

Resettlement and Customary Communities Development Plan

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Currency Equivalents

(as of January 2018)
Currency unit = Rupiah
\$1.00 = 13,397.00

Abbreviations

ADB	Asian Development Bank
AHs	Affected Households
AMDAL	Analisa Mengenai Dampak Lingkungan (Environmental Impact Analysis)
APs	Affected Persons
CCDP	Customary Communities Development Plan
CCs	Customary Communities
COA	Corrective Action Plan
CSR	Corporate social responsibility
DMS	Detailed Measurement Survey
DivK3L	Divisi Kesehatan, Keselamatan, Keamanan, dan Lingkungan (Health, Safety, Security and Environment Division)
DivPPT	Divisi Perijinan dan Pengadaan Tanah (Permits and Land Acquisition Division)
EA	Executing Agency
GoI	Government of Indonesia
GRM	Grievance Redress Mechanism
IOL	Inventory of Loss
IP	Indigenous peoples
IPP	Indigenous Peoples Plan
KATR/BP	Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional (Ministry of Agrarian and Spatial Planning/National Land Agency)
LAIT	Land Acquisition and Implementation Team
LAT	Land Acquisition Team
MAPPI	Masyarakat Profesi Penilai Indonesia (Indonesia Appraiser Profession Society)
MEMR	Ministry of Energy and Mineral Resources
MOF	Ministry of Finance
NGO	Non-government organization
PIB	Public Information Booklet
PIC	Project Implementation Consultant

PIU	Project Implementation Unit
PLN	Perusahaan Listrik Negara (State Electricity Company)
PMU	Project Management Unit
PPTA	Project preparatory technical assistance
RCS	Replacement Cost Study
RCCDF	Resettlement and Customary Communities Development Framework
RCCDP	Resettlement and Customary Communities Development Plan
ROW	Right of Way
SES	Socioeconomic Survey
SIA	Social impact assessment
SPS	Safeguard Policy Statement
UIP	Unit Induk Pembangunan
UPP	Unit Pelaksanaan Pembangunan

NOTE

In this report, "IDR" refers to Indonesian Rupiah

Definitions of Terms

Affected persons (APs)/ Community/ Households (AHs)	Refers to any person or persons, customary or local community, private or public institution who are displaced (physical or economic) as result of temporary impacts during construction, restriction on land use or on access to legally designated parks and protected areas. The affected community/ households/ person are those who utilize, control, or possess the affected land or non-land objects.
Compensation	Payment in cash or in kind (e.g. land-for-land) to replace losses of land, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, and any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of functioning markets, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.
Customary communities	Communities that live based on ancestral heritage in an indigenous territory and have sovereignty over land and natural resources. Social and cultural life is governed by customary laws and institutions that manage the continuity of life of its people. (Definition according to Aliansi Masyarakat Adat Nusantara AMAN [Indigenous Peoples Alliance of the Archipelago] in the First Congress in 1999 still in use today.)
Cut-off date	Refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as AP, regardless of tenure status. In this project, the cut-off date will be the final day of the census of APs and the detailed measurement survey (DMS) of APs' land and/or non-land assets. APs will be informed of the cut-off date for each project component, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the project.
Displaced Persons (DPs)	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas (ADB IR Source Book, 2012).
Eligibility	Refers to any person who has settled in the subproject area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets (land, space above and below the surface of the land, buildings, plant, and objects related to the land) and/or or ability to access such assets, permanently or temporarily, or (iii) other losses that can be appraised. such as transaction costs, interest,

	on loss of residual land, loss of income sources or livelihood regardless of relocation, profession shift, and other types of loss stated by the assignor, will be entitled to compensation and/or assistance).
Entitlement	A range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the AHDs, depending on the type and severity of their losses, to restore their economic and social base.
Income/Livelihood Restoration Program	<p>This involves re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement (ADB IR Source Book, 2012).</p> <p>This is a program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.</p>
Indigenous Peoples	<p>ADB Safeguard Policy Statement 2009 Indigenous Peoples Safeguards (p. 18):</p> <p>“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.”</p> <p>The term used by PLN in current safeguard documents is customary communities (see above).</p>
Inventory of loss	The listing of assets as a preliminary record of affected or lost assets during the preparation of the RCCDP/RP where all fixed assets (i.e., land used for residence, commerce, agriculture; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; standing crops and trees with commercial value; etc.) and sources of income and livelihood inside the Subproject boundaries are identified, measured, their owners identified, their exact location pinpointed, and their replacement

	costs calculated. The severity of impact on the affected assets and the severity of impact on the livelihood and productive capacity of the APs are likewise determined.
Involuntary resettlement	Refers to physical and economic displacement as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Such displacement can be full or partial, permanent or temporary.
	When the displaced persons have no right to refuse the land acquisition by the state that result in their displacement. This occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated in a process where expropriation will be the consequence of a failure in the negotiation. (ADB IR Source Book, 2012)
Land acquisition	The process where an individual, household, firm or private institution is compelled by an agency needing land for public interest to alienate all or part of the land it owns or possesses to the ownership and possession of that agency in return for compensation at replacement costs.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Negotiated Land Acquisition	The agency in need of land can carry out land acquisition directly with the respective owners through negotiation based on the result of appraisal by an Appraiser or a Public Appraiser for the sake of efficiency. ¹
Rehabilitation	Assistance provided in cash or in kind to project APs (especially the vulnerables) due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.

¹ Per Regulation No. 6 of 2015 of the National Land Agency (*Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 6 Tahun 2015 tentang Perubahan atas Peraturan Kepala Badan Pertanahan Nasional Nomor 5 Tahun 2012 tentang Petunjuk Teknis Pelaksanaan Pengadaan Tanah*) paragraph 53, and Presidential Decree of the Republic of Indonesia Number 4 Year 2016 Concerning the Acceleration of Development of Electricity Infrastructures Article 34

Relocation	The physical displacement of an AP from her/his pre-project place of residence and/or business.
Replacement cost	The value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Resettlement Plan	The social safeguard document that contains the policies and guidelines and time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
Severely affected persons	Those who experience significant/major impacts due to (i) losses of 10% or more of their total productive land, assets and/or income sources due to the project; and/or (ii) relocation due to insufficient remaining residential land to rebuild.
Vulnerable groups	Distinct groups of people who might suffer disproportionately or face the risk of being marginalized by the effects of resettlement and specifically include: (i) households headed by women, elderly, or disabled, (ii) households falling under the generally accepted indicator for poverty, (iii) landless households, and (iv) ethnic minorities.

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EXECUTIVE SUMMARY

1. The Eastern Indonesia Sustainable Energy Access Sector Project (EISEASP) is currently being subject to preparatory activities by Fichtner Consultants as a result of an agreement between the Government of Indonesia and the Asian Development Bank (ADB). The State Electricity Company (PT Perusahaan Listrik Negara or PLN) will be the Executing Agency (EA). It is envisaged that the project will provide expanded access to modern and cleaner energy services in Eastern Indonesia. The EISEASP covers the 5 regions of Eastern Indonesia: Nusa Tenggara, Kalimantan, Sulawesi, Maluku, and Papua.
2. A power station complex, MPP Kupang, will be constructed in Panaf, West Kupang Sub District, Kupang Regency, Nusa Tenggara Timur (NTT) Province and covers the villages of Lifuleo Dusun 4 and Nitneo Dusun 1. The project site is home to the migrant Minfini ethnic group, considered as a customary community in NTT. The Minfini is comprised of 3 clans or families, locally called marga. The complex shall consist of PLTU Timor (Coal Fired Steam Power Plant), Kupang Peaker 1 and Kupang Peaker 2. Kupang Peaker 2 will be financed through an ADB sector loan. There are no associated facilities outside the project plant site which have to be considered regarding Kupang Peaker 2.
3. This Resettlement and Customary Communities Development Plan (RCCDP) is prepared to ensure that livelihoods and standards of living of affected persons and customary communities (APs/CCs) especially of the Minfini are improved, or at least restored and that the standards of living of the affected vulnerable groups are improved or restored by mitigating and providing compensation for impacts, assistance, livelihood sources in line with the ADB safeguard policy statement (ADB SPS 2009). Since compensation payment has been provided to the APs/CCs during the preparation of this RCCDP, a due diligence was conducted in November 2017 followed up by consultations in January 2018 to ascertain that payment of compensation made in June 2017 on lost assets was made in line with the principles of the Resettlement and Customary Communities Development Framework (RCCDF).
4. Scope of Resettlement Impacts. Land required for Kupang Peaker 2 is about 4 hectares located within the 50 hectares of land acquired by PLN in June 2017 for the power plant complex. The land was communally owned by the Minfini customary community (120 households or about 720 persons) as utilized by 23 sharecropper households for croplands and livestock grazing. Specific to Peaker 2, the losses are as follows: (i) 43,100 m² of communal farmland owned by 120 AHs as utilized by 9 sharecropper households, (ii) 6 secondary structures (69 m²) belonging to 6 AHs, (iii) 143 communally owned timber trees, (iv) 33 fruit trees owned by 5 AHs. As the AHs are all customary communities, the 120 AHs are deemed vulnerable and 9 AHs are severely affected because of loss of productive income. Vulnerability takes into account the 3 margas/Minfini families or clans beyond Kupang Peaker 2 or the ADB-financed component inasmuch as land acquisition for Kupang Peaker 2 is subsumed in the overall 50 hectares that is communally owned.
5. Ethnicity, Vulnerability and Gender Issues. Socioeconomic survey was carried out to 22 sharecropper households of which 9 are affected under Kupang Peaker 2. Most (72.27%) of the households trace their origins to the Timor ethnic group while others are from such ethnic groups like Helong, Alor, Belu, and Rote, all of NTT due to intermarriage. The Minfini follows the traditional custom of choosing the head of suku, generally based on consensus among the members of the Suku or based on selection by ancestral descent.
6. About 90% are engaged in farming and the rest are into fishing, seaweed cultivation, livestock raising, and work as motorcycle taxi drivers. The average monthly income of the 22 heads of AHs is Rp2,225,000/ month. About 55% among the 22 HHs have no electricity and use oil lamp for lighting needs, 41% AHs have state electricity as lighting source, and 4% have non-

state electricity.

