Indonesian government officials argue, however, that the concept of indigenous peoples is not applicable, as almost all Indonesians (with the exception of the ethnic Chinese) are indigenous and thus entitled to the same rights.¹²

36. **Environmental Protection and Management (Law No. 32 of 2009).** Article 1 Traditional Community shall be a group of communities living traditionally in a specific geographic area because of binding in origin of ancestor, strong relations with the environment as well as system of values determining economic, political, social and legal structures. Article 63 (2n) tasks local governments to stipulate policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respects to environmental protection and management, and (3k) implement policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respect to environmental protection and management in the regency/municipal level.

37. **Regulation of the Minister of Home Affairs No. 30/2010.** This provides the guidance for managing resources in maritime territory. This Regulation provides for the management of resources in maritime territory, which shall be a maximum of 12 nautical miles from coastline towards offshore or archipelagic waters. The management of resources shall include exploitation, exploration, conservation, adaptation and climate change, spatial regulation,

¹⁰ Frequently Asked Questions: Declaration on the Rights of Indigenous Peoples United Nations Permanent Forum on Indigenous Issues.

¹¹ http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

¹² <http://www.iwgia.org/regions/asia/indonesia>

maritime wealth management, etc. For the exploitation and exploration of resources, and for the management of maritime wealth a license shall be obtained from the government. For the management of resources in maritime territory the Regional Administration shall formulate strategic plans, zoning plans, management plans and action plans as provide for in the Regulation. The Regulation further provides for: empowerment of traditional communities and social organizations in executing the management of resources, funding, fostering and supervision of the management of resources, etc.

38. Article 18 states that in formulating a plan for managing resources in maritime territory, regional governments shall be obliged to include substances containing efforts to adapt and mitigate impacts of climate change. Article 20. The adaptation and mitigation of climate change as meant in Article 18 shall be executed by observing aspects: (i) social, economy and culture of communities; (ii) environmental conservation; (iii) benefit and effectiveness; as well as (iv) scope of territory.

39. Chapter VI Public Participation Article 29 stipulates the following: (i) Regional governments shall involve communities and stakeholders in every activity of planning and management of resources in maritime territory. (ii) Regional governments, legal entities and individuals managing resources in maritime territory shall observe traditional law and custom effective in local communities.

40. **Act No. 2 of 2012 on Land Acquisition for the Development in the Public Interest and Its implementation Regulations** Chapter 40 and its elucidation of this law recognizes that customary community are entitled for compensation. The project location determination will only be issued by provincial/district/city government if it has been agreed by the entitled parties and affected communities. The Presidential Regulation No. 71 of 2012 (implementation regulation of the law) further stipulates that the existence of the customary community be recognized by a research and determined by the local government regulation.

41. The House of Representatives is currently discussing the possible legalization of the **Recognition and Protection the Rights of Indigenous Peoples Bill** (PPHMA). Once legalized, the Act will provide recognition, protection, and service to indigenous peoples of the archipelago as citizens of Indonesia.¹³

42. The concept of ancestral domain is also acknowledged and to this effect, the Indonesian Indigenous Peoples' Alliance of the Archipelago, together with the Network for Participatory Mapping (JKPP), have officially handed over 265 ancestral domain maps of ancestral domains, covering 2,402,222 hectares, registered in the Ancestral Domain Registration Agency (BRWA) to the Indonesia's Geospatial Information Agency (BIG) and the Presidential Delivery Unit for Supervision and Control of Development (UKP4).¹⁴

2. ADB Safeguards Policy Statement of 2009

43. Should ADB projects affect IPs, a set of general policy requirements will be observed to maintain, sustain, and preserve the IPs' cultural identities, practices, and habitats (SPS 2009, SR-3). The requirements include (i) Consultation and Participation; (ii) Social Impact Assessment; (iii) Indigenous Peoples Planning; (iv) Information Disclosure; (v) Grievance Redress Mechanism; (vi) Monitoring and Reporting; and (vii) Unanticipated Impacts.

44. The SPS 2009 provides a set of special requirements should a project (i) be within ancestral domains, lands and related natural resources; (ii) involve commercial development of

¹³ <http://www.aippnet.org/home/daily-sharing/1005-press-release-indonesian-government-accepts-ancestral-domain-maps-making-indigenous-peoples-visible-within-the-nation-state>

¹⁴ <http://www.aippnet.org/home/daily-sharing/1005-press-release-indonesian-government-accepts-ancestral-domain-maps-making-indigenous-peoples-visible-within-the-nation-state>

cultural resources and knowledge of IPs; (iii) be one that causes physical displacement from traditional or customary lands; and (iv) involve commercial development of natural resources within customary lands, which would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of IPs.

45. The ADB Policy on Gender and Development adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities.

46. The ADB Public Communications Policy seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders.

3. Equivalence and Gap Analysis

47. Should ADB projects affect IPs, a set of general policy requirements will be observed to maintain, sustain, and preserve the IPs' cultural identities, practices, and habitats (SPS 2009, SR-3). An equivalence-gap analysis of requirements is presented in Table 2 as a result of the legal considerations on IPs by the GOI and ADB SPS 2009.

Table 2. Equivalence-Gap Analysis

Requirement	GOI Anchored on the Constitution	ADB SPS 2009	Gap Filling/ Project Policy
Consultation and Participation	<p>Recognized under GOI laws, more recently under Law 27 Article 7: The inclusion of the public based on principles, standard, and guidelines is carried out through public consultations and/or Adat consensus, be it formal or non-formal</p> <p>Law 27, Chapter 11, Article 62: (1) The public has the same opportunity to participate in the planning, implementation, and control of the Management of Coastal Zone and Small Islands; (2) Provision on public participation in the Management of Coastal Zone and Small Islands as is stipulated in paragraph (1) shall be further regulated by a Minister Regulation.</p>	Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development.	<p>Equivalence noted:</p> <p>Project policy: The EA/IA will undertake meaningful consultation with affected IPs to ensure their informed participation.</p>
Social Impact Assessment	Recognized under GOI law specifically under climate change initiatives of Regulation No. 30/2010, Article 20 states The adaptation and mitigation of climate change as meant in Article 18 shall be executed by observing aspects: 1. Social, economy and culture of communities; 2. Environmental conservation; 3. Benefit and effectiveness; as well as 4. Scope	Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits	<p>Partial equivalence, not specific:</p> <p>Project policy: When screening confirms likely impacts on IPs, the EA/IA will retain qualified and experienced experts to carry out social impact assessment (SIA).</p>

Requirement	GOI Anchored on the Constitution	ADB SPS 2009	Gap Filling/ Project Policy
	<p>of territory size.</p> <p>Law 27 Part III Article 9: The planning for RZWP-3-K shall be carried out, taking into consideration: a. harmonization, synchronization, and balance with the carrying capacity of the ecosystem, the functions of exploitation and protection, space and time dimensions, socio-cultural and technological dimensions, and the security and defense functions;</p> <p>Law 27, Chapter VII, Article 42: (2) The Government shall regulate, encourage, and/or carry out research and development of the Management of Costal Zone and Small Islands, to produce the necessary science and technology for the management of Costal Zone and Small Islands, to make it more effective, efficient, economic, highly competitive and environment friendly, while respecting traditional wisdom or local culture.</p>	<p>and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.</p>	
Indigenous Peoples Planning	<p>Regulation No. 30/2010 Article 29: (1) Regional governments shall involve communities and stakeholders in every activity of planning and management of resources in maritime territory, (2) Regional governments, legal entities and individuals managing resources in maritime territory shall observe traditional law and custom effective in local communities.</p>	<p>Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.</p>	<p>Equivalence noted.</p> <p>Project policy: If the screening and SIA indicate that the proposed project will have impacts, positive and/or negative, on IPs, the EA/IA will prepare an IPP in the context of the SIA and through meaningful consultation with the affected IP communities.</p>

Requirement	GOI Anchored on the Constitution	ADB SPS 2009	Gap Filling/ Project Policy
Information Disclosure	Regulation No. 30/2010 Article 28 states: The empowerment of traditional communities and coastal communities as meant in paragraph (1) letter a shall be executed through activities: (i) socialization of policies of the government, provincial governments and regency/municipal governments regarding resource management policy in maritime territory; (a) a. socialization of policies of the government, provincial governments and regental/municipal governments on management of resources in maritime territory	Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.	Partial equivalence. Project policy: The EA/IA will submit to ADB the following documents to disclose on ADB's website (a) a draft IPP and/or an IPPF, endorsed by the EA, before appraisal; (b) a final IPP upon completion; (c) a new or updated IPP and a corrective action plan prepared during implementation, if any; and (d) monitoring reports. Project documents will also be disclosed to affected IP communities and other stakeholders and when applicable, using the prevailing local language.
	Law 27 Article 12, para c: The outcomes of public consultations are equivalent to transparent and democratic agreement and is recorded in the public consultation documents.		
Grievance Redress Mechanism	Law 27, Chapter 15, Article 70: The civil government investigators as is stipulated in paragraph (2) has the competence to: receive a report or complaint from a person of an existence of crime in marine affairs and fisheries within the Coastal Zone and Small Islands; (4) The civil government investigators shall inform the commencement of investigation to the investigation officer of the State Police of the Republic of Indonesia; and (5) The civil government investigators shall submit the result of his/her investigation to the public prosecutor through the investigation officer of the State Police of the Republic of Indonesia.	Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.	Partial equivalence. Project policy: The EA/IA will establish a culturally acceptable and gender sensitive mechanism to receive and facilitate resolution of the affected IP communities' concerns, complaints, and grievances.
Monitoring and Reporting	Law 27 - Chapter VI, Article 36 (5) In the execution of control and monitoring of the Coastal Zone and Small Islands as is stipulated in paragraph (1), the Government and the Local Government has the obligation to monitor, carry field observation, and/or evaluating the plan and its implementation; (6) The Community may participate in the control and observation of the Coastal Zone and Small Islands as is stipulated in paragraph (1).	Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.	Equivalence noted. Project policy: The EA/IA will monitor and measure the progress of implementation of the IPP; EA/IA to ensure community involvement in monitoring

Requirement	GOI Anchored on the Constitution	ADB SPS 2009	Gap Filling/ Project Policy
	Law 27 Chapter 11, Article 60: (2) In the Management of Coastal Zone and Small Islands, the public has the obligation to: d. monitor the implementation of the plan for the Management of Coastal Zone and Small Islands;		
	Government Regulation Number 8 Year 2008 on Phases of Procedures for Formulating, Controlling and Evaluating the Implementation of Regional Development Plan (Statute Book of the Republic of Indonesia Year 2008 Number 21, Supplement to Statute Book of the Republic of Indonesia Number 4R17)		

4. Project Policies

48. COREMAP-CTI Under the aegis of the MMAF, shall uphold legal provisions of the GOI in harmony with ADB-SPS 2009 and WB's safeguard requirements applicable to indigenous peoples. With CDD as the overarching project approach, subprojects will only be undertaken on the basis of demand and agreement of the beneficiaries.