7. Women are directly involved in dryland agriculture. Men are responsible for land preparation (including land clearing for trees and big bushes) and spraying (grass). Both men and women participate in seeding/planting, maintaining, and harvesting. However, during the fishing season, it is the women who spend more time in farming. Women are also involved in the family decision making process (86.36%). However, with women delegated mostly with domestic chores (85.70%), i.e. daily household activities, women participation to decision making related to material assets become limited (14.30%). A gender strategy therefore has been formulated under this RCCDP.

8. Participation, Disclosure, and Grievance Redress. Meaningful consultations were held with the Minfini customary communities/AHs, District and Subdistrict local governments and down to the village level as coursed through traditional leaders of the Minfini. Issues, concerns and suggestions raised by the Minfini were noted and incorporated in the preparation of this RCCDP. A grievance redress mechanism has been prepared in line with the legal framework and the local practices amongst the Minfini. The summary of this RCCDP in the form of a draft Project Information Booklet (PIB) has been finalized in both English and Bahasa Indonesia. The combined PIBs for environment and social safeguards in Bahasa Indonesia were circulated to the APs on 26 January 2018 along with the invitation for public consultation on environmental and social safeguards. The combined PIBs were likewise distributed during the public consultation on environmental and social safeguards held on 29 January 2018 to the APs, Minfini customary leaders, village offices, religious leader, Kupang Barat Sub District, and Provincial agency of Environment and Forestry. The contents of the PIBs were also explained during the consultation.

9. Legal and Policy Framework. The legal and policy framework for involuntary resettlement and customary communities is prepared based on relevant laws and regulations of the Government of Indonesia related to land acquisition/involuntary resettlement and indigenous peoples, particularly Law No. 2 of 2012 Concerning Land Acquisition for Development of Public Interest and its implementing regulations and the ADB SPS 2009. The objectives of the Project resettlement policy are to avoid, if not minimize involuntary resettlement and customary communities' impacts, mitigate and compensate adverse impacts, restore livelihoods, and improve the living standards of the vulnerable households.

10. Legal Framework and Social Safeguards Policy Principles for the Project. The Project shall, under the aegis of PLN, uphold legal provisions of the Government of Indonesia in harmony with ADB-SPS 2009 safeguard requirements. Pertinent resettlement and customary communities' policy principles for the Project have been prepared and will be properly implemented. The policy principles include meaningful consultations with attention to vulnerable groups, improvement or at least restoration of the livelihood of the APs/customary communities, eligibility of compensation and assistance to APs/customary communities without title or any recognizable legal rights to land, disclosure of social safeguards planning and monitoring reports, commencement of civil works or restriction to use land after compensation payment or other entitlements are provided, and monitoring.

11. Should unanticipated involuntary resettlement and customary communities' impacts emerge during project implementation, PLN shall ensure the conduct of a social assessment and update or formulate a new RCCDP depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in the RCCDF. PLN shall submit these documents to ADB for approval and disclosure on ADB's website and convey relevant information to the APs/customary community.

12. Compensation, Valuation, and Assistance. An entitlement matrix has been prepared to cover any losses and compensation as well as assistance to be provided for the APs/AHs.

Valuation guidelines were developed by the independent appraiser applying fair compensation (full replacement cost) principle and valuation methods for physical and non-physical losses.

13. Compensation and assistance was provided in cash and in kind as by PLN for affected farmlands, secondary structures, and trees, and crops at replacement cost, as determined by an independent appraiser, without depreciation. Assistance is continuously ongoing, extended through PLN's Corporate Social Responsibility unit to cover livelihood/income restoration activities.

14. Income Restoration for Vulnerable and Severely Affected HHs. Customary communities as affected households shall receive additional assistance. Thus, their incomes are envisaged to be increased through benefits from the project. Income restoration and rehabilitation will be delivered by PLN UIP NUSRA through the Corporate Social Responsibility (CSR) unit. The budget allocated for the program for each of the 23 sharecropper households is Rp 17,800,000.00. The 3 margas (that include areas of Kupang Peaker 2) will be provided with assistance.

15. RCCDP Budget. Social safeguards cost will be financed by PLN and compensation for lost assets have been paid the Minfinis. All other remaining costs like income restoration, monitoring and the like will be released in an appropriate and timely manner from Headquarters on to the UIP. The overall budget is IDR 45,286,121,400.00 or USD 3,397,053.59.

16. Implementation Arrangements. PT. PLN (Persero) Head Quarter (PLN Pusat) under the Ministry of Energy and Mineral Resources is the Executing Agency of this project, responsible for overall coordination, policy directions, and administration, including those related to social safeguards. PT PLN UIP will be responsible for implementation of all land acquisition activities under the supervision of the Law and Land Acquisition Manager as assisted by the Land Acquisition Assistant Manager in PT. PLN (Persero) UPP Timor. A Project Implementation Consultant (PIC) will support PLN in implementing this RCCDP. While PIC will be attached to the national PLN office specifically under the Project Management Unit (PMU), the social safeguards consultants will be weaving across project sites to directly support UIP in ensuring social safeguards.

17. The indicative schedule of the various interrelated activities for the preparation and implementation of this RCCDP is shown below.

Activities	Schedule
Finalization of RCCDP	December 2017-January 2018
Distribution of localized Project information leaflet	31 January 2018
Incorporate agri-based livelihood restoration for budget allocation through PLN-CSR	31 January 2018
Set up social safeguard monitoring and disclosure mechanisms and instruments with reference to the RCCDP; to include for monitoring of grievances	1st quarter 2018
Disclosure of RCCDP and DDR – to be disclosed to AHs - posted in both the ADB and PLN project websites as prescribed in the RCCDF with PPT Division as responsible entity	26 and 29 January 2018 March 2018
PLN concurrence of draft RCCDP; ADB approval of draft RCCDP	March 2018
Implementation of income restoration program	Across project stages but to commence before civil works

Internal monitoring (submission of semiannual reports)	Ongoing during implementation; to commence 6 months after loan effectiveness
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18. Monitoring. The Division of PPT (Perijinan dan Pengadaan Tanah) at PLN Headquarters will monitor all activities associated with involuntary resettlement and customary communities - land acquisition, payment of compensation to APs, meaningful consultations, and other aspects. Specifically, PLN-UIPs with the assistance of the PIC will generate the data for the Division of Perijinan dan Pengadaan Tanah (PPT). Potential monitoring indicators have been prepared as well as guidance for the preparation of the semi-annual internal monitoring report. Monitoring reports are subject to review by ADB and posted on the ADB and project websites for disclosure purposes.

19. PLN through its implementing units shall disclose results of monitoring pertinent to the sites specifically to the affected communities/persons in summary form. Community disclosures will be in the language commonly understood by the AHs and posted at a location as agreed with AHs and village leaders.

I. PROJECT DESCRIPTION

A. Background

1. The Eastern Indonesia Sustainable Energy Access Sector Project (EISEASP) is currently being subject to preparatory activities by Fichtner Consultants as a result of an agreement between the Government of Indonesia and the Asian Development Bank (ADB). The State Electricity Company (PT Perusahaan Listrik Negara or PLN) will be the Executing Agency (EA). It is envisaged that the project will provide expanded access to modern and cleaner energy services in Eastern Indonesia. Specifically, the Project covers:

- (i) The installation of gas-fired generation capacity in Eastern Indonesia;
- (ii) The installation of pilot-scale gas and solar hybrid units with energy management systems; and
- (iii) Enhancement of know-how and project implementation capacity within PLN for providing policy feedback to the government for expansion of gas use in Eastern Indonesia, sourcing liquefied natural gas (LNG) and utilizing gas for small- to mid-scale power generation, and operating gas-solar hybrid units.

2. The EISEASP covers the 5 regions of Eastern Indonesia: Nusa Tenggara, Kalimantan, Sulawesi, Maluku, and Papua. The first two core subprojects will be a 100 MW plant in Kalimantan Timur and this 50 MW plant in Kupang.

B. Description of the Kupang Peaker 2 Core Subproject

3. **Location.** The project site for the planned Kupang Peaker 2 will be located southwest of the hamlet Panaf (Dusun Panaf), which is part of the village Lifuleo (Desa Lifuleo), District of West Kupang, Kupang Regency, Nusa Tenggara Timur Province, at the most western tip of Timor island (Figure 1).



Figure 1. General Location of the Core Subproject.

4. The nearest Airport from site is El Tari Airport. From Jakarta to Kupang can be reached within three hours and thirty minutes by airplane (from Soekarno-Hatta International Airport to El Tari Airport). From El Tari Airport to project location can be reached within 60 minutes and the distance is about 40 km. A good asphalt road of 2 (two) lanes connect the airport to main road and a dirt road of about 3 km connects the main road to the site. Access road from the site/Panaf (A) to El Tari Airport (B) shown in Figure 2.

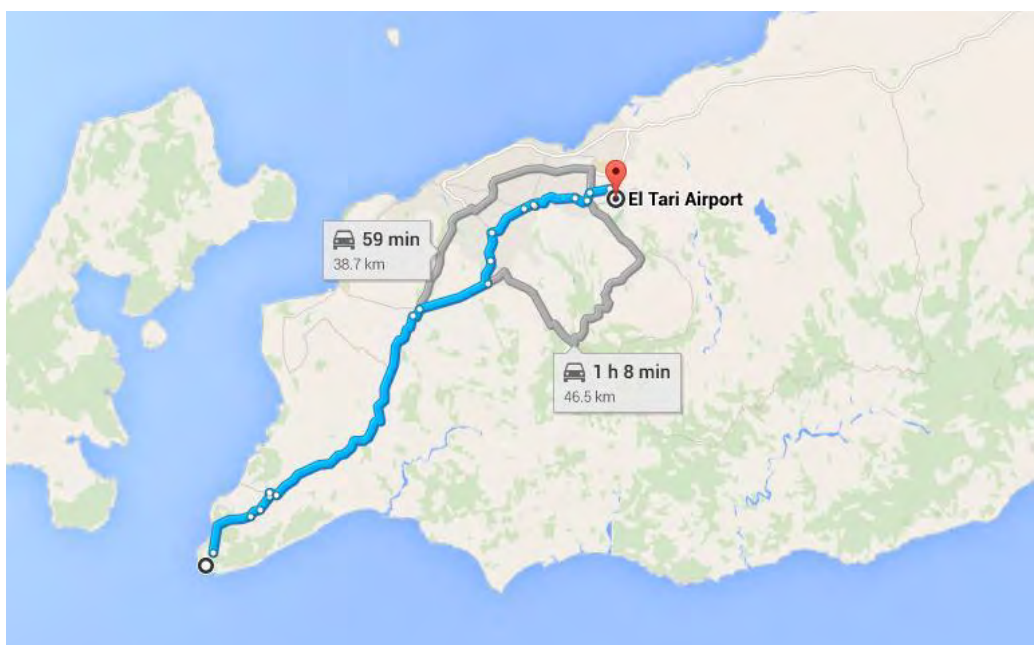


Figure 2. Access Road from El Tari Airport to The Site

5. **Project Concept.** Kupang 2 Peaker will be a gas engine facility capable of running on natural gas (primary fuel) or HSD (secondary/backup fuel) with a power output capacity of 50 MW and shall serve peak load demands (peaking). For the Kupang Peaker 2, the following project-related infrastructure is required:

- (i) Access road
- (ii) Jetty (LNG supply)
- (iii) LNG re-gasification and storage
- (iv) Power evacuation line (interconnection to the Timor transmission system)

6. These project-related infrastructures will already exist by the time construction works commence for the Kupang Peaker 2. The planning of Kupang Peaker 1 is well ahead of Kupang Peaker 2 and would be constructed whether or not Kupang Peaker 2 will be constructed. No upgrading of the facilities is anticipated to accommodate Kupang Peaker 2. Therefore, in the context of the SPS, these infrastructures are not considered as associated facilities of the project Kupang Peaker 2.

7. Kupang Peaker 2 as financed under ADB is only a fraction of the land concerned for the whole PLN complex in Kupang. Inasmuch as the whole complex is owned by the Minfini, social impacts cannot be singly attributed hence an overarching framework for social assessment and not limited on the land associated with Kupang Peaker 2 only. Kupang Peaker 2 will be built at the southern part of the planned Kupang Peaker-1 (see Figure 3).

8. The Project covers the villages of Lifuleo Dusun 4 and Nitneo Dusun 1. The topography of the area is flat. These villages are rural farming communities. The project site is presently used for extensive rainfed agriculture (60 % of the site, mainly corn and peanuts). The rest of the project site (40 %) is secondary bushland with some trees interspersed. The bushland is used for cattle and goat breeding and harvesting of fruits (coconut, cashew).

Table 1. Villages Covered by Kupang 2 Peaker

District	Sub-district	Villages
Kupang	West Kupang	Lifuleo Dusun 4
		Nitneo Dusun 1

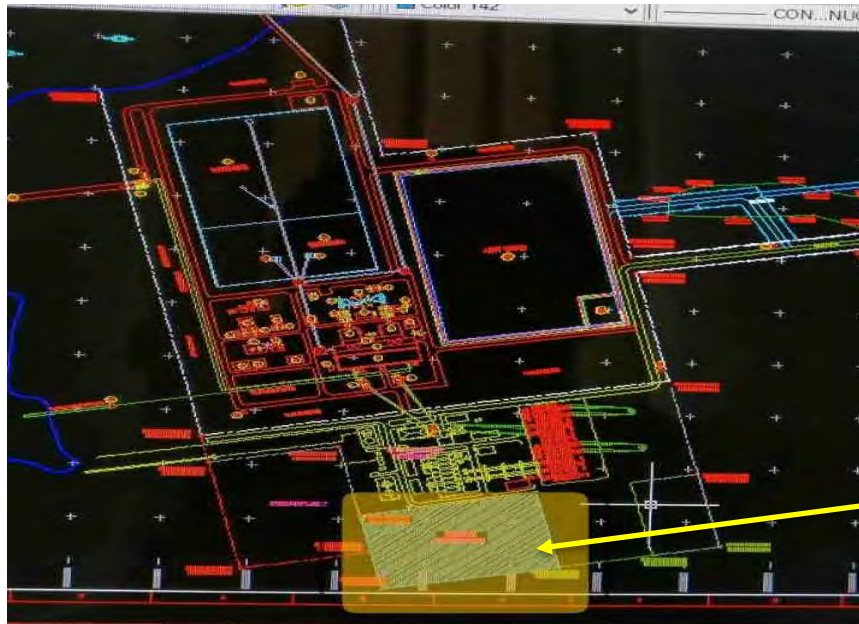


Figure 3. Location of Peaker 2 within the Power Plant Complex

9. The villages of Lifuleo Dusun 4 and Nitneo Dusun 1 are home to the migrant Minifini ethnic group. The Minifini community consists of three families/clans or margas, namely Minifini, Saketu, and Tosi with approximately 120 households.

C. Measures Adopted to Minimize Involuntary Resettlement and Indigenous Peoples Impacts

10. Meaningful consultation and participation strategies were applied to ensure that concerns of APs are addressed and incorporated in this RCCDP. Most especially, negotiations with the Minifini as regards land acquisition for the communally owned (tanah Ulayat) areas for Kupang Peaker 2 as well as the whole facility went through several stages of negotiations. PLN complied with the conditions set forth by the customary community, i.e., avoidance of graves, church, and other community assets. Final site location is the one with least social, cultural and economic impact to the Minifini as determined by them.

11. Fishing in the sea around the project area is one of livelihood sources of the Minifini community in Panaf hamlet, in addition to agriculture. In order to minimize pollution from the project's liquid waste to the sea that will threaten the marine resources and seaweed farming, PLN will build a wastewater treatment plant.

II. SCOPE OF IMPACTS

A. Data Sources on Project Impacts and Replacement Costs

12. **The inventory of loss (IOL) and socioeconomic survey (SES)** for all potential AP losses due to the project was conducted in November 2016 by the PPTA together with PLN staff from UIP and Pusat in collaboration with the customary and local leaders of Lifuleo Dusun 4 and Nitneo Dusun 1 villages with due consultation with the local Kupang Land Office (District Ministry of Agrarian and Spatial Planning/National Land Agency or District MASP/NLA). Survey instruments were crafted pertinent to the project and results of the SES are provided in Appendix 1. The SES covered 22 of the 23 sharecropper households of the whole complex.

13. **Due diligence** towards compliance to IR and IP safeguards was conducted in November 2017 while finalizing this RCCDP. The due diligence found that completion of land acquisition in Kupang with the Minifini customary community was done by the Land Acquisition Implementation Team (LAIT) led by Kupang District Land Office in June 2017. The whole

range of LAIT activities included: (i) detailed measurement of affected assets, (ii) appointment of Appraisal Team for valuation of entitlements, (iii) negotiation of type and amount of compensation, (iv) compensation payment and land title release, potential relocation, (v) handling complaint related with IOL and compensation together with PLN UIP East Nusa Tenggara, and (vi) submission of acquired land documents to PLN UIP East Nusa Tenggara.

B. Project Impacts

14. PLN requires 50 hectares of land for the power plant complex affecting a total of 23 sharecroppers of the Minfini. Kupang Peaker 2 will be built within the complex after the other 2 facilities are constructed. Of the 50 ha, the ADB-funded Kupang Peaker 2 will require at least 4 ha. Table 3 provides the summary of impacts for Kupang Peaker 2. A total of 9 sharecropper households (41 persons) will be affected by the construction of Peaker 2 in terms of loss of land, secondary structures, trees and crops and vulnerability.

Table 2. Summary Impacts of Kupang 2 Peaker

Items	Unit	Quantity
Affected households	HH APs	120 720
Affected Lands (Farmlands) – the farmlands are communally owned by the Minfini,	m2	43,100.00
Affected sharecroppers	HH APs	9 41
Affected Secondary Structures/Buildings		
Affected HHs	HH	6
Number of affected secondary structures	Unit	6
Area of affected secondary structures	m2	69.00
Trees/Timbers; communally owned	Trees HH	143 120
Fruit Trees	Trees AH	33 5
Crops planted	m2 AH	55,450.00 9
Vulnerable AHs for Peaker 2 (sharecroppers)	HH	6*
Poor	HH	3
Elderly-headed	HH	1
Women elderly headed household	HH	4
Poor-elderly headed household	HH	2
Other vulnerable members of the Minfini/customary community for the entire land (50 ha) considered vulnerable.*	HH	114
Severely AHs for Peaker 2	HH	9

* 1 HH may have more than 1 facet of vulnerability

** Treatment of vulnerability as applied by PLN to access livelihood restoration through Corporate Social Responsibility.

15. Based on the social assessment and inventory of loss conducted in October/November 2016, a total of 9 sharecropper households (41 persons) will be affected by the project particular to Kupang Peaker 2. The potential project impacts - permanent and temporary, as well as partial and whole - are:

In terms of Involuntary Resettlement

- (i) Land loss – Affecting 43,100.00 m2 of land communally owned by Minfini community (120 households with 720 members).
- (ii) Loss of communal forest trees/timber – Affecting the 3 Minfini families/clans with a total of 143 trees; mostly Lontar/Tuak and Kosambi
- (iii) Loss of fruit trees – Affecting 5 households with a total of 33 trees; mostly mango and cashew

- (iv) Loss of crops – Affecting all 9 sharecroppers for an overall total of 43,100.00 m² though seasonality of planting various crops (i.e., corn, peanut, pumpkin, and cucumber, watermelon, and bean rice); operationally estimated at 55,450.00 m²
- (v) Loss of structure – These are secondary structures of light materials, purposely for resting places on the farms; affecting 6 households for a total of 69.00 m²
- (vi) In addition to farming, the lost land was used for livestock grazing (cattle, goats, and pigs)

In terms of vulnerability and severity

16. Based on the dichotomy of vulnerability with Kupang Peaker 2 having 9 sharecropper HHs, 6 are deemed vulnerable of which 1 is female-headed, 3 poor, and 4 elderly-headed (noting multiple vulnerabilities of some households), see Table 3.

17. According to the IOL data, all of the 9 sharecropper HHs will lose all of their productive land in the project area (loss of 10% or more of their productive assets), of which the lands are their main sources of income. Two of 9 AHs have other lands for cultivation, while the 7 remaining AHs cultivate on the communal land owned by the Minfini. They can farm in lands near the affected lands owned by the Minfini, with permission from the customary community leader, however soil fertility is different compared to the previous land area.