49. To recapitulate the equivalence-gap matrix, the following project policies will be upheld:

- (i) **Screening for IPs will commence at the early stages in conjunction with subproject selection.**
- (ii) **The EA/IA will undertake meaningful consultation with affected IPs across subproject stages to ensure their informed participation.**
- (iii) **When screening confirms likely impacts on IPs, the EA/IA will retain qualified and experienced experts to carry out social impact assessment (SIA). The assessment will cover both positive and adverse impacts on the local IPs as well as to develop the measures to minimize the potential adverse impacts with full participation of local IPs.**
- (iv) **If the screening and SIA indicate that the proposed project will have impacts, positive and/or negative, on IPs, the EA/IA will prepare an IPP in the context of the SIA and through meaningful consultation with the affected IP communities. Consultants will be recruited to assist in the IPP preparation, implementation and monitoring.**
- (v) **The project will ensure the rights of local IPs to benefit from the use of their cultural resource and knowledge and in particular to protect local IP communities from commercial development of natural resources.**
- (vi) **The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible by participatory zoning and mapping exercises. Local IPs will participate in the zoning and mapping activities in order to fully benefit from the subprojects.**
- (vii) **In full consultation with local IP communities, the zoning and mapping exercises will define the areas with customary rights of the local IP and reflect the issues in the IPP with particular actions to protect or compensate IP communities.**
- (viii) **The EA/IA will submit to ADB IPP to disclose on ADB's website (upon completion; a new or updated IPP and a corrective action plan prepared**

during implementation, if any; and monitoring reports. The IPP and other project documents will be disclosed to IP communities in the language most understandable to them.

- (ix) The EA/IA will establish and disclose a mechanism to receive and facilitate resolution of the affected IP communities' concerns, complaints, and grievances. Said mechanism shall be culturally acceptable and gender sensitive.
- (x) The EA/IA will monitor and measure the progress of implementation of the IPP; EA/IA to ensure community involvement in monitoring.

C. Subproject Screening Criteria

50. Subproject are selected based on a set of criteria established, to wit: that the subproject (i) contributes directly to environmentally sound non-consumptive resource utilization across the MPAs (e.g. environmentally responsible eco-tourism); (ii) supports development of sustainable fisheries (enhancing fish market facilities, fish landing sites, fish catch monitoring and catch regulation); (iii) contributes to fostering alternative livelihoods that reduces fishing pressure or provides non-traditional gainful employment within the sub-sector; and (iv) enhances effectiveness, governance, and financial sustainability of co-managed marine protected area(s).

III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES

A. IP Screening

51. The ADB SPS does not engage in academic discourse on the definition of indigenous peoples, rather, it provides a checklist as to who can be covered under the policy largely rooted on vulnerability and marginality. Appendix 2 provides a sample-screening instrument.

52. Under the SPS 2009, the term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

B. IPs in COREMAP Areas

53. The presence of six known/documented IPs in ADB's COREMAP-CTI target districts both in old and new additional districts is presented in Table 3 with IP maps in five of the 14 areas in Appendix 3. Tabular information is preliminary and will require on-site screening for IPs. Of the six indigenous peoples, three (*Mentawai*, *Orang Suku Laut*, and *Minang*) were consulted on site and primary data obtained on May 2013. Attendance to consultations are provided in Appendix 4.

54. ***Mentawai***¹⁵. *Mentawai* (also known as *Mentawai* and *Mentawi*) are the native people of the Mentawai Islands of West Sumatra. They live a semi-nomadic hunter-gatherer lifestyle in the coastal and rainforest environments of the islands. The people are characterized by their heavy

¹⁵ <http://www.mentawai.org/anthropology-92-93/mentawai-general-information-culture/#ixzz2V7Qf1luC>

spirituality, body art and their practice to sharpen their teeth -- a practice they feel makes one beautiful.

55. Among the various indigenous peoples found in the project sites, the *Mentawai* people of Mentawai District can be characterized as the most distinct IP group among those identified in Table 1. The *Mentawai* make up 80% of the total population of the district, currently estimated at about 76,000 people.¹⁶ Immigrant populations make up the remaining 20%, which include the indigenous peoples of *Minang*, *Batak*, *Nias*, and *Ambon*. The district of Mentawai consists of four main islands: Siberut, Sipora, Pagai Utara, and Pagai Selatan. There is a spectrum of *Mentawai* lifestyles: (i) assimilated but still proud to claim *Mentawai* ancestry, mostly found in Sipora; (ii) split-level traditional but weaves into the economic demands of modern life, mostly found along the coastal areas of Siberut; and (iii) traditional, mostly found in the mountains of Siberut.¹⁷

56. In the past a village had one big house built on stilts surrounded by smaller residential houses. Around the village are fruits trees and agri-crops. The *uma* still functions as the place for organizing traditional rituals for the clan (*suku*). The front part of the *uma* is considered a holy place where heirlooms are showcased. Some are considered as charms like weapons and skeletons (humans and other animals).

57. The *Mentawai* relies on subsistence farming planted to yam, sago, taro, rice, banana, papaya, sugar cane, vegetables, and herbs. Clearing the land is the task of men, while women maintain the farm. The men hunt pigs, deer, birds, monkey and others using bow and arrow.

58. Hunting is not undertaken lightly. Preparation involves intense rituals in which the hunter makes offerings to the spirits of the animals he hopes to kill. These spirits in monkey skulls are believed to be in constant harmonious contact with each other, bringing internal harmony to the environment. In order to reduce the disturbance and restore balance of creation, the people accompany all activities with various religious ceremonies broadly referred to as *puliaijat*. The respect for the harmony of nature seemed to be a key element of living in balance with the limited available resources, there will always be monkeys to hunt.¹⁸

¹⁶ Source: District in Numbers, 2010.

¹⁷ PPTA site visit in May-June 2013: Tuapejat and Siberut, Mentawai Regency.

¹⁸ McNeeley, J.A. and P.S. Sochaczewski. (1988) *Soul of the Tiger: Searching for Nature's Answers in Southeast Asia*. New York: Doubleday. ISBN 0-8248-1669-2.

Table 3. Socioeconomic data and known/documented IPs in ADB COREMAP-CTI by Districts and Villages.

ADB COREMAP Province / District / Villages	Population			Poverty			Known IP Groups in COREMAP Sites			
	Male	Female	Total	% Female	% Poor	Poverty Line*	IP Name	IP Population	IP HH Population	% Population
RIAU ISLANDS										
BINTAN	73,665	68,635	142,300	48.2%	7.3%	274,721	Melayu Kepulauan / Suku Laut			
Malang Rapat, Teluk Bakau, Gunung Kijang, Mapur, P. Numbing, and Tambelan										
BATAM	545,189	511,512	1,056,701	48.4%	7.3%	401,849	Melayu Kepulauan / Suku Laut			
P. Nguan, P. Mubut, P. Petong, P. Abang, P. Sembur, Air Saga, P. Karas, and Benan										
LINGGA	44,234	42,010	86,244	48.7%	15.8%	310,489	Melayu Kepulauan / Suku Laut	1,182	232	1.4%
Penaah, Duara, Sekanah, Berjung, Tajur Biru										
Limbang			1,431				IP No Name: Coastal	210	49	14.7%
Mamut			1,168				Laut: Sea/Coastal	972	183	83.1%
NATUNA	35,741	33,262	69,003	48.2%	4.8%	217,359	Melayu Kepulauan / Suku Laut			
Cemaga, Pengadah, Sepempang, Tanjung, P. Sedanau, P. Sabangmawang, P. Tiga, Ranai, and Kelarik										
ANAMBAS - None Yet										
Menkait Village**	473	444	917				Suku Laut	854		93.1%
N. SUMATRA										
NIAS ISLANDS	64,657	67,948	132,605	51.2%	30.9%	233,876	Nias			
Tuhemberua, Balefadorotuhu, Pasar Lahewa, Sihene'asi, Mo'awo, Lasara Sawo, Sisarahili Teluk Siabang, Sawo, and Sifahandro										
SOUTH NIAS	145,359	147,058	292,417	50.3%	20.3%	185,825	Nias			
Lagundri, Botohititano, Sifituwali, Hayo, Luaha Idano Pono, and Duru										
TAPANULI TENGGAH	157,881	156,261	314,142	49.7%	16.7%	240,457	Batak and Batak Mandailing			
Tapian Nauli I, Jago-jago, Sitardas, Hajoran, and Barus										
W. SUMATRA										
MENTAWAI ISLAND	39,504	36,669	76,173	48.1%	19.7%	186,381	Mentawai	1,472	260	1.9%
Tuapejet, Sikakap, Bossua										
Katurai			1,977				Mentawai: Coastal	770	175	38.9%
Saibi Samukup			2,739				Mentawai: Coastal	702	85	25.6%
PADANG - None Yet							Minang			
PARIAMAN - None Yet							Minang			
PADANG-PARIAMAN - None Yet							Minang			
S. BEACH - None Yet										
NUSA TENGGARA BARAT										
N. LOMBOK / GILI MATRA - None Yet							Sasak			
TOTALS	1,106,230	1,063,355	2,169,585					2,654	492	

Sources: 2010 and 2011 Provincial Statistical Data and World Bank IP maps.

* (Rp/ Cap/month)

** Visited at preparation – June 2013

59. When a *Mentawai* dies, his possession is divided among his children, but if he/she did not have children, distributed among his sibling. A woman who marries and brings her children from a previous marriage will not have the privilege of her children from the first marriage as heirs. Should a couple's parents and the rest of the community support their decision to marry, then the marriage is recognized. When a couple reach their 40s, the husband usually builds a new house to upgrade his status in society. With his new status he is obliged to oversee traditional activities in the village, rituals called "*Punen*". His new house is considered complete with the display of charms, relics, and other family heirs. In *Mentawai* word this new status of a family is called *Lalep*", which is when the community bestows a higher order of respect on the family. With the advent of Christianity, the meanings of "*Punen*" became "holiday". Rituals that initiate children 12-15 years old are still observed in Siberut for them to become full members of the *uma*. The ritual commences with a feast and skin tattooing.