18. Vulnerability also takes into account the rest of the Minfini clans - beyond Kupang Peaker 2 or the ADB-financed component - inasmuch as land acquisition for Kupang Peaker 2 is subsumed in the overall 50-ha negotiation of communally owned land. Treatment of vulnerability as applied by PLN to access livelihood restoration through Corporate Social Responsibility is rooted on the social organization of the Minfini that is communal in nature. In terms of project impacts on customary communities, the following are underscored:

- (i) Partial loss of Minfini agricultural and non-productive lands, temporarily affecting the loss of income.
- (ii) Positive impact in economic gain might trigger undesired competing claims over benefits amongst the members of the customary community.
- (iii) Improved access to electricity that will support the communities economic and social activities. However, some community's members might have difficulties in paying the connection. To address this, PLN provided free connection to all AHs in Panaf Hamlet in early 2017 through corporate social responsibility (CSR) program as part of project benefit to the communities.

III. SOCIO-ECONOMIC PROFILE OF THE AFFECTED AREAS

19. The project is located in Nusa Tenggara Timur (NTT), an archipelago province with a total area of 47,931,54 km². The capital city is Kupang. Population projections for NTT in 2015 is 5,120,061, consisting of 2,536,872 males and 2,583,189 females.

A. West Kupang Subdistrict

20. West Kupang Subdistrict² is one of 24 subdistricts of Kupang District. The subdistrict consists of 12 villages and 47 sub villages, one of which is Lifuleo village and Panaf sub village where the project is located. The subdistrict has a total land area of 149.72 km² or about 3% of the total area of the District. The total population is 17,541 individuals or 5% of the district population: 3,984 households, 9,129 males and 8,412 females. Population density is 117 persons/km² which is higher than the average density for the district (66 peoples/km²). In 2015, it was reported that there are 609 households (15.3%) categorized as poor.

21. There are 19 Elementary Schools (7 are private schools), 6 Junior High Schools (2 are private), 2 public Senior High Schools,) and 2 Vocational schools. Available health facilities are: 1 public health centre (Puskesmas) in the city of the subdistrict, 10 sub public health

² Kecamatan Kupang Barat dalam Angka 2016.

centres (Pustu), 5 village health clinics (Polindes). In 2015 it was reported the most common diseases are respiratory infections, gastritis and diarrhea. Respiratory infections mainly occur with infants and the elderly.

22. Most of the people in the subdistrict secure water supply from ground and pump wells. About 3,747 or 94% of households in the subdistrict use electricity as source of energy, and 3,699 of 3,747 source electricity from PLN. In Lifuleo Village there are 224 of 282 or 79% of households have existing connections from PLN.

23. Agriculture is the main source of income (70%) of local people in West Kupang Subdistrict producing such crops as corn, peanut, and cashew nut. Rice is produced through rainfed paddies, the productivity of which is dependent on the weather. According to the Kecamatan Dalam Angka 2016, teak is also a main source of income.

24. Livestock production is also key amongst the locals, mainly cows, goats, pigs and chicken. The role of marine fisheries sub-sector recently became important specifically tuna, where the total production for 2015 was 266 tons.

B. The Affected Villages

1. Lifuleo Village Profile

25. Lifuleo Village has an approximate area of 6.80 km² or about 4.54% of the total land area of all villages in West Kupang Sub-district. It is composed of four (4) hamlets; (Dusun 1 Nefo, Dusun 2 Tuadale, Dusun 3 Tuadale, and Dusun Panaf), three (3) community groups (RW/Rukun Warga), and 12 neighborhood groups (RT/Rukun Tetangga). The village is located about 13 kms from the West Kupang sub-district city, and 61 km from Kupang city.

26. The population in Lifuleo Village for 2014 is 1,163 and increased to 1,183 in 2015 (Table 3 – from West Kupang in Figure 2015 - Kupang Statistic Bureau). The total number of HH in 2014 is 275 HH, consisting of 257 male-headed households and 18 female-headed households. There was an increase of 282 HH in 2015, consisting of 263 male-headed household and 20 female-headed households. The average number of household members is 4. Most of the people (99.74%) in Lifuleo Village are Christians, with Protestants having the most number, while only 0.26% is Catholic.

Table 3. Population in Lifuleo Village By Sex: 2014-2015

Year	Men		Women		Total
	#	%	#	%	
2014	584	50.2%	579	49.8%	1,163
2015	595	50.3%	588	49.7%	1,183

27. The customary community in Dusun Panaf is locally known as Suku Minfini comprised of three margas or families with each family represented by customary/suku leaders; namely, Bapak Barnabas Minfini who resides in Dusun Panaf, Bapak Yonas Minfini who lives in Dusun Panaf, and Bapak Usias Saketu who stays in Bolog.

28. Lifuleo is classified as 'Desa Swakarya' (self-help village), in that it has been able to provide for its own needs where surplus production from agriculture and fisheries are being sold to other regions.

29. The agriculture sector in Lifuleo Village absorbs the largest workforce, with 68.2% farmers, followed by fishery with 24.9% fishermen. Those in the government service (Civil Service/PNS, Police/POLRI) comprise the smallest population.

Table 4. Population in Lifuleo Village by Type of Job: Year 2014-2015

Type of Job/Employment	2014 (Person)	2015 (Person)	
		#	%
Civil Services/PNS	5	5	0.6%
Police/POLRI	1	1	0.1%

Type of Job/Employment	2014 (Person)	2015 (Person)	
		#	%
Entrepreneur	40	40	4.8%
Retired/Pensioner	2	2	0.2%
Farmers/Swidden	573	573	68.2%
Fishermen	209	209	24.9%
Others	10	10	1.2%
Total	840	840	100.0%

30. Number of educational facilities in Lifuleo Village is described in Table 6. For the years 2014 and 2015, the number of educational facilities remains at 3 units, consisting of one (1) school for Early Childhood and two (2) buildings for Primary School. Likewise, the total number of teachers for both Early Childhood and Primary School is 22. There is a slight increase in the number of pupils for Early Childhood for the year 2015, but a significant decrease in the number of students, about (less 13 students) under Primary School for the year 2015.

Table 5. Education Facilities in Lifuleo Village: 2014-2015

Education Facilities	2014		2015	
	Early Childhood	Primary School	Early Childhood	Primary School
Number of School	1	2	1	2
Number of Teacher	1	21	1	21
Male	7	96	8	86
Female	5	85	6	82

31. In 2015, the number of HHs with access to information and communication facilities in the Village is 670, consisting of 60 HHs with television, 60 HHs with satellite television, and about 550 HHs having mobile phones. The number of HHs with lighting facilities sourced from PLN is 222 in 2014, with a slight increase at 224 HHs for 2015. The HHs with no electric power rely on battery-operated lamps, torches, and kerosene lamp locally known as pelita/petromak/sentir, number about 57 in 2014 and 55 in 2015.

32. The number of HHs that source water from pumped wells is 105 HH for 2014 and there was an increase of 25 HHs for 2015. The HHs with Dug wells (without pump) numbered about 144 in 2014 and increased to 227 in 2015. 30 HHs source their water from natural springs (2014 and 2015).

33. Most HHs in the community have access to sanitation facilities. There are about 211 HHs with their own latrines, while approximately 27 HHs use communal latrines. There are two types of houses in the village; namely, permanent house, having an established foundation with a more stable structure, and semi-permanent house, with less stable structure. 235 HHs have permanent houses, while only 3 HHs live in semi-permanent houses. The village has three types of roads, asphalted roads (total length of 2.6 kms); paved roads (20.9 kms) and dirt/earth roads (4 kms). Data from the road management authority shows that the roads in the village are classified into three types. These are provincial roads (4 kms), district roads (11 kms) and the village roads (12.5kms).

34. Panaf Hamlet. Prior to 1974, Panaf Hamlet was part of the Suku Minfini Land. Dusun Panaf is composed of one community group, the RW/Rukun Warga, and one neighborhood group called the RT/Rukun Tetangga. The total number of households in Dusun Panaf is 37, consisting of 34 male-headed households and 3 female-headed households (Damaris Saketu, Juliana Saketu, and Mama Naema). The average number of members per household is 5. Before the year 1993, Panaf Hamlet in Lifuleo Village was part of Nitneo Village (Hamlet 5). Due to current administration procedures, both Panaf Hamlet in Lifuleo Village and Nitneo Village remain separated until now.

35. The role of women (especially mothers) was very dominant in domestic affairs, particularly in the provision of clean water. Of the total 37 HHs, three HHs were initially headed by women (Damanik Chairman, Yuliana Saketu, Mamanaema Sakitu). This recently increased

to nine female heads of households. Most of the current HH female-heads are now categorized as elderly / frail.

36. Community work is the general norm in the farming village. While farming remains the main livelihood activity in the community, fishing activities are also conducted on a seasonal basis. Other minor livelihood activities in the community are, seaweed farming, and livestock raising (cow, goat, pig).

37. Based on household features in Panaf Hamlet, the members of the 37 households work as farmers and the members of the other 20 HHs earn their income from occasional jobs such as seasonal fisherman while the members in the remaining 5 HHs are engaged in informal contractual work with other local households particularly in seaweed cultivation.

38. It was reported that the revenue obtained from farming for a 1-year period reached at least Rp 30 million per year. Agricultural crops produced during a one-year period include: beans, corn, coconut, mangoes, oranges, merungga/merunga, cashew, papyrus, tamarind, etc. Most of the farmlands are usually cultivated by all members of the tribe and in cases where the land is cultivated by people other than the owners themselves, revenue-sharing will apply. In some cases, landowners will share 20 corn belts, where 1 belt contains 20 grains of corns. The period for planting and harvesting of corn / peanut takes 3 months.

39. Each family in the village is allotted a half-hectare in Minfini customary land for farming purposes on an informal basis. However, if people from outside of the Minfini group wish to work on the said land, this would require a letter from the head of the suku.

40. The fishing period is between the months of December and April. In October, when the rain starts and agricultural lands are usually prepared for farming. Planting and/or seeding on the farmlands starts in early December and harvest season commences in the month of May.

41. General government assistance received by Desa Nitneo includes road improvement, rice subsidies for the poor in Raskin and the PNPM Mandiri, the General Government's National Program for Community Empowerment.