BOX 1

Malilimok, Katurei Village, Siberut, Mentawai Regency

In Katurei Village of Siberut, sub-village of Malilimok, the average household income is Rp 700,000 – Rp 1,000,000/month largely from a combination of fisheries (majority), handicrafts/souvenir making supplied to resorts, and minimal agricultural production. Only elementary education is available within the sub-village hence for higher education, they must send their children to the district center entailing board and lodging expenses. Most *Mentawais* in Maliliko only reached elementary level of education. *Mentawais* speak *Bahasa Indonesia*, more so the younger generation. But the elderly do not and only speak *Mentawai Bahasa*, which others from Tuapajet and mainland Sumatra do not understand.

As the *Mentawais* attempt to penetrate the cash economy and with technical support in grouper production under COREMAP II increasing their capacities for fisheries production, their engagement with foreign traders and resort speculators showcase their limitations to enter into contractual arrangements largely due to low educational attainment.

Although the use of formal health posts and centers is increasing, a large number of *Mentawai* women still rely on the *Sikere*, or the village spiritual healer, to assist them in childbirth. Representation of the *Mentawai* in local governments is high, and an increasing number of *Mentawai* now hold formal employment.

There are 21 clans (*suku*) of the *Mentawai* Tribe in Maliliko. Clan status / prestige is validated with the number of monkey and sea turtle skulls that are displayed in the clan house (*uma*). Tattoos on the head clansmen are also determinants of status. The more tattoos on the body express prestige.

There are three main rituals performed but the most significant is the *Punen Saukui*. It celebrates the death of the founding head of the clan once a year. After the ritual, it culminates in sea turtle and monkey trapping. Meat is shared with villagers for prestige and to avoid sickness. The sea turtle and monkey are considered magical creatures (*keramat*). For land, it is the monkey (*joja*) and for water/coastal/marine, the *keramat* is the sea turtle (*masusurak*).

The *Mentawais* of Malilimok have their identified hunting grounds for sea turtles known to other *Mentawais* of Siberut. These recognized hunting grounds are translated to traditional ownership of islands where they trap sea turtles. The seven islands are: (i) Pananggalat, (ii) Sibotik, (iii) Mainuk, (iv) Saloinak, (v) Nyang-nyang, (vi) Majeneng, and (vii) Keramat. The 21 *sukus* each trap 15-21 sea turtles during the annual *Punen Saukui*. The *Mentawais* of Maliliko are aware of government initiatives to conserve the sea turtles. The question posed was: "Are you for turtle or for people?"

On the other hand, initial draft of spatial planning reveals that one of the seven islands will be covered under the Zona Inti (No Take Zone). District officials are more than willing to undertake more thorough and meaningful consultations with the *Mentawai* and perhaps have the plan revisited based on its sociocultural and technical merits.

FGD and KII in Malilimok, 30 May 2013

60. **Orang Suku Laut**¹⁹ also regarded as the *Orang asli Melayu* (indigenous Malays) of the Riau Archipelago and as **Orang Laut** (Sea People) inhabits several islands in Anambas. Just like *Suku Bajau* or *Bajo* from Sulawesi Islands, *Orang Laut* are often named as "*kelana laut*" or "sea wanderer" because of their nomadic lifestyle, spending their lives on the sea in their boats.

¹⁹ L. Lenhart. (1997) Orang Suku Laut ethnicity and acculturation. In: *Bijdragen tot de Taal, Land- en Volkenkunde, Riau in transition* 153 (1997), no: 4, Leiden, 577- 604.

In the 1980s, they were estimated to number between 3,000 to more than 5,000 people²⁰, having their own “language of the sea” (*bahasa laut*), or more precisely, speaking various *Suku Laut* dialects closely related to Riau Malay. While some are at sea, others live in coastal settlements or recently built villages given to them by the government though some of still returns seasonally to their boat-dwelling way of life.

61. Their way of life is well adapted to the ecological zone of the sea, mangrove swamps and adjacent coastal areas. They navigate through the archipelago by following ocean currents and tides, winds, fishing grounds, position of the sun, moon and stars, about which they bear a remarkable knowledge. For generations, the sea and coastal places have been the life and living spaces of the *Orang Suku Laut* and they claim ownership to these territories based upon customary laws. They make their living from fishing and strand collecting of marine products for both subsistence and small-scale trading with Chinese middlemen (*tauke*). Besides this, some are seasonally employed as woodcutters and workers at the *tauke*'s charcoal kilns. For a time they bartered some of their products for things to cover their daily needs. Nowadays, they sell and buy things instead of bartering but have not accumulated stocks, goods or money.

62. *Orang Laut* (Garnaz, 1993) usually dwell aboard a boat as long as the sea condition enables them to catch fish and other sea biota. They later build cottages on the coast if a monsoon is detected. Before they determine suitability of on-land settlement, they remain aboard their boat, usually 6 to 7.5 meters in length and 1.70 meters in breadth that they built themselves. The roof of the boat is made of *kajang* also called *sampan kajang* made of woven thorny *pandanus*.

63. A group of settlement aboard *sampans* usually consists of 10-15 *sampan kajangs* each having a nuclear family. They will move as a group led by a *batin*. The *Orang Laut* will decide to select a place for their *sampans* to anchor. They then build temporary cottages (*sapao*) on the coast and take the opportunity to repair *sampans* that may have been used continuously for three to four months. The *sapao* is a temporary cottage made of *kayu bakau* (*Tizuphora*), having bamboo flooring and *kajang* roof. A floating house is called *rumah beranyur*, which is one of the endeavors to sedentarize the *Orang Laut* of Batam and Bintan Island in 1991.

64. Elementary school was first introduced in 1964. On the average, 57% of them quit before graduation as they go out to sea, depending on the season and before completing elementary education. During the north wind monsoon, they operate through the seawaters of Mantang and Mapur Islands; with the east wind monsoon they are in the waters of Batam, Galang and Karas; and during the west wind monsoon they are found in the seawaters Bintan and Kelong (Zen, 1992).

65. In a study conducted by Lenhart (1997) in an *Orang Suku Laut* settlement within the Riau Archipelago, three labels exist: modern-minded, tradition-minded, and doubting minds. The three groups differed in (i) degree of sedentarism and their descent, (ii) readiness to interact with non-*Orang Suku Laut* and their acceptance of outside influences, and (iii) importance attached to outside acceptance. The modern-minded *Orang Suku Laut* had become sedentary house dwellers many years ago, and since then only rarely left the settlement for temporary fishing trips. The forefathers of a few of them were of Chinese or Malay descent. The doubting *Orang Suku Laut* had been living a semi-sedentary way of life for a couple of years, but some of them regularly returned to their houseboats. They had no non-*Orang Suku Laut* forefathers. The tradition-minded *Orang Suku Laut* had become house dwellers only recently and still returned to the boat-dwelling habit for months at a time. Among them were some families who oscillated between being exclusively house dwelling or exclusively boat dwelling.

²⁰ Walikotamadya Kepala Wilayah Kotamadya Administratif Batam 1986:36

All of them were descendants of *Orang Suku Laut*. Each of the three groups had nomadic relatives who frequently visited the settlement for days or even for a couple of weeks.

66. When government officials visit, the modern-minded *Orang Suku Laut* normally join meetings. They also regularly attend gatherings to learn the tenets of Islam and take part in joint work programs to build a house of prayer (*surau*) and other projects proposed by officials. They agreed fairly quickly to the officials even if they had not understood the intentions of the officials very well. The tradition-minded *Orang Suku Laut*, on the other hand, were not ready to accept any kind of contact and attended neither meetings nor joint activities. In principle, they tended to refuse everything. When the officials came to the settlement, they avoided contact by withdrawal. They did this either by not leaving their houses or leaving the settlement before the officials arrived. The doubting *Orang Suku Laut* took a position between the two other groups.

67. The developmental pressure has led to intense struggles over territorial rights. It has also raised issues concerning the social assimilation of indigenous peoples as citizens, religious conversion and cultural identity.²¹

BOX 2

Mengkait Village, Subdistrict Siantan Selatan, Anambas

Previously, the *Suku Laut* of the Mengkait Island village lived in Lintang Island. Due to the outbreak of diarrhea in 1950, they moved to Mengkait Island. The *Suku Laut* are led by the head of the clan, known as “*Batin*” and election of the head of the clan is conducted by consensus. After moving from Lintang Island to Mengkait, the *Suku Laut* have had eight *Batins* so far.

The total population in Mengkait Village visited during project preparation is 917, consisting of 473 males and 444 females. It is estimated that 854 of them are *Suku Laut*, although this could not be confirmed due to lack of official recording and inaccessibility of government reports. Mengkait Village has received government investments in infrastructure (housing, village office, cemented pathways, rubbish bins and waste collection system) between 2007 and 2012. The island has no source for drinking water and has to ferry across freshwater from a neighboring island. Mengkait has installed two water tanks of 5,000-liter capacity each and charges the villagers a nominal fee per canister. Mengkait Island plays the role of a model *Suku Laut* village.

The *Suku Laut* depends predominantly on the sea for their food and income. They also engage in the collection of copra, as an alternative livelihood. To date, *Suku Laut* families continue to consume turtle meat, usually during festivities such as Christmas, New Year’s celebrations, and weddings. This is not only because of their tradition but also because of the belief that eating turtles can keep their body warm (during cooler months of the year), helps prevent beri-beri disease (lack of Vitamin B1), and tastes good while poultry, lamb or beef are expensive.

Most of them have not been made aware of the marine conservation areas surrounding their village islands but based on statements made by the Village Head of Mengkait and a *Suku Laut* elder, if information regarding the MPA regulations are widely disseminated (process of socialization), the *Suku Laut* will strictly adhere to these.

FGD in Mengkait Village, June 2013

68. **Minangkabau.** The *Minangkabau* (also called the *Minang*) come from West Sumatra Province and are the majority ethnic group in all areas of the province. They are the fourth largest ethnic group in Indonesia. Literally the name is said to mean “winning” (*menang*) “water buffalo” (*kabau* or *kerbau*). Traditional *Minangkabau* homes have roof eaves that soar outwards like the horns of the buffalo.²²

69. In their matrilineal culture, the family name and the family wealth is inherited by the daughter. Landholding is one of the crucial functions of the *suku* (female lineage unit). These family groups are typically led by a *penghulu* (headman), elected by groups of lineage leaders.

²¹ Chou, Cynthia. (2009) The Orang Suku Laut of Riau, Indonesia: The inalienable gift of territory (The Modern Anthropology of Southeast Asia). <http://www.amazon.com/Orang-Suku-Laut-Riau-Indonesia/dp/0415297672>.

²² Indonesian Peoples Network, 2011. In <http://www.joshuaproject.net/people-profile.php?peo3=13724&rog3=ID>

With the agrarian base of the *Minangkabau* economy in decline, the *suku*—as a landholding unit—has also been declining somewhat in importance, especially in urban areas.²³

70. The *Minangkabau* are strongly Islamic, but also follow their ethnic traditions, or *adat*. The *Minangkabau adat* was derived from animist beliefs before the arrival of Islam, and remnants of animist beliefs still exist even among some practicing Muslims. Being fervent Muslims, many of them embraced the idea of incorporating Islamic ideals into modern society. Furthermore, the presence of these intellectuals combined with the people's basically proud character, made the *Minangkabau* homeland one of the powerhouses in the Indonesian struggle for independence.

71. Animism had been an important component of *Minangkabau* culture. Even after the penetration of Islam into *Minangkabau* society in the 16th century, animistic beliefs were not extinguished. In this belief system, people were said to have two souls, a real soul and a soul, which can disappear called the *semangat*. *Semangat* represents the vitality of life and is said to be possessed by all living creatures including animals and plants. An illness may be explained as the capture of the *semangat* by an evil spirit, and a shaman (*pawang*) may be consulted to conjure invisible forces and bring comfort to the family. Sacrificial offerings can be made to placate the spirits, and certain objects such as amulets are used as protection.²⁴

72. Padang Pariaman Regency has a total land area of 1,328,79 km² (3.15% of West Sumatera Province) and coastline of 4,211 km. Padang Pariaman Regency consist of 17 Districts, 46 Traditional Subdistricts and 366 Traditional Villages, called as "*Korong*". Table 4 presents some statistics on Padang Pariaman Regency. Save for some migrants, a large percent (approximately 95%) of the population are Minang.²⁵

Table 4. Some socioeconomic data of Padang Pariaman Regency

District	Population				Poverty
	Male	Female	Total	% Female	
Padang-Pariaman	193,472	200,099	393,571	50.8%	11.90%

Source. Padang Pariaman In Figures 2012

73. In education and business, the *Minangkabau* are relatively better off than other indigenous peoples in Indonesia. Nevertheless, education and industry in West Sumatra still need improvement. Home industries are mainly weaving, sewing and knitting. These crafts have the potential to be increased. Tourism is the only other industry that could be developed in the Mentawai islands and the areas of Lake Maninjau, Lake Singkrak and Bukittinggi.²⁶

BOX 3

Korong Simpang, Kataping, Padang Pariaman

Korong Simpang is a fishing community. It has a population of 2,000 (400 households) with 1,200 females and 800 males, all *Minang* and belonging to the Islamic faith. Most of the fishermen are junior high school graduates. The community is headed by a *penghulu*.

As a fishing community, they are organized into seven groups of fishermen, each group having 25 members. The womenfolk likewise are organized, but in two groups with 25 members each engaged in fish drying and selling fish. The average household monthly income is Rp 800,000.00 where the menfolk are out to sea for 20 days/month. Catch is variable.

The community claims that they have no problems at all... "*Fishing is our life. We have no problems, we do not get sick. We just want to fish without the rich Padang fishermen grabbing our fishing grounds.*"

When they experience a series of small or no catch or when someone is lost at sea, the *Minang* of Korong Simpang "cure the sea" through rituals. They pray together along the beach. They are not allowed to go out to sea and fish for

²³ Kuipers, Joel C. "Minangkabau". In *Indonesia: A Country Study* (William H. Frederick and Robert L. Worden, eds.). Library of Congress Federal Research Division (2011).

²⁴ Dobbin, Christine (1983). *Islamic Revivalism in a Changing Peasant Economy: Central Sumatra, 1784-1847*. Curzon Press. ISBN 0700701559.

²⁵ Based on estimates/approximates during FGDs in June 2013.

²⁶ *Op. cit.* Indonesian Peoples Network.

three days during rituals. It is during such times when the sacrifice a goat or cow by cutting the goat or cow head and throwing it into sea. The meat is partaken by those who pray. Only the *Minang* of Padang Pariaman, Kota Pariaman and Padang practice this ritual. The goat or cow is preferred as sacrificial animals because in Islam, goats and cows are considered holy, considered clean hence can purify.

Minangs also eat the eggs of sea turtles more because of the belief that these are curative, make bodies strong especially for the male libido and for work that requires physical exertion. This has long been a practice.

The *Minang* of Padang Pariaman trace relationships through the mother's side. They are not very close to relations from the father's side. The father still decides for the household, but the children are closer to the mother. The child's surname is taken from father.

There is no reported violence against women. The role of the woman is to help the husband in the house and find additional job. In community participation, woman can participate but they generally seek permission from husband if can join. During such occasions, woman can express opinions by themselves without man interrupting the woman.

A community of elders is voted upon as well as the head elder. In Padang Pariaman, the *Minangs* vote, but in Pariaman City and Padang, the government appoints. Traditional leadership is determined through the *datu* system.

The *Minang* of Korong Simpang are most willing to participate in COREMAP III to ensure fair delineation of fishing grounds between them and the Padang fishermen and also avail of possible livelihood improvement.

FGD and KII in Korong Simpang, 1 June 2013

74. **Nias.**²⁷ This particular IP group inhabits COREMAP areas in Nias Islands and South Nias of Sumatra. Estimated population of Nias is 480,000 (2004).²⁸ Bahasa Indonesia is not widely known among ordinary villagers. Majority of the population is engaged in agriculture and pig farming. Sweet potatoes, cassava, and rice are the staple crops, cultivated in swiddens and gardens mostly by traditional methods (no plows, draft animals, or fertilizer are used). Coastal dwellers practice fishing from outrigger canoes. While all commodities are integrated in the market, traditional rates of exchange between pigs, gold, and rice are adhered to in some areas for customary transactions. A traditional economy based on relations of prestige and reciprocity persists, despite modern influences. Descent is patrilineal. Bride-wealth (*böli niha*, *bövö*) is practiced. Postmarital residence is typically patrilocal.

75. In South Nias there are two hereditary classes: nobles (*si'ulu*) and commoners (*sato*). Slaves (*savuyu*) were bonded laborers, captives, or ransomed criminals. Children of a nobleman and a commoner woman (in a secondary marriage) are *ono ba zato* (child by a commoner), an intermediate rank that is not heritable. A council of elders (*si'ila*) is appointed from the commoner class. Hamlet or village chiefs are called *salawa*; *satua mbanua*. Village elders are men who have demonstrated superior qualities and mastery of custom by staging feasts of merit (*ovasa*). Ordinary villagers are called *ono mbanua*. Status is validated and raised in feasts of merit. Influence is won by gaining credit in the system of festive payments.

76. Traditional ritual experts, male or female, called *ere* perform life-cycle rituals, divination, and healing, interceding with ancestral spirits, and with God in various manifestations. The predominant religion is Protestant Christianity. The *Nias* to date persist in celebrating its own indigenous culture and traditions as the primary form of spiritual expression.

77. **Batak/Batak Mandailing.** *Batak*²⁹ is a collective term used to identify a number of indigenous peoples predominantly found in North Sumatra. The term is used to include the *Toba*, *Karo*, *Simalungin*, and *Mandailing*, related groups with distinct, though related, languages and customs (*adat*). *Toba Batak* are known traditionally for their weaving, wood carving and especially ornate stone tombs.

78. Today the Batak are mostly Christians with a Muslim minority. The *Mandailing* and *Angkola Batak* were converted to Islam in the early 19th century. A significant minority of *Batak*

²⁷ Beatty, Andrew (1992). *Society and Exchange in Nias*. Oxford: Clarendon Press.

²⁸ http://www.nativeplanet.org/indigenous/ethnicdiversity/asia/indonesia/indigenous_data_indonesia_nias.shtml

²⁹ *Indonesia's Population: Ethnicity and Religion in a Changing Political Landscape*. Institute of Southeast Asian Studies. 2003. ISBN 981-230-212-3.

people do not adhere to either Christianity or Islam, however, and follow traditional practices known as the *agama si dekah*, the old religion, which is also called *perbegu* or *pemena*.³⁰

79. The *Mandailing* and *Angkola* people, occupying the southern *Batak* lands, came under the influence of the neighboring Islamic *Minangkabau* people as a result of the Padri War (1821–1837). The advent of Islam also caused the relegation of the *datu* to a medicine man, with traditional rice-planting ceremonies and other such remnants of traditional culture deemed incompatible with Islam. The '*pasusur begu*', a ceremony invoking ancestors to aid the community, was also suppressed. Other aspects of *adat* were however tolerated, with the *Mandailing* Islamic ideology placing *adat* on the same level as Islamic law, as in contrast with the *Minang* practice of placing Islamic law above *adat*.³¹

80. In contemporary Indonesia, Batak people have a strong focus on education and a prominent position in the professions, particularly as teachers, engineers, doctors and lawyers.³²

C. Impact Assessment

81. Table 5 summarizes the results of a social impact assessment. Specific investments have been developed in the form subproject templates or models that may be replicated to other MPAs in Indonesia for sustainable coral reef management. These models are based on the four project outputs.

Table 5. COREMAP Impact Assessment in IP Areas

Project component/ activity/output	Anticipated positive impacts	Anticipated negative impacts	Mitigating measures to anticipated negative impacts
1. Institutional Strengthening for Coral Reef Management: To focus on strengthening and institutionalizing capacities developed under COREMAP II. Significant key targets under this output are (i) Number of community development extension workers deployed (30% are women), (ii) Number of villages implementing coastal management regulations, (iii) Number of joint monitoring and surveillance patrols undertaken, and (iv) Number of DGMCSI, DGCF, Secretariat General and LIPI staff obtaining postgraduate qualifications.	<i>Masyarakat adat</i> will be included in this component, thereby strengthening their customary practices by recognizing and re-enforcing traditional practices in state law, ensuring the sustainability of local coral reef resources and management.	Some “rush” to complete district planning projects may inadvertently lead to under-consideration or under inclusion of <i>Masyarakat adat</i> in consultations and recommendations especially the nomadic ones.	The Project approaches and mechanisms should have a verification of <i>adat</i> presence in district, analysis of <i>adat</i> needs and differences, and resources to adapt solutions to cover these additional conditions (from early stage of preparation up to implementation and monitoring).
2. Development of Ecosystem Based Resources Management: Strengthening MPA management effectiveness and biodiversity conservation. Identified	<i>Masyarakat adat</i> will benefit from zoning, (potentially) from new rights to manage their areas, economic opportunities and ecosystem improvements from this relative to their	Some zoning results may limit their access to areas. The habitat and ecological niches used by the likes of the Orang Suku Laut and Mentawai as a basis for securing	This will be openly discussed and recommendations for solutions to ecosystem issues and access will be sought together with <i>Masyarakat adat</i>

³⁰ Sibeth, A., Kozok, U., Ginting, JR. The Batak: Peoples of the Island of Sumatra: Living with Ancestors. New York: Thames and Hudson, 1991.