42. Based on records from the Village Secretary of Desa Lifuleo, the female-headed households in each dusun in Desa Lifuleo, as well as village people from Raskin are recipients of rice subsidies from the pro-poor program (Table 6).

Table 6. Female-Headed Households and Beneficiaries under Raskin in Lifuleo Village

Dusun Desa Lifuleo	# Female Headed HH	# Beneficiaries of Raskin Program
Dusun 1 Nefo	6	17
Dusun 2 Tuadale	4	3
Dusun 3 Tuadale	9	19
Dusun 4 Panaf	4	10

43. Posyandu activities are conducted every month (every 17th of the month) for toddlers. Women who give birth, normally go to the health center (Puskesmas) in the district, which is located approximately 15 kms away. There are no midwives to assist in births in the Lifuleo Village.

44. The distance from the main village in Dusun Nitneo to the school is about 8 kms. Students usually attend school from 8 am – 2 pm. There are no transport vehicles in the area, hence, the village people commonly walk from the hamlet to their destination. The women in the community aspire to have a school constructed within the community, so that children do not have to walk so far. The village allotted a 2-hectare land north of Puskesmas Pembantu, for the location of a new school. The distance from the village to the proposed school would be only 100 meters.

45. As regards water supply, the village received a donation to construct a well from Kupang regency in 2007 which is constructed at a distance of 1 km from the settlements.

Another well was being drilled at the time of the field assessment (Figure 4). In Hamlet Panaf, the village constructed water tanks.



Figure 4. Drilling for water towards well-construction at the Desa Compound

2. Nitneo Village Profile

46. The land area of Nitneo Village is approximately 5.86 km² which is about 3.91% of the total land area of all villages in West Kupang Sub-district. The geographic characteristic of the village is mostly sloping. It is located about 4 meters above sea level. Nitneo Village is composed of 5 hamlets, 5 community groups (RW/Rukun Warga), and 12 neighborhood groups (RT/Rukun Tetangga). The village is located about 7 km from the capital of West Kupang sub-district, and 50 km from the Kupang, the provincial capital city.

47. Nitneo village is also categorized as 'Desa Swakarya' (a self-help village). Based on records from Kupang Statistic Bureau, the total population in Nitneo Village for 2015 is 1,340, consisting of 692 males and 648 females. The population density of Nitneo Village for 2015 is 229 inhabitants/km². The total number of households is 285, and the average number of household member per HH is 5. Majority of the people (96.18%) in Nitneo Village are Christians (mostly Protestant), while about 3.59% are Catholics. There is also a small number of Moslems (0.23%) in the community.

48. The agricultural sector in Nitneo Village has the largest labor force, with 91.6% farmers followed by the entrepreneurial sector (2.9%) as shown in Table 7 (NTT Statistical Bureau). The other sectors are casual labor (2.2%), civil service (1.8%) and private sector (0.9%). There is only 1 person in the police/army, one in fishing, and one retired.

Table 7. Population in Nitneo Village by Type of Job: 2015

Type of Job/Employment	2015	
	#	%
Civil Services/PNS	15	1.8%
Private Sector Employee	7	0.9%
Police/POLRI	1	0.1%
Entrepreneur	24	2.9%
Retired/Pensionary	1	0.1%
Farmers/Swidden	751	91.6%
Fishermen	1	0.1%
Labor (construction workers)	18	2.2%
Others	2	0.2%

Type of Job/Employment	2015	
	#	%
Total	820	100.0%

49. The number of educational facilities in Nitneo Village is presented in Table 8. In 2014 and 2015 there were 3 educational facilities consisting of two Primary schools and one Secondary School. Likewise, the total number of teachers for Primary School is 32. There are about 305 students enrolled in Primary school.³

Table 8. Education Facilities in Nitneo Village: 2015

Education Facilities	2015	
	Primary School	Secondary School
Number of School	2	1
Number of Teacher	32	n.a
Number of Students	305	n.a

Source: West Kupang in Figure 2015, East Nusa Tenggara Statistical Bureau

50. There are two (2) units of Neighborhood Health Centers (Posyandu) in the community. These Health Centers are manned by at least 12 health workers (Tenaga Kesehatan/Nakes) comprised of 1 midwife, 1 nurse, and 10 health personnel of Posyandu cadre (active cadre). In addition, there is one (1) traditional birth attendant (TBA) who assists in childbirth.

51. The community people source their water from either well pumps or dug wells. In 2015, almost 137 households regularly obtained their water from covered well pumps, while an approximate 150 HHs relied on dug wells as source of water. For sanitation facilities, about 268 HHs used their own latrines while 19 HHs used the communal latrines. In 2015, approximately 201 households in Nitneo Village resided in a permanent house, while 72 HHs stayed in semi-permanent houses. Almost 14 HHs lived in non-permanent or temporary dwellings (darurat).

52. Records on the information and communication facilities for the village showed that 215 HHs own a television set (TV), 71 HHs have satellite television, and 267 HHs have their own mobile phones. Data regarding source of lighting in the village for the year 2015 revealed that about 241 HHs have ready access to lighting from PLN (Electric Power provider), while about 21 HHs rely on battery-operated lamps, or torches (pelita/petromak/sentir obor).

53. The length of village roads in this area covers approximately 1.5 kms of asphalt roads and 6.0 kms paved roads. As per records from Road Management authorities, the existing roads 3 kms provincial road, 2 kms district roads, and 8.65 kms of village roads. The number of private transportation vehicles that are owned by the community members include; 1 unit six-wheeler vehicle (covered), 8 cars, 85 motorcycles and 18 bicycles. For the public transportation vehicles, there are 4 mikrolet, 4 pick-up trucks, 1 six-wheeled truck, and 16 tricycles (ojek).

C. The Affected Households

54. While there is an estimated 120 Minfini households belonging to the affected 3 margas, the survey was conducted covering the 23 Minfini sharecropper households for the whole power complex noting that Kupang Peaker 2 to be funded by ADB affects 9 sharecropper households. Survey results in tabular form are found in Appendix 1.

55. The customary procedure to avail of land for cultivation with the Minfini is as follows:

- (i) For the Minfini ethnic (Minfini, Saketu and Tosi families): a request is made to the head of the Minfini leader (Yonas Minfini). They commit to provide 7 kg of peanut per year to the community through the leader. Permit is valid for three years and there is no limitation on how wide the requested land shall be. They may request per their capability to cultivate.

³ Kecamatan Kupang Barat Dalam Angka 2016.

- (ii) For sharecroppers who are non-members of the Minfini ethnic: They similarly make their request through the head of the Minfini (Yonas Minfini) and pay Rp 50,000 for administrative fees and about 50 kg of corn just once time, normally when the request is made. They too are required to commit 7 kg of peanut per year to the Minfini leader. Permit is valid for three years and like the Minfini, there is no limit on the number or width of the plots as long as they are capable of tending these.

56. People outside of the Minfini family request for land to be cultivated because productivity per sqm in Minfini land is better compared to other lands outside. They only cultivate and harvest once a year and after harvesting they hold a customary ceremony (with prayers) to be attended by all of sharecroppers. During this ceremony, they evaluate all permits that have expired and need to be renewed.

57. Results of the PPTA survey of 22 sharecropper households in the direct project areas in Kupang (i.e. Desa Lifuleo and Desa Nitneo) reveal that the average age of the AH head of ranges from 21-40 years (for Desa Lifuleo) and 41-60 years (for Desa Nitneo). The same survey also shows that majority (72.72%) of heads of AH are classified as belonging to the productive age group and that about 27.27% of them are aged over 60 years. They are also identified as heads of vulnerable AHs, since most of them are elderly parents or grandparents who live with their children or grandchildren. Almost all heads of AH in the direct project area are males (81.82%) while there are only 4 female heads (18.18%).

58. Survey results further reveal that most (81.82%) of the heads of HH in the direct project area are married, while about 13.64% are widows or widowers. It was found that marital status is a relevant factor in being considered as having the capability for livelihood management. Resettlement policy should take this into account, considering that widows are likely to live in relatively more unstable socio-economic conditions.

59. The survey showed that almost all of the 22 AHs in the direct project areas in West Kupang sub district specifically in Desa Lifuleo and Desa Nitneo are engaged in farming as a livelihood (91%). About 5 of the respondents surveyed (23%) stated that seaweed cultivation is their secondary livelihood. Seaweed production was attempted by the 5 households but did not succeed due to persistence of disease hence was discontinued even prior to PLN negotiations. Other secondary livelihood activities include, fishing (9%), motorcycle taxi driver (5%), livestock raising (5%), and craftsman (5%).

60. About 11 respondents (50%) travel a distance of more than 4 kms to work. Hence, the proposed project will not cause direct impact on their work activities even if they would have to move to a new location. Only about 7 AHs (32%) travel a distance of less than 1 km from their residence to the workplace. These AHs may be affected when land acquisition activities are carried out. Their work activities may be disrupted and may need assistance, either before and/or after they are transferred to a new location.

61. Based on results of the PPTA survey, the average monthly income of the 22 heads of AHs is Rp2,225,000/month. The rest, or about 23% of respondents have monthly income in the range of > Rp 1,000,000 – 1,900,000/month and another 23% with income >Rp 3,000,000 – 3,900,000/month. About 18% or 4 households have monthly income RP 900,000 and less. One household declared a monthly income of Rp 4,000,000 – 4,900,000 and about 14% or 3 households did not respond to the query.

62. Households mainly use their income for consumption. The PPTA survey shows that there are nine (9) types of expenditures by AHs every month, namely; food, transportation, housing, electricity, water, education, health, saving, and entertainment. The average cost of monthly expenditure by AH is Rp3,714,314. Food is the largest expenditure with an average spending of Rp 1,092,727 or 29.42% of the total income.

63. The electronic goods owned by most of AHs in the direct project areas in Kupang are mobile phones (50.00%) and television (22.70%). The main mode of transportation (90.90%) of people is by motorcycle, which are mostly privately-owned.

64. The main source of clean water for cooking and drinking as well as bathing and washing in the direct project areas is from privately-owned wells (59.09%). About 36.36% of the people rely on public wells/water channels for clean water. A minimal number, about 4.55% the AHs buy bottled water, thus are able to afford enough to purchase.