³¹ Abdur-Razzaq Lubis. Mandailing Islam Across Borders. In Taiwan Journal of Southeast Asian Studies, Vol. 2, No. 2, 2005, pp. 55-98

³² *Op. cit.* Sibeth, A.

Project component/ activity/output	Anticipated positive impacts	Anticipated negative impacts	Mitigating measures to anticipated negative impacts
targets are (i) Number of district spatial plans prepared, (ii) Number of person days of training conducted, (iii) Number of regulations adopted for protecting threatened and endangered species, and (iv) Number of MPA and threatened species management action plans developed.	natural (ecosystem) resources.	their material and cultural existence may alter; hence their cultural practices may become under serious threat.	and local government and may include representatives from NGO community.
3. Strengthening Sustainable Marine-based Economy: Promoting sustainable livelihood and income generating infrastructure. Targets are (i) Number of eco-friendly infrastructures installed, (ii) Number of demonstration models for enterprises installed (30% women's participation), (iii) Number of households provided with livelihood financial and/or input assistance, (iv) COREMAP-CTI project villages financed from PES contributions undertake Pokmas activities (WB), and (v) Number of operational Sustainable Enterprise Alliances.	<i>Masyarakat adat</i> will gain opportunities for new economic activities, access to better markets, and possibly improved products through voluntary alliances.	<i>Masyarakat adat</i> will be exposed to more external contact to modern society that may affect their cultural norms given also their relatively low educational attainment. Economic success may lead to other issues that separate the community and its traditions.	Care will need to be structured into the project with advice, guidance, and consultations with NGO community like the Aliansi Masyarakat Adat Nusantara (AMAN; Alliance of Indonesia's Archipelagic Indigenous People). Awareness and cultural sensitivity and <i>Masyarakat adat</i> participation must begin at the earliest stages of the project cycle.
4. Project Management and Coordination: An operational Project Performance Monitoring System and quarterly project monitoring and evaluation reports will have been institutionalized.	Decentralized management with strong local government (district, village) as focal points will place planning and actions in the hands of agencies and organizations familiar with the <i>Masyarakat adat</i> and their ways. Participatory approach of the consultations and planning with representation of <i>Masyarakat adat</i> will assure respect and harmonization with cultural ways and could increase professional capacity of <i>Masyarakat adat</i> .	Common reluctance from <i>Masyarakat adat</i> to join government programs may hinder planning and implementation of program activities. Also, project team may not be fully aware of the indigenous culture so designing solutions may be challenging or lead to accidental misunderstandings, or exclusions.	

IV. SOCIAL IMPACT ASSESSMENT AND IP PLANNING

A. Social Impact Assessment

82. The presence of IPs in the project sites require a social assessment to generate the necessary baseline information on demographics, social, cultural, and political characteristics of

affected IP communities as well as the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.

83. A social assessment as overseen by Project management is required and this commences with a review of the legal and institutional framework that defines IP involvement within the project context. The assessment shall generate the necessary baseline information on the demographic, social, cultural, and political characteristics of the affected IP communities as well as the land and territories that they have traditionally owned or customarily used or occupied and the natural resources on which they depend. The social assessment shall utilize modalities for stakeholder identification and analysis to craft culturally appropriate and gender-sensitive processes for meaningful consultation with IP communities at each stage of project preparation and implementation. Methods for data collection shall observe culturally appropriate norms. For instance, where IP worldviews are more traditional and qualitative, then the corresponding qualitative methods will be used and experts through validation can make the necessary quantitative transpositions.

84. Potential adverse and positive effects of the project shall be identified through meaningful consultation with the affected IP communities. Gender-sensitive analysis of IP vulnerability and risks brought about by the project in comparison to other groups (IP and non-IP) will be made a key focus of the assessment. In effect, the assessment shall in the end identify and recommend the necessary measures to avoid adverse effects. If avoidance is not possible, mitigative activities or alternatives will have to be mutually developed with IP communities through meaningful consultation, to ensure that IPs receive culturally appropriate benefits under the project.

85. Should negative impacts be validated and or identified, mitigation and beneficial measures will be crafted by the IP communities and documented as part of the assessment.

B. IP Planning

86. Should an IPP be required for a subproject, the IPP will respond to the data generated as well as issues identified in the SIA. Data generated may be in the form of quantitative/demographic information as regards level of poverty and educational attainment, and disaggregated statistics on gender and IP/ethnic affiliation. Results of quantitative data processed during the SIA may give rise to issue identification. Another means of identifying issues to be addressed by the IPP is through consultation and laid out in an issue-response matrix with appropriate attributions on who raised the issue, his/her affinity with a stakeholder group or none at all, and who responded to issues raised.

87. Through consultations the IPP shall set out the measures to operationalize mitigating measures through informed and meaningful consultations. These will be conducted through a series of meetings, including separate group meetings to focus on indigenous peoples village chiefs, men, and women, especially those who live in the subproject affected areas. Discussions will focus on subproject impacts, positive and negative, and recommendations for subproject design and implementation.

88. Entry points for IP planning as initiated by the PIU will have to recognize and harness the unique planning processes and legitimate IP representation per IP community through its local project units and NGOs. Key elements of the IPP are presented in Appendix 5 in the form of a prescribed outline. A project description will be presented in a manner that is understandable to the IP community. Project components and activities will be discussed with corresponding identified impacts on IP communities further identifying impact areas per component/activity.

89. IPs specific to the subprojects will be prepared during pre-feasibility stage and updated following the completion of subproject design. Should new groups of IPs be identified prior to finalization of the IPP, meaningful consultation with that IP community will likewise be undertaken.

90. Qualified and experienced experts will prepare the planning documents through meaningful consultation with affected groups to ensure that affected IPs will receive culturally appropriate social and economic benefits and that when potential adverse impacts on them are identified, these will be avoided to the maximum extent possible. When avoidance is deemed impossible, the IPP will identify measures to minimize, mitigate, and compensate for adverse impacts. If ethnic minorities will be the majority of direct project beneficiaries, and when only positive impacts are identified, elements of the planning document may be included in the overall project design in lieu of preparing a separate IPP. The planning document will establish requirements for meaningful consultation and how benefit sharing are fulfilled and integrated into the project design.

91. The level of detail and comprehensiveness of IPs will vary depending on the specific subproject and the nature of impacts to be addressed. If IPs are the sole or the overwhelming majority of direct project beneficiaries, and when only positive impacts are identified, the elements of an IPP could be included in the overall project design rather than preparing a separate IPP. In such cases, the project document will include a summary of about how the project complies with IP safeguards. In particular, it will explain how the requirements for meaningful consultation are fulfilled and how the accrual of benefits has been integrated into the subproject design. Also where appropriate, combined resettlement and IP plans will be prepared.

92. Following the completion of detailed engineering design and detailed measurement surveys, the IPP will be updated. Mitigating measures to avoid adverse impacts on IPs and measures to enhance culturally appropriate development benefits will be adjusted, but the agreed outcomes as specified in the initial IPP and this IPPF will not be lowered or minimized. If new groups of IPs are identified prior to submission of the final/updated IPP, meaningful consultation will similarly be undertaken with them.

93. The PIU shall ensure that the resources, including financial and human resources, are sufficient before they implement the IPP.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Consultation and Participation

94. To ensure meaningful consultation and participation with IPs, PIU will ensure that (i) appropriate mechanisms and structures will be utilized; and (ii) specific activities that will enable IPs to engage in project activities will be conducted. IP consultation across project stages will be documented.

95. Inasmuch as this project is anchored on CDD strategies, free, prior, and informed consultations at each stage of the project will be conducted to fully identify IP perspectives, issues and concerns by way of validating broad community support for the project. Consultation is a mode of social preparation that entails the process of informing and generating awareness and understanding of the concerned public about the Project in a manner that will enable them to effectively participate and make informed and guided decisions. Effective CDD utilizes mechanisms of participatory issue analysis.

96. The SPS 2009 (in SR 3) acknowledges that IPs may be particularly vulnerable when a project has any one of the following three types of activities: (i) Commercial development of their

cultural resources and knowledge; (ii) Physical displacement from their traditional or customary lands; and (iii) Commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define their identity and community.

97. When deciding whether to proceed with a project involving such activities, the PIU shall seek the consent of affected communities (regardless of whether the project is category A or B). Consent will be in the form of broad community support. When projects entail any of the three types of project activities requiring consent of affected IP communities, PIU should carry out an engagement process by conducting meaningful consultation and good faith negotiations that lead to broad community support. The process and outcomes of such engagement should be documented and submitted to ADB.

98. Information dissemination to all members of the IP community will be conducted specifically targeting appropriate message routes in accordance with prevailing customs and traditions. The following shall be observed:

- (i) Notices of meetings written in the commonly used IP language and authorized by IP community leaders shall be delivered and posted in conspicuous places or announced in the area where the meeting shall be conducted at least two (2) weeks before the scheduled meeting;
- (ii) All meetings and proceedings shall be conducted in a process and language spoken and understood by the IPs; and
- (iii) The minutes of meetings or proceedings conducted shall be written in English or Bahasa Indonesia and in the language of the IPs and shall be validated with those who attended the meeting or assembly before the finalization and distribution of the same.

B. Disclosure

99. IPs should be provided relevant project information in language(s) and manner suitable to them. Separate focus group discussions will be held with IPs groups to assess the project impacts and benefits to these groups. Accordingly, the project plans, including IPP, can be prepared in consultation with IPs. Outcome of social assessment and programs/measures for IPs will be presented in community workshops/meetings.