65. Most (55% or 12 AHs) households in the direct project areas have no electricity as they use solar and oil lamp for lighting needs (Figure 5). Only about 40.91% AHs have state electricity as lighting source, while 4.55% have non-state electricity.

66. As regards sanitation facilities, the survey result showed that all of AHs already have their own bathroom. For defecation, 59.09 use latrine with septic tank, while 31.82% use cubluk and about 9.09% use helicopter toilet. For waste disposal, all AHs usually burn household waste in the yard or near home.

67. Only 13 out of 22 AHs had been sick in the last 1 month. The types of disease/illness affecting the AHs in the last 1 month are influenza (38.5%), respiratory diseases (15.38%), stomachache (15.38%), cough (15.38%), diarrhea (7.69%), and skin diseases (7.69%). Most of AHs (77.27%) visited the Public Health Center for medical check-up or treatment.



Figure 5. Typical house at the project site using solar panel for electricity. Since early June 2017 all houses in Panaf hamlet use electricity connection from PLN.

68. Survey result shows that most of AHs in the direct project area received government assistance (54.44%). Regarding government assistance on health, only 40.91% availed of assistance while 45.45% have not.

69. For community activities in the direct project area, about 68.18% respondent-AHs stated that they actively participated in their community activities, while 31.82% did not participate. Most AHs are actively involved in religious activities compared with social activities. There are many groups for religious activities, i.e. men's group, women's group,

elderly group, and youth group.

70. Based on PPTA survey of 22 AHs in the direct project area, women are directly involved in the family decision making process (86.36%). However, women are mostly involved with domestic chores (85.70%), i.e. daily household activities, child education and health, social and marriage, household spending/expenditure, as well as home improvement (small improvement). Hence, women participation in decision making related to material assets is still very limited (14.30%).

D. Ethnicity

71. During community discussions conducted in both Bahasa Indonesia and Helong, reference was made to Ensiklopedi Suku Bangsa di Indonesia by M. Junus Melalatoa, Ministry of National Education (1995). The community identify themselves to be “Suku Minfini” consisting of 3 margas (families/sub-suku): Saketu, Tosi, and Minfini. Together, the 3 margas are known as Suku Minfini. The head of Suku Minfini along with the anak suku (members of the suku) averred that Suku Minfini came from Timor Tengah Selatan. They accordingly belong to the Amanatu race, who temporarily resided on Semau Island and eventually settled in Panaf as their ancestor married a woman from Panaf. They were able to acquire their land in Dusun Panaf for settlement and farming thus Dusun Panaf is an old village as far back as the Dutch colonial era. Suku Minfini was able to extend to the rest of Lifuleo Village and Nitneo Village (See Table 2). All of the land area in the hamlets belong to Suku Minfini, traditionally called “Tanah Suku Minfini” (customary land).⁴

72. Through years of intermarriage, the Minfini still mainly trace their roots with Timor ethnic specifically Dawan and some to be Helong. The prevailing language is Helong. Table 9 shows the affinities of the 22 AHs per result of the SES. Most of the heads (72.27%) of AH trace their origins from Timor/Dawan. Other heads of AH (22.73%) are either from Alor, Belu, Helong, or Rote.

Table 9. Ethnic Affinity of AHs

Village	Suku/Ethnic Group					Total
	Alor	Belu	Helong	Rote	Timor/Dawan	
Lifuleo	1	1	-	1	10	13
Nitneo	-	-	1	1	7	9
Total	1	1	1	2	17	22

73. The Dawan ethnic group traces its roots with the Persehatian Orang Timor (POT). The nearest neighboring ethnic group is the Tui who came from the tribe of Helong from Besmara Semau. A project amongst the customary communities will be conducted to determine the boundaries between the Minfini and Tui, currently marked with large pillars/stones around the boundary.

74. Suku Minfini follows the traditional custom in choosing the head of their suku; based on consensus among the members of Suku or based on selection by ancestral descent. Leadership is patriarchal whereby the eldest son/male heir is appointed as Head of Suku/customary leader. All decisions regarding land use are discussed with the customary leader. There are 4 main important places/resource for the Minfini: burial area of ancestors, settlements, church, and agriculture land. The Minfini lives by strict adherence to local customs and wisdom in order to maintain social order and mutual cooperation.

75. As regards vulnerability, the vulnerable sector is a distinct group of people who might suffer more or face the risk of being further marginalized due to the project. Per Law No. 39/1999 on Human Rights (Art 5 elucidation), it specifically includes i) households headed by women, ii) household heads with disabilities, iii) households falling under the regional poverty line, and iv) elderly household heads. The Minfini villages are considered as ‘Desa Swakarya’

⁴ Use of the term “suku” is as how the Minfini actually identify themselves during the interviews and consultations. Suku as translated in English may refer to ethnic group, tribe, people, clan, or family.

by the Government of Indonesia which are able to fulfill its own needs, where production surplus (i.e. agriculture, fisheries) is sold to other regions. According to Government of Indonesia, Desa Swakarya can be characterized as: having influence from the outside or external influence that leads to social change - a change in mindset; community/people adopt to changes regardless of customs/traditions; productivity increase; and facilities and infrastructure increase. With respect to socioeconomic terms, the Minfini may not be considered vulnerable.

76. As with vulnerability indicators the Minfini (i) lack of formal recognition (certification) of adat rights over land and natural resources and transfer of land to outsiders. Recognition is informal though made official by the Bupati with respect to PLN processing of location determination. However, the Indonesian legal framework recognizes customary community rights; and (ii) have generally poor land quality for agriculture, most are non-productive lands. The educational level of Minfini is similar to other groups in the surrounding regions in Kupang Barat. Most of Minfini older generation did not go to school or graduated from elementary school, while currently there are many young people with high schools and university. Community health services are generally located at the village or sub district level, while at the hamlet level, Posyandu serves as a community center for health care and family planning managed for and by communities with technical support from health workers. There is no public transportation from the city to the hamlet Panaf and access road to the village about 3 km will be built in 2018. The electricity connection to the households in Panaf hamlet was just obtained in early in 2017.

E. Gender Relations

77. NTT is one area that is traditionally patriarchal, and that women are regarded as second class citizens in society. This is quite apparent in how communities do not consider women as equal citizens with men in many aspects of life, especially in decision-making process. This perspective is ingrained within the tradition which was internalized and became part of community life.

78. The social roles and position of women in Kupang, including Desa Lifuleo is influenced by adat/tradition in NTT culture, which is very patriarchal, and consigns women in a position unequal to men. Nature and social relations between men and women is reflected in the role that men are the breadwinner and women are the caretaker. Men are destined to being outside the house becoming breadwinner for the family, while women are assigned as caretaker/house-steward or designation to do a variety of domestic activities in the home. This limits the women to have access to or participate in activities which benefits the family and get involved in public space. The roles and functions of women are limited and do not have the same opportunity and space to express their ideas/opinions, speak in public, and confined to the domestic (household) space. Hence, the women are effectively limited from public positions of leadership.

79. Similar situations are also prevalent in the rights and access to land. Women in Kupang, in particular in Desa Lifuleo, have no rights and direct access to land. Land inheritance is based on sex (biological). Land assets as well as the authority to utilize the land is provided only to the men. For customary land such as in Dusun Panaf Desa Lifuleo, the authority to use the land is controlled by the customary head of the community, which is always the male. If the head of customary community dies, then land inheritance will be given to the first male child, then onwards (second male child, etc.). Women only have access to cultivate land with her husband or the men in her family (nuclear or extended family). Women do not have a voice and rights in decisions related to land use.

80. Based on discussion in Dusun Panaf, Desa Lifuleo, both men and women are involved in dry land farming activity. Men are directly responsible for land preparation (including land clearing for trees and big bushes) and spraying (grass). Both men and women participate in seeding/planting, maintaining, and harvesting. However, based on discussions with the

women group, in general and most especially during the fishing season, it is the women who spend more time in farming compare to the men. Women wake up at 6 am and do domestic work (prepare drinking water, prepare breakfast, take care child) until 8 am. After domestic works are completed, they do farm work for about 4 hours (8 am to 12 pm). They usually break for lunch, and go back again to the farm in the afternoon (3 or 4 pm – 6 pm). Men usually go to farm field in the morning (8 am to 12 pm), and take a rest until afternoon. Men will go out again during night for fishing. In the tradition of community in east, including in Dusun Panaf, all domestic work is the responsibility of women. Except under certain conditions, i.e. wife (women) was sick, pregnant, or just giving birth; then men (husband) will do domestic work. Women tend to work longer hours than men because they are primarily responsible for domestic chores (cooking, cleaning, child rearing, and taking care of elderly), and increasingly assuming responsibility for household food security.

81. During the public consultations with community people (men and women), the discussions were dominated by the men. It was also noted that the community in Dusun Panaf knew about the PLN project, and have agreed to release their land as confirmed by 3 custom leaders (Bp Yonas Minfini, Bp Barnabas Minfini and Bp Usias Saketu). The people also stated that they still have access to other locations as a substitute for agricultural land. Community (men and women) also expressed their excitement over PLN project, with the hope that they can easily and automatically have access to electricity.

82. Women expressed their concerns regarding the implications of the loss of their farmlands. Opening new agricultural lands is not as easy as conveyed by the men. Women spend significantly longer hours in the field than men aside from other domestic chores. Land clearing for farming purposes will increase the workload of the women especially if alternative farmlands increase commuting time, further limiting opportunities for women to participate in community undertakings. Women are not encouraged to express their opinions in public especially when men are present.

83. With due respect to NTT customs and traditions, women's participation to project activities should be ensured and that they be given the same opportunities and rights to articulate and express their opinions and concerns and directly participate in socialization events. Further, the womenfolk request for increased access to electricity for Dusun Panaf, Desa Lifuleo.

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

A. Consultation and Participation

84. Meaningful consultation is upheld under the ADB SPS 2009 to ensure issues, concerns, voices and potential of affected households are incorporated in the project preparation, implementation, monitoring and reporting. The following elements are included:

- (i) Begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;
- (ii) Provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;
- (iii) Is undertaken in an atmosphere free of intimidation or coercion;
- (iv) Is gender inclusive and responsive, tailored to the needs of disadvantaged and vulnerable groups; and
- (v) Enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues;

85. Meaningful consultations will be carried out with the entitled parties/APs including vulnerable groups to ensure participation from planning up to implementation. Particular attention will be provided to the needs of vulnerable group and ensure their participation.