100. The following are required to be disclosed (i) draft IPP, as endorsed by MMAF; (ii) final IPP; (iii) new or updated IPP if any; and (iv) monitoring reports. These documents will be generated and produced in a timely manner, and posted in both ADB and project website, and at any locally accessible place in a form and language understandable to the affected IPs and other stakeholders. The Project information will be made available to affected IPs as leaflets or brochure in Bahasa Indonesia or the prevailing IP local language, whichever is applicable for greater IP community comprehension. The Executing Agency (EA) shall also post the summaries of approved documents on ADB website. During project implementation, the EA will prepare monitoring reports on the application of the IPP and submit the same to ADB for reviews.

101. The ADB SPS, ADB Public Communication Policy as well as GOI issuances will serve as guide. The documents listed above will be uploaded in the Project management information system as well as the ADB website.

VI. GRIEVANCE REDRESS MECHANISM

102. The MMAF/PIU together with representation from concerned NGOs (includes academic and research entities) will ensure a culturally appropriate grievance redress mechanism to

receive and address, in coordination with provincial authorities, project related concerns and to resolve IP related disputes that may arise during project implementation. It is anticipated that all grievances related to benefits and other assistance will be resolved at the subproject and PIU level.

103. At the village level affected IPs through their facilitator or representative may bring the complaints to the village leaders and/or customary leaders, then they may bring it to the officers in project's field office or sub-project site office.

104. The community development officer(s), and/or safeguards consultant(s) will assist affected IPs in registering their complaints with PIU, field office or sub-project site office, and preparing their specific grievance. The PIU Project Manager will consider the complaint and within 15 working days will convey a decision to the APs. These staff, along with local government district officials, will assist the Project Manager in reviewing and addressing the complaint. Project's district officer will record/file keeping the complaint.

105. The safeguards staff will facilitate communication between the affected IPs and the PIU in this process. If the affected IPs are not satisfied with the PIU's decision, they may then take the grievance to the provincial government level, who will have two weeks to consider the complaint and following this will either instruct the PIU to rectify the situation or dismiss the complaint. If affected IPs are still not satisfied with the decision they may take the grievance to the Indonesia judicial system through the State Court.

VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

A. Institutional Arrangements

106. MMAF will serve as the executing agency. The Indonesian Institute of Science (LIPI), Directorate, General of Capture Fisheries (DGCF), the Technical Implementation Unit (UPT) of the National Marine Conservation Areas (LKKPN) of Pekanbaru and the Technical Unit of Coastal and Marine Management (BPSPL) in Padang, will be the national implementing units of the Project. The district/municipality, through the District Implementing Unit will implement the Project at the district level. At the village level, the activities will be carried out by Community Coral Reef Management Board (LPSTK) and community groups (Pokmas). The Project will be implemented over a period of 5 years, from 2013 to 2018.

107. MMAF has a dedicated Environment and Social Safeguard Management Unit (ESMU) to attend to social and environment safeguard issues. The ESMU will have a full time, qualified, and experienced staff to handle social and environmental safeguard issues of the Project and to ensure that all safeguard plans are diligently implemented. NGOs/consulting firms with local presence/partnership will also be engaged by the EA to implement IPP if required. The ESMU will manage and supervise the activities and evaluate implementation of IPP.

108. MMAF along with its implementing partners will be capacitated in operationalizing the IPPF. Local stakeholders including the affected IP groups will be oriented on the project's strategy to address indigenous peoples' concerns.

B. IPP Implementation

109. During IPP implementation, PIU shall (i) make use of appropriate IP mechanisms and structures at the village/sub-village level, and; (ii) undertake specific activities, that will enable indigenous groups to meaningfully engage in subproject activities. Refer to Chapter IV-B above.

110. The IPP may require updating should unanticipated impacts occur: (i) when newly identified indigenous peoples in the project area are found affected, (ii) when new types or scales of impacts from project activities are detected. PIU shall assess the significance of

impacts and identify measures to mitigate these and ensure that benefits accrue to affected communities.

C. Unanticipated impacts

111. Indirect, and/or unanticipated impacts on IPs may become apparent during project implementation.³³ Should this occur, the PIU will ensure that a social impact assessment is conducted resulting to an updated IPP or formulation of a new IPP covering all applicable requirements specified in this IPPF.

D. Monitoring and Reporting Arrangements

112. The PIU will ensure proper monitoring and evaluation of compliance of this IPPF. Compliance Monitoring will be conducted to include establishment and maintenance of an IP database, and monitoring arrangements to (a) track engagement of indigenous groups in the various project activities, and; (b) determine whether IPPs were carried out as planned, and in accordance with the IPPF; The PIU will conduct supervision and in-house monitoring of implementation of the IPP. A sample of process and outcome monitoring indicators are provided in Appendix 6.

113. **IP Community Participation to Monitoring.** IP community participation to monitoring aims to strengthen the relationship between government (PIU and local governments) and the IP community, which in turn shall influence government to play a more proactive role in knowing more about the IP communities and respond to their needs. IP communities through their representatives will be enjoined by project management to participate in the monitoring process at the village level and closely work with LPSTK.

114. **Schedule of Monitoring and Reporting.** Semi-annual monitoring reports will be prepared for submission to ADB that will include the progress of all activities. The reports should document: (i) the process and the extent of IPP implementation, (ii) status updates on the IPP monitoring indicators, and (iii) any unforeseen changes or impacts on IPs from the project. It is anticipated that IP impacts may occur even after a subproject is completed, particularly the indirect impacts. Monitoring will therefore continue for two years after loan closure or until any major concerns have been reasonably addressed.

VIII. BUDGET AND FINANCING

115. MAFF has allocated funds for planning and implementation of IP plans. Specifically, the following key activities will be provided with the necessary budget support at implementation:

- (i) **Provision for social development/Specialists;**
- (ii) **Social Assessment and IP Planning;**
- (iii) **Internal and external monitoring;**
- (iv) **Capacity Building of project implementers, partners and representatives/IP communities ; and**
- (v) **IP Livelihoods/income generation program 2% of total budget for overall livelihood program.**

116. Detailed budget shall be prepared and resources of funds for IP activities need to be agreed during negotiation..

³³ ADB Safeguards Policy Statement 2009: Appendix 3.

APPENDIX 1: Indigenous Peoples Screening Checklist¹

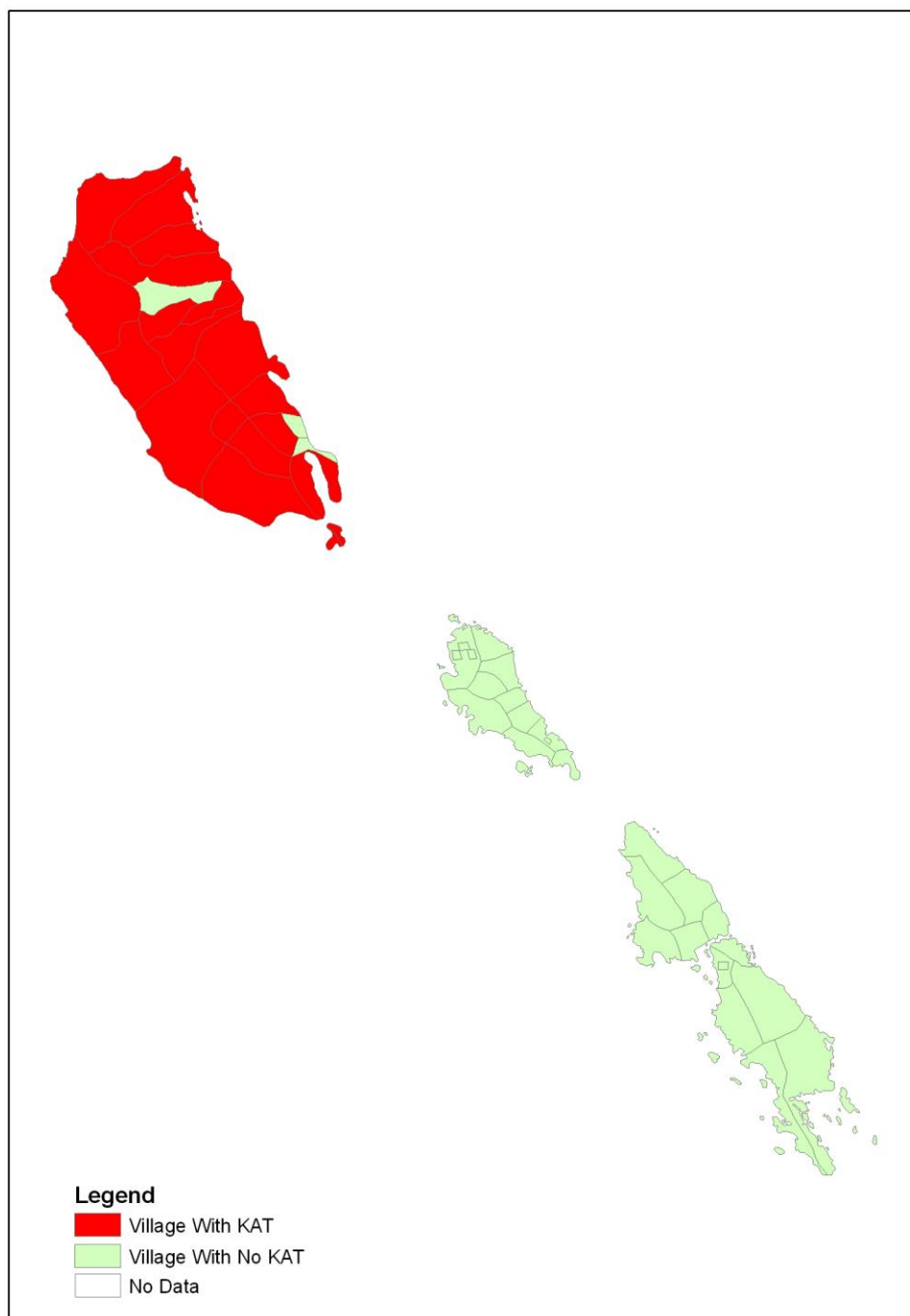
KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?				