86. Concurrence by customary community. While the project does not require consent or broad community support in the technical sense⁵, concurrence is much desired in all activities involving customary communities at each stage of the project. An issue in conducting consultations with customary communities is establishing proper representation and ensuring their preference for internally selected spokespersons, who may not be the same as the formal leaders of the administrative units. When several customary communities are likely to be affected, the consultation process needs a cross-section of said groups. The number of people from each group should be proportional to the effects the project will have on it and each group may have its own leader/representative.

87. Meaningful consultation and participation with customary communities possess the key elements: (i) appropriate mechanisms and structures for carrying out consultation and building participation; and (ii) specific activities that will enable customary communities to engage in the project to be conducted.

88. Consultation with customary communities across project stages will have to observe the following: (i) Logistical arrangements shall be coursed through prevailing customary structures and processes – either through traditional leaders or consensus amongst the community members; and (ii) Minutes will be documented in a language understood by the customary communities and disclosed to them.

Amongst the Minfini, decision-making to engage in consultation and project-related activities is through the heads of the three margas/Minfini families (Bp Barnabas Minfini, Bp Yonas Minfini, and Bp Usias Saketu). Observance of traditional ceremonies is upheld during decision-making processes. (Bp Barnabas Minfini, October 2016)

89. It is emphasized that with this sector loan, consultations had been ongoing prior to loan preparation. As such, the PPTA consultations and studies were running parallel to PLN initiatives. Much of the information for the consultations made per Law 2/2012 requirements were generated from the DDR.

1. Consultations at Planning Stage

90. Planning activities for the Kupang Power Plant Complex began as early as 17 October 2013, when the Governor of East Nusa Tenggara issued a letter issuing a Principal Permit for Power Plant Development within the province. On 11 September 2014, the Kupang Regent released a letter in Conformity with the Project Plan for inclusion to the District Spatial Planning.

91. Technical studies ensued and by 15 October 2015, the General Manager of PLN UIP Nusra sent an official letter to the Governor of East Nusa Tenggara requesting for Location of Determination for PLTU Timor 1 and PLTMG Kupang Development Plan. After almost a year - 16 August 2016 - PLN UIP Nusra followed up with the Office of the Governor through a letter Requesting Follow up of Development for PLTU Timor 1 and PLTMG Kupang Development Plan.

92. During this time, PLN commenced with the planning for appropriate CSR activities in

⁵ Broad community support is required for the following: (i) commercial development of their cultural resources and knowledge of indigenous people; (ii) physical relocation from their traditional or customary lands; (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 of indigenous people. the project shall seek the consent of affected communities. Consent will be in the form of broad community support. When the project entails any of the four types of project activities requiring consent of affected customary communities, the project should carry out an engagement process by conducting meaningful consultation and good faith negotiations that lead to broad community support. (ADB SPS 2009)

Kupang that would take effect in a timely manner parallel to planning and preparation stages on to implementation. In order to plan for CSR, consultations and social assessment of the area took place from 2014 to 2016.

2. Consultation at Preparation Stage

93. Constant coordination was made with the Governor's Office at preparation stage that resulted in a letter issuance from the Governor of East Nusa Tenggara to constitute and delegate a Land Acquisition Implementation (LAIT) for PLTMU Timor and PLTMG Kupang to Kupang District on 10 June 2016 (Appendix 2).

94. Results of feasibility studies conducted by PLN were made known to the Minfini customary communities who then rejected for their land to be used for the project. Based on the study that was conducted, the demarcated estimation for project location was perceived by the Minfini to affect their ancestral cemetery and church and would thus require relocation. will be affected (relocated). Further, the Minfini proposed that PLN would lease their land for 30 years.

95. Intensive consultation with the customary communities and their traditional leaders was conducted for more than 3 months. A joint inspection between the PLN UIP Survey Team with the Minfini customary community was conducted on 28 September 2016 to demarcate the potential project location (See minutes in Appendix 3). It was then that the Minfini were convinced that their ancestral cemetery and church would not be affected by project. Social acceptability for the project ensued, with the Minfini supporting the project plan to acquire their land for project. Soon after, another major consultation was conducted on 18 October 2016 (minutes provided in Appendix 4).

96. On 04 November 2016, the Bupati Decree was issued for the Establishment of the Preparation Team for the Development of PLTU Timor 1 and PLTMG Kupang paving the way for the following:

- (i) Issuance of the Location Determination from Kupang District on 6 February 2017 (Appendix 5);
- (ii) Disclosure of Location Determination in the local Newspaper on 15 March 2017;
- (iii) Letter from the General Manager of UIP Nusra sent to the District BPN requesting for the implementation of Land Acquisition dated 03 March and 27 March 2017 (Appendix 6); and
- (iv) Letter-request on 06 March 2017 from the General Manager of PLN UIP Nusra for the Establishment of KJPP Dwi Haryantono Agustinus by BPN to Appraise Unit Rates (see also in Appendix 6).

97. The LAIT was headed by Head of BPN Kupang District office, the members consist of: (i) Land Agency under the Bupati Office, (ii) several sections under the BPN Kupang District, (iii) Head of Sub district and (iv) Head of Village. The LAIT established Satuan Tugas A (Satgas A-Working Unit A) to hold detailed measurement survey and Satuan Tugas B (Satgas B-Working Unit B) to examined legal/juridical data of land ownership.

3. Consultation at Implementation Stage

98. The first activity conducted immediately prior to the implementation of land acquisition was the socialization for the Minfini last 18 April 2017 (see minutes in Appendix 7). The detailed measurement survey (DMS) followed right after socialization and results were disclosed to the Minfini as well as posted at the church in Panaf Sub village and the Village Office in early May 2017. The DMS result was also published in the local Newspaper on 03 May 2017. The DMS conducted by LAIT- Satgas A of Kupang District as well as the negotiations for unit rate of assets were performed. Cut-off date was set at 03 May 2017.

99. Appraisal of affected assets was done by an Independent Appraisal on May 2017 and results were disclosed in a consultation with the Minfini on 19 June 2017 (see minutes in

Appendix 8) in order to secure their agreements to the compensation rates. Soon after, validation on the compensation in the form of cash was documented on 20 June 2017 (Appendix 9). By 21 June 2017, compensation was paid to the Minfini APs and the receipt was issued and signed by the customary leader, Yonas Minfini. It has to be stated that the compensation for the affected land was authorized to be given to Yonas Minfini in the presence of the AHs (husbands and wives) who attended and witnessed the delivery of payment. In anticipation of later disputes, LAIT-Satgas B suggested that the transfer of rights be signed by the four heads of the Minfini: Usias Saketu, Barnabas Minfini, Alexander Minfini and Yonas Minfini. The formal hand over of ownership from AHs represented by their four leaders to LAIT is dated 21 June 2017 (see proofs of payment and hand over documents in Appendix 10).

100. The certification of the acquired land is being processed and expected to be completed by Q2 2018.

4. Consultations: PPTA-Led

101. Consultations parallel to the LAIT-led for this RCCDP were conducted – a summary is provided in Table 10 with details in Appendices 11 and 12 (attendance and photo documentation).

Table 10. Consultations Conducted at Preparation

No.	Activities	Date/Place	Participants	Issues Discussed/Agreements
1	Coordination meeting	11-10-16 PLN UIP Office	11 Persons: - Pusat - UIP Kupang - ADB - PPTA Team	Orientation on Project activities: - Civil works not yet implemented: pre-construction at permitting stage for Kupang Peaker 2. - Permit & spatial planning already prepared for Peaker 1 - Jetty for Peaker 1 & 2 Land Acquisition Process - 50 has to be acquired for PLTU Timor, Kupang Peaker 1 & 2 – 13 has for Peaker 2 to be financed by ADB – located in Dusun Panaf. - Land acquisition process in preparation stage; preparing determination location. Safeguard Document/UKL - UPL still in final stage, BPLHD revised the UKL-UPL document.
2	Public Consultation	12-10-16 Church at Panaf Hamlet	57 persons (includes heads of suku, hamlets, RW along with local community)	- Ethnographic, economic, health & environment description and history of Panaf Hamlet - Vulnerable peoples of Panaf Hamlet - Community Response and expectations on the proposed project - The Land Acquisition Policy of the Suku Minfini
3	Consultation with Minfini women	12-10-16 Lifuleo Village	- 9 Minfini women	- They know about PLN project and agree to release their land as represented by 3 customary leaders - They expressed excitement over PLN project, hoping they can now access electricity. - The mama-mama expressed concerns regarding loss of farmland. To open new farmlands is not as easy as conveyed by the men in the previous discussion. Women spend longer hours in the field than men and still have primary responsibility for domestic chores. This will further increase workload for them. - New lands to open up are more difficult for land preparation.

No.	Activities	Date/Place	Participants	Issues Discussed/Agreements
4	Coordination meeting	23-11-16 PLN UIP Office.	<ul style="list-style-type: none"> - PLN Pusat - UIP Kupang - PPTA Team 	<ul style="list-style-type: none"> - Land acquisition of the whole PLTMG will be implemented in December 2016. - PLN has held meetings with Local Government to discuss the Preparation of Land Acquisition Team and determination location for PLTMG on 24 November 2016 – 50 Ha area to be acquired. - Original PLN proposed determination submitted on 15 October 2015. - PLN prepared new site plan for PLTMG (see the attachment) that includes for buffer zone of 300 meters between residential area and project area. - PLN consented to the conduct of the IOL/SE survey for all of PLTMG area (50 Ha) and not only for Peaker 2 area which will be funded by ADB to avoid the misunderstanding between PLN and local people. - PLN will give the detailed measurement of the area to be acquired (especially for Peaker 2) after the preparation team conducts the field survey including the names of AHs. Preparation Team is based on UU No.2/2012 thus should conduct land identification to be acquired including the AHs and will conduct PCM for securing the agreement from Local People. - PLN confirmed the PLTMG area is 300 meters from residential area, grave, and church base on Local People agreement. - The Peaker 2 area is 4 Ha and will be measured in detail by preparation team. PLN will send the detail area next week for completing the RCCDP document
5	Coordination meeting	22-11-16 Nitneo Village.	<ul style="list-style-type: none"> - Head of Suku Minfini - PLN UIP Kupang - PPTA Team 	<ul style="list-style-type: none"> - Head of Suku Minfini agreed for the conduct of IOL/SE Survey in Nitneo Village and Dusun Panaf Lifuleo Village - The area to be acquired is under authority of Head of Suku Minfini gives permission to tenants to work in the farmlands. Almost tenants are families residing in Dusun Panaf or Dusun 1 Nitneo Village. Persons from other villages may also be given permission to work in the farmland. - Head of Suku Minfini identified 22 tenants in the area to be acquired
6	Public Consultation	23-11-16 Nitneo Village.	<ul style="list-style-type: none"> - Head of Suku Minfini - 11 Tenants/ Families - PPTA Team 	<ul style="list-style-type: none"> - The area to be acquired for PLTMG area is around 40 Ha with the position on the right side from residential area. - Local people propose the land price be Rp 100,000/m² if the land required is 40 Ha but if the area to be acquired is 50 Ha, local people proposes for the land price is Rp 150,000/m² or Rp 175,000/m². - Local people will try to find other area in the east side from residential area that will be used as the farmland area, with land price cheaper than the previous land. - For the land acquisition process the head of Suku will sign the agreement. The family members will sign the agreement if required. - Customary land ceremonies will be observed at turnover.