¹ ADB Social Safeguards Categorization and Checklists

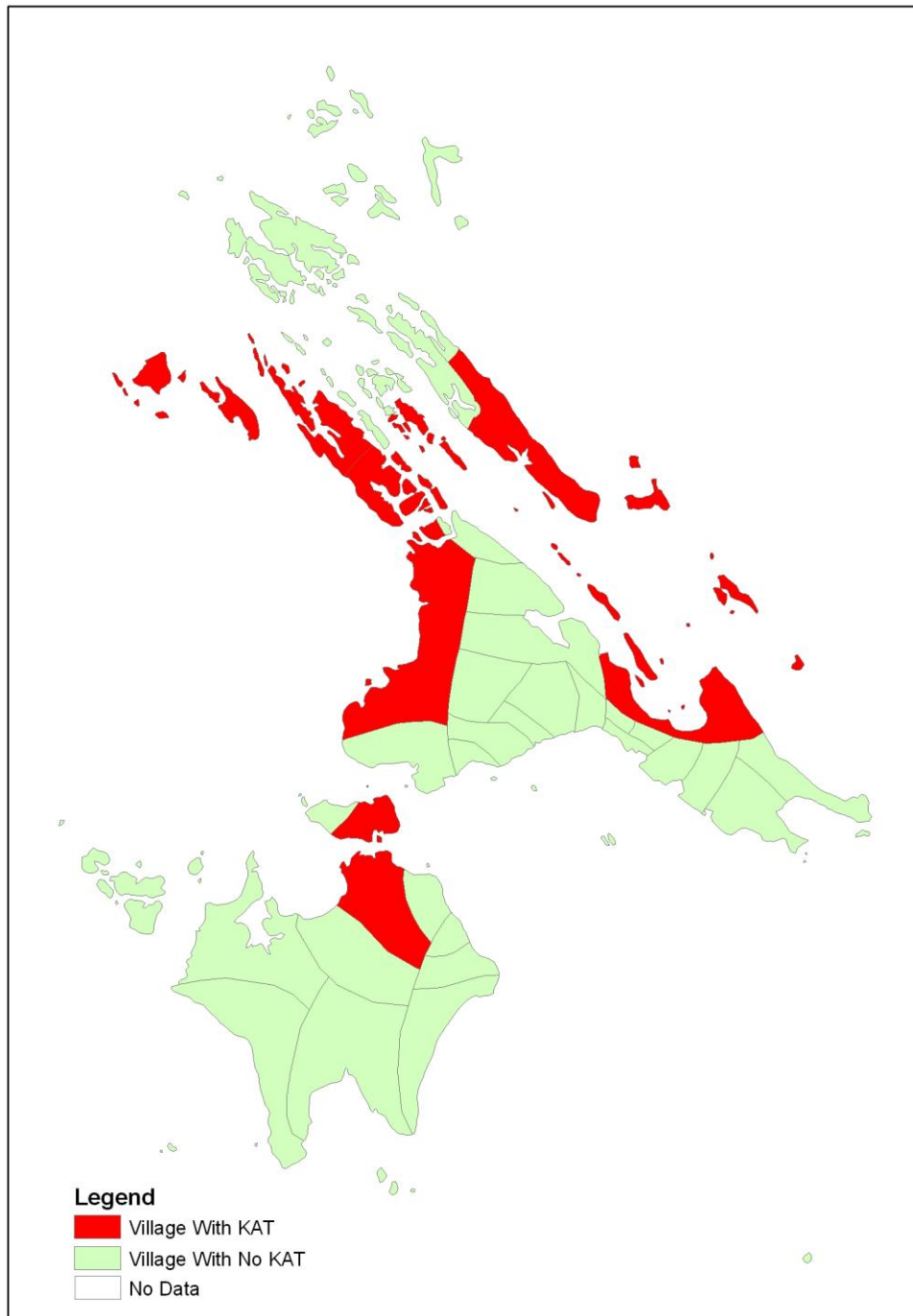
APPENDIX 2: IP Maps

(Source: World Bank)

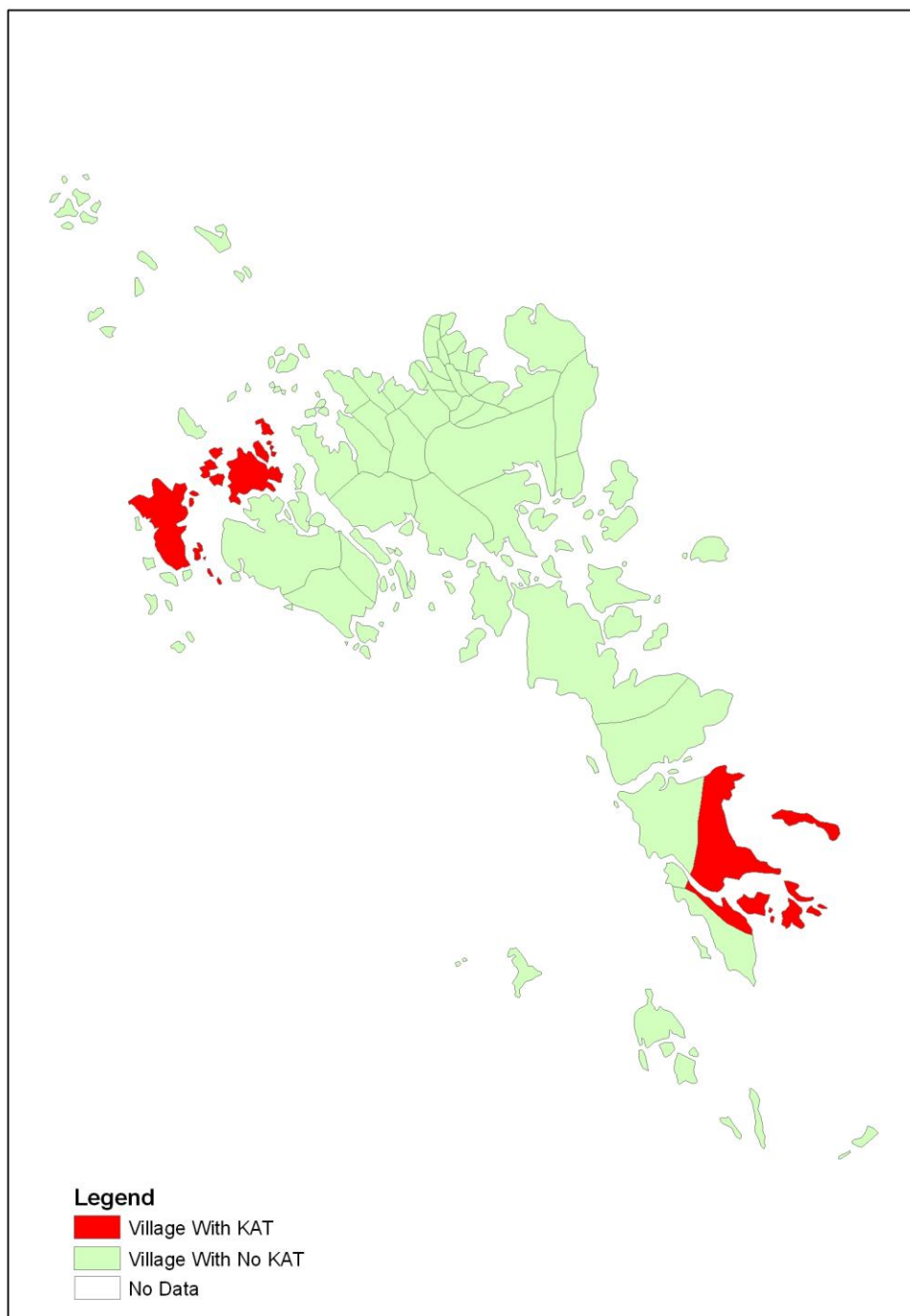
1. IP Map of Mentawai



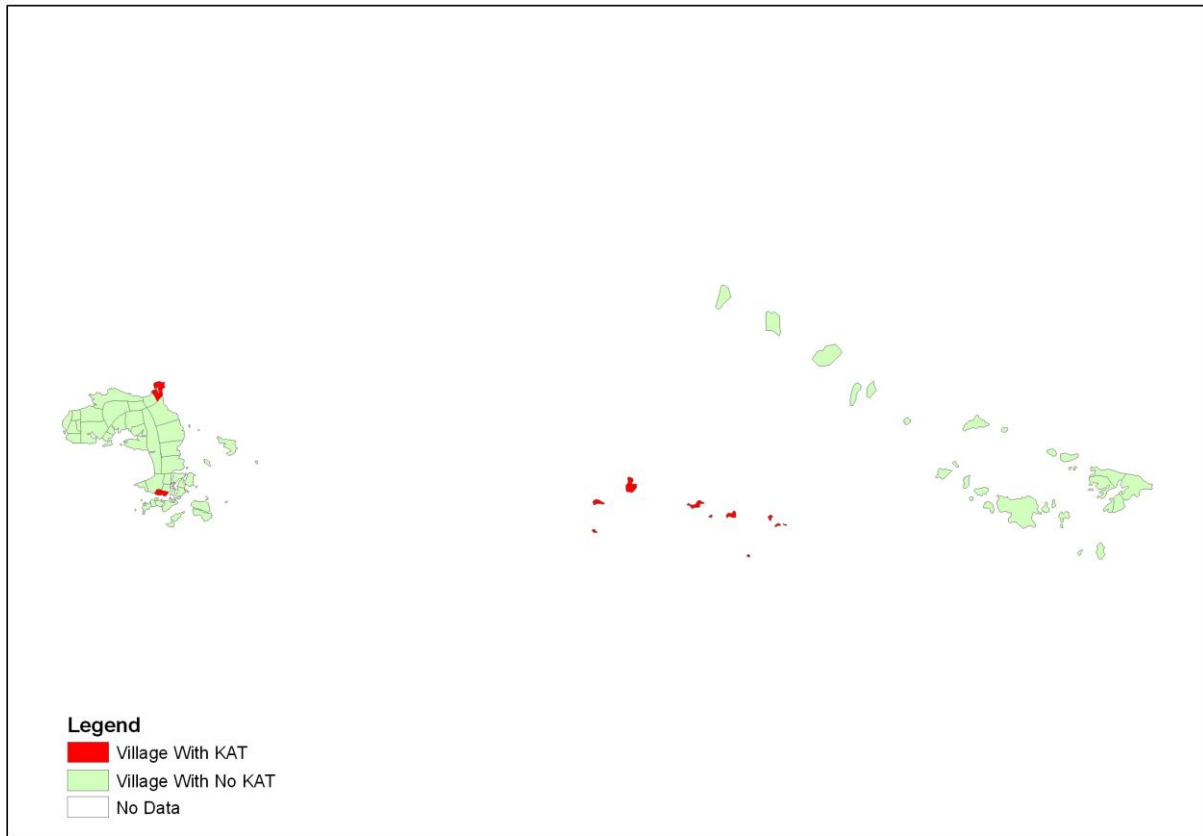
2. IP Map of Lingga



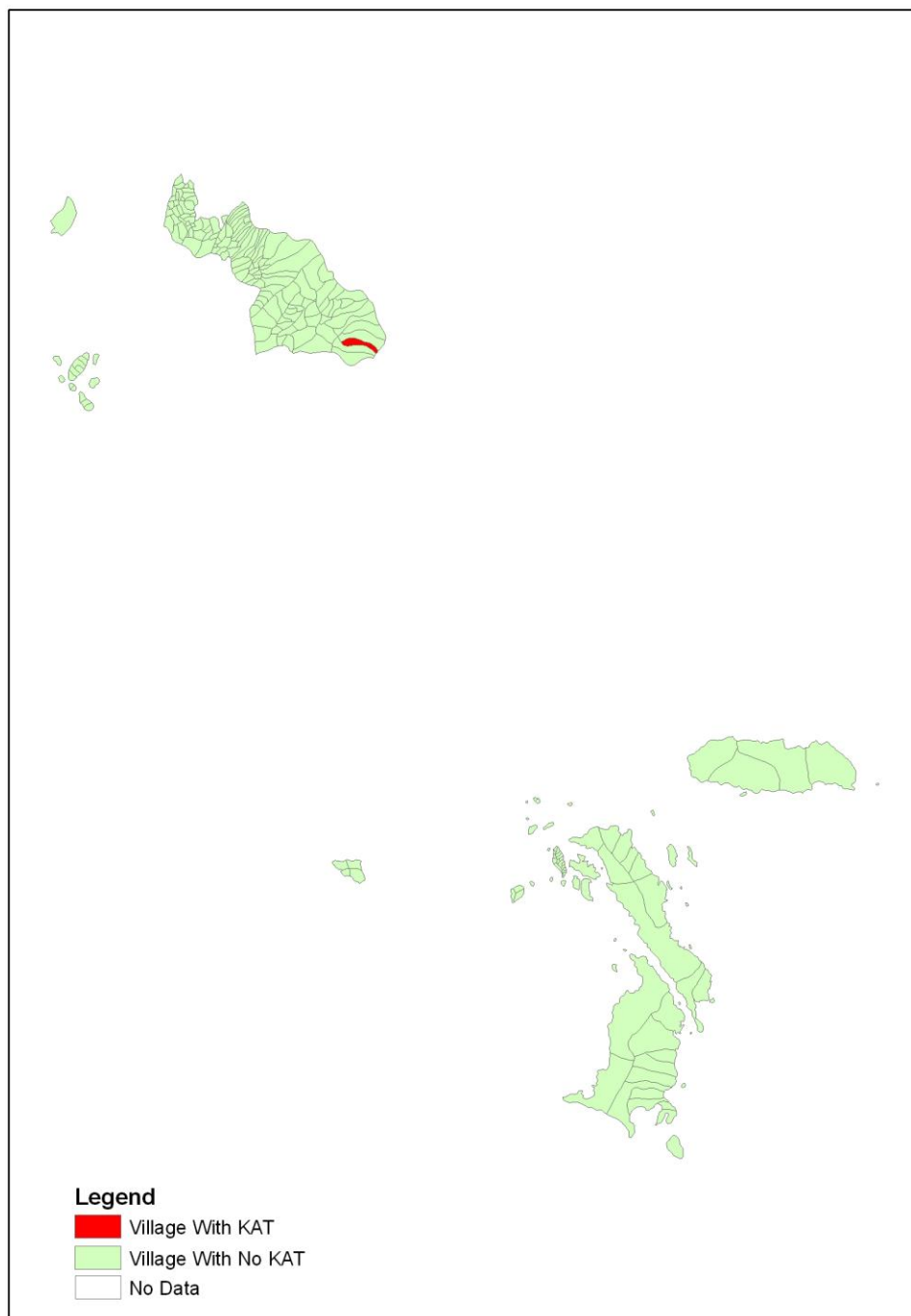
3. IP Map of Batam



4. IP Map of Bintan

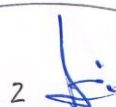

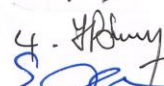






5. IP Map of Nias



District Offices
 Tuapejat, Mentawai regency
 31 May 2013

Daftar Hadir

No.	Nama	Jabatan	Instansi	Paraf
1.				1.
2.	Eti Sahartri	Kadis	DCEP	2. 
3.	Mukhtar Maknani	staf	DKP	3. 
4.	YANPIER GIMATUPANG	Kabid P3k	DKP	4. 
5.	EKO NURYANSON	staf Tata Ruang	Bappeda	5. 
6.	Elvi Nanna	Ka. P. 3k	Bappeda	6. 
7.	Mahyuddin	pram	Bappeda	7. 
8.	Aban Barnabas Filangi	Kasi. Objek Sisa & Pasaran Pariwisata	Dis. Kebudayaan, Pariwisata, Pemuda & Olahraga	8.  +6281363158892 barnabasmanaiikat@yahoo.com

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* More dialogue + consultations.
 process to be agreed upon
 District needs Rp200B for 2014

APPENDIX 3: Guide to Preparing an IP Plan

1. This outline is part of the Safeguard Requirements 3. An Indigenous Peoples Plan (IPP) is required for all projects with impacts on indigenous peoples (IP). Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on IPs. This serves as guide but not necessarily in the order shown.

A. Executive Summary of the Indigenous Peoples Plan

2. This section will concisely describe the critical facts, significant findings, and recommended actions.

B. Description of the Project

3. This section will provide a general description of the project; discusses project components and activities that may bring impacts on IPs and identify project area.

C. Social Impact Assessment

4. This section will:

- (i) Review the legal and institutional framework applicable to IP in project context.
- (ii) Provide baseline information on the demographic, social, cultural, and political characteristics of the affected IP communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) Identify key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with IP at each stage of subproject preparation and implementation, taking the review and baseline information into account.
- (iv) Assess, based on meaningful consultation with the affected IP communities, the potential adverse and positive effects of the subproject. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected IP communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) Include a gender-sensitive assessment of the affected IP' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) Identify and recommends, based on meaningful consultation with the affected IP communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

5. This section will (i) describe the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation; (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design; (iii) in the case of project activities

requiring broad community support, documents the process and outcome of consultations with affected IP communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities; (iv) describes consultation and participation mechanisms to be used during implementation to ensure IP participation during implementation; and (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

E. Beneficial Measures

6. This section will specify the measures to ensure that the IP receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigation Measures

7. This section will specify the measures to avoid adverse impacts on IP; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

G. Capacity Building

8. This section will describe how the social, legal, and technical capabilities of (i) government institutions, and (ii) IP organizations in the project area will be strengthened to ensure effective implementation of the IPP.

H. Grievance Redress Mechanism

9. This section will describe the procedures to redress grievances by affected IP communities. It also explains how the procedures are accessible to IP and culturally appropriate and gender sensitive.

I. Monitoring and Evaluation

10. This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected IP in the preparation and validation of monitoring and evaluation reports.

J. Institutional Arrangement

11. This section will describe the institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.

K. Budget and Financing

12. This section provides an itemized budget for all activities described in the IPP.

APPENDIX 4: Sample Monitoring Indicators

Examples of process and outcome indicators are shown in two tables below. These are not exhaustive, and should be selected as required with reference to the DMF as well.

Example of Process Indicators	
Demographic baseline	<ul style="list-style-type: none"> • The numbers of affected Indigenous Peoples (IP) by category of impact, gender, age, habitat (village etc), income, status and position • Number of households with handicapped, elderly or invalid members • Number of female headed households • Number of vulnerable households (poor, elderly) • Number of households by ethnic group • Number of births and deaths
Consultation and participation	<ul style="list-style-type: none"> • Number of consultation and participation activities that occur—meetings, information dissemination, brochures; flyers, training • Percentage of IP women as participants; number of meetings exclusively with IP women • Percentage of vulnerable IP groups represented / attending meetings; number of meetings exclusively with vulnerable IP groups. • Languages used at meetings • Good faith negotiations—recording of process, participants, locations, correspondence • Broad community support—record of processes, participants, locations and agreement obtained • Consultation and participation progress against plan and budget
Mitigation measures	<ul style="list-style-type: none"> • Progress of implementation of mitigation / beneficial measures against plan • Number of activities that occur/completed—such as construction, livelihood restoration, disbursements, training • Percentage progress against timelines and budget
Grievance redress	<ul style="list-style-type: none"> • Total number of people/groups using the grievance redress procedure. • Number of distinct people/groups. Any IP group with significantly more grievances? • How many times has a household submitted the same grievance? • Number of grievances resolved? • Length of time taken to be resolved? • Types of grievance categories and prevalence
Implementation problems	<ul style="list-style-type: none"> • Identified delays—(days, cost) due to personnel, capacity, insufficient funds, etc • Number of times implementation schedule revised

Example of Outcome Indicators	
Consultation and participation program	<ul style="list-style-type: none"> • Awareness of IP issues among implementing stakeholders in each sector • Awareness of IPP mitigation and beneficial measures amongst recipients • Awareness of project details amongst stakeholders • IP perception of effectiveness, cultural appropriateness and inclusiveness of consultation measures • Attendance at consultation and participation activities Level of involvement by IP and representatives in the design and implementation of consultation and participation
Enhanced dignity of IP groups, integrity of	<ul style="list-style-type: none"> • Changes in religious/cultural practices • Changes in cultural governance • Participation in cultural governance (by gender, status) • Number of people (age and sex) who can speak national language and/or local

Example of Outcome Indicators	
traditional kinship networks and livelihood patterns	dialect <ul style="list-style-type: none"> • Changes in condition of schools, community buildings, temples structures • Numbers of religious/cultural events and persons (monks shamans, priests etc.) • Participation in cultural/religious events (by gender, time/resources allocated)
Livelihoods and living standards	<ul style="list-style-type: none"> • Major asset inventory—e.g. vehicle, phone, tools, kitchen equipment • Changes in patterns of IP occupation, production, and resource use • Changes in income and expenditure patterns among IP households • Savings • Change in food used by IP—amount, nutrition source • Cost of living changes—market prices etc. • Changes in key social parameters—gender roles of production • Vulnerable groups—status, relative income, livelihood • Education—literacy and numeracy level in national/ethnic language • School attendance of IP children (by sex and age) • Key health indicators of IP (by gender, age)