No.	Activities	Date/Place	Participants	Issues Discussed/Agreements
				<ul style="list-style-type: none"> - Tenants who are still growing crops will be given time to vacate the land. Waiting period of 3 months from the transaction. - Independent appraiser will calculate the compensation for the crops. - The names of tenants and the total area to be acquired provided in Appendix 2.
7	Coordination Meeting	23-11-16 BPN NTT Office	<ul style="list-style-type: none"> - BPN NTT - PPTA Team 	<ul style="list-style-type: none"> - Head of Suku should provide information to the tenants in writing for the customary land status. - For the release of customary land there must be a description of the village head known to the head of district. - For land without certification - to be explained by the village head in the statement letter that the land belongs to someone. The statement letter should be signed by a suku member (Anak Suku), marga representative (head of marga), and head of suku. The statement letter will be acknowledged by Head of Village (Kepala Desa) and approved by Head of Sub-district (Camat). That statement letter shall include land area, information about land dispute (if any).
8	Public Consultation Meeting	24-11-16 Lifuleo Village.	18 Participants: <ul style="list-style-type: none"> - Head of Suku Minfini - 11 Tenants/ Families - PPTA Team 	<ul style="list-style-type: none"> - Suku Minfini consists of 3 Margas: Minfini, Saketu, & Tosi. - Suku Minfini is part of Suku Timor; part of Suku Dawan (also called Atoni). They stayed mainly in the three districts of Kupang, Timor Tengah Selatan (TTS), and Timor Tengah Utara (TTU). - Suku Saketu married with members of Suku Minfini, thus Marga Saketu grew in Dusun Panaf. - Dawan tribes have their own association with the name POT (Persehatian Orang Timor). - The plan needs to determine the boundaries that are clearly marked with large pillars around the border. Currently borders using only stone fences around the boundary.
9	Meeting-interview	24-11-16 Lifuleo Village	<ul style="list-style-type: none"> - Head of Lifuleo Village - Head of Suku Minfini - PPTA Team 	<ul style="list-style-type: none"> - The release of rights for customary land or waiver should get advice from the village head and authorized by Head of Kecamatan. - The member of Suku (marga) should sign the waiver; as Minfini, Saketu, and Tosi. - Waiver validation must be attended by all members of suku (Anak Suku), marga representative (head of marga), and head of suku with complete minutes of waiver.
10	Public consultation for environmental and social safeguards	29 January 2018	73 Participants: <ul style="list-style-type: none"> - APs (Minfinis from Panaf Hamlet and Nitneo Village. - Lifuleo Village office - Kupang Barat Sub District Office - Environment Office of Kupang Province 	<ul style="list-style-type: none"> - Communities desire for PLN to employ Minfinis as local workers for land clearing during construction and operation - In addition to lost land and trees/crops, community also lost area for livestock grazing. The community will open the area for new grazing and wish PLN to fence the area - The community requests PLN to help with livelihood improvement program in the form of: making drilling wells for irrigation, farmer improvement training, and agricultural processing. - Impacts of vehicle traffic and cars on the safety of children and livestock need to be mitigated. Road

No.	Activities	Date/Place	Participants	Issues Discussed/Agreements
			<ul style="list-style-type: none"> - PLN Pusat, UIP, UPP - ADB - PPTA Team 	improvement completed with road signs and help increase community awareness on road safety.

102. Information shared during consultation meetings included:

- (i) An orientation on the project, subproject designs, schedules of implementation, and identification/introduction of focal/contact persons;
- (ii) Ethnography and social structure of the Minfini;
- (iii) Probable benefits, adverse impacts, and mitigating measures to be taken;
- (iv) Grievance process; and
- (v) Subsequent schedule of meetings and activities, i.e., conduct of IOL-SES.

103. Table 11 summarizes the roles and responsibilities of the Executing Agency, the local governments, the National Land Agency (BPN) and the AHs in the preparation, and implementation of the RCCDP.

Table 11. Roles and Responsibilities of Institutions in the Conduct of Consultations

Project Process Stage	Activities	Responsible Institution	Remarks
During Land Acquisition Planning Phase	<ul style="list-style-type: none"> • Conducting initial survey in order to prepare Land Acquisition planning document in accordance with the laws and regulations and inform related local government 	PLN UIP NUSRA	Completed
	<ul style="list-style-type: none"> • Preparing land acquisition to be submitted to Governor/ to get location stipulation 	PLN UIP NUSRA	Completed
Preparatory Stage Public Announcement of the Project and confirmation of Project location	<ul style="list-style-type: none"> • Notification to communities (through Sub-district / Village leaders) 	Preparation Team together with PLN UIP NUSRA	Completed
	<ul style="list-style-type: none"> • Preliminary data collection 	Preparation Team together PLN UIP NUSRA	Completed
	<ul style="list-style-type: none"> • Public Consultation to inform communities 	Preparation Team together with PLN UIP NUSRA	Completed
	<ul style="list-style-type: none"> • Establish Grievance Redress Mechanism (GRM) for objection to project location 	Assessment Team established by the Governor	Completed
	<ul style="list-style-type: none"> • Location Stipulation 	Delegate to Kupang	Issued by Bupati

Project Process Stage	Activities	Responsible Institution	Remarks
	(determine the area to be affected) and location announcement to location communities to inform that location is approved to be developed to a project	District LG	Kupang in December 2016
	<ul style="list-style-type: none"> Drafting of the resettlement customary community plan (RCCDP) and project information booklet (PIB) for submission to PLN and ADB for review and approval. 	PPTA Consultant	End of March 2017
	<ul style="list-style-type: none"> Submitting RCCDP documents to ADB for review and approval 	PLN Head Quarter	December 2017- January 2018
	<ul style="list-style-type: none"> Distribution of the Project Information Booklet (PIB) to the APs/AHs and posting of summary RCCP at District, Subdistrict and village government offices. Distribution will pay attention to women 	PLN UIP NUSRA	31 January 2018
Implementation Stage of RCCDP and update RCCDP if applicable	<ul style="list-style-type: none"> Conduct of detailed measurement survey (DMS) and Socio Economic Survey. The SES method should consider gender balance 	Land Acquisition Implementation Team led by ATR/BPN of Kupang District	April-May 2017 (completed)
	<ul style="list-style-type: none"> Disclosure of DMS result to AHs, put it in the public space 	LAIT led by ATR/BPN of Kupang District	May 3, 2017 (completed)
	<ul style="list-style-type: none"> Negotiation of type and amount of compensation with Aps/AHs for affected asset and income losses. 	LAIT led by ATR/BPN of Kupang District	June 2017 (completed)

Project Process Stage	Activities	Responsible Institution	Remarks
	<ul style="list-style-type: none"> • Payment of compensation and entitlement and implementation of income restoration program. Women will be prioritized in implementation of IRP • Receipt and resolution of grievances of APs/AHs related to IOL and amount of compensation 	PLN UIP NUSRAT LAIT led by ATR/PN of Kupang District	June 2017 As needed
Monitoring and evaluation	Monitoring of RCCDP implementation (internal)	Division PPT of PLN HQ	Semi-annual

B. Disclosure

104. The EA is required under ADB SPS 2009 to provide information to and consult with the affected customary communities and other stakeholders in a manner appropriate for the anticipated project impacts. This requirement is intended to facilitate engagement so as to establish and maintain constructive relationships over the life of the project. A Draft Project information booklet has been prepared to be distributed to AHs, local governments and other stakeholders (Appendix 13).

105. Information dissemination to all members of the customary communities 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 customary communities' language and as authorized by 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 customary communities; and
- (iii) The minutes of meetings or proceedings conducted shall be written in English or Bahasa Indonesia and in the language of the customary communities and shall be validated with those who attended the meeting or assembly before the finalization and distribution of the same.

106. Customary communities should be provided relevant project information in a language(s) and manner suitable to them. The information materials include particular graphics so that women and men with less literacy will be able to understand. Outcomes of social assessment and programs/measures (includes monitoring and possible DDRs and corrective actions) for customary communities will be presented in community workshops/meetings.

107. The following are required to be disclosed: (i) RCCDP as endorsed by PLN; (ii) new or updated RCCDP if any; (iii) due diligence with corrective action, if applicable and (iv) monitoring reports. These documents will be generated and produced in a timely manner, and posted in both ADB and project websites, and at any locally accessible place in a form and language understandable to the affected communities and other stakeholders.

108. The summary of RCCDP in the form of combined project information booklets (PIBs) for environment and social safeguards in Bahasa Indonesia were circulated to the APs on 26 January 2018 along with the invitation for public consultation on environmental and social safeguards. The combined PIBs were likewise distributed during the public consultation on environmental and social safeguards held on 29 January 2018 to the APs, Minfini customary leaders, village offices, religious leader, Kupang Barat Sub District, and Provincial agency of Environment and Forestry. The contents of the PIBs were also explained during the consultation. The approved RCCDP shall also be posted on the PLN'd websites. During project implementation, PLN will prepare monitoring reports on the application of the RCCDP and submit them to ADB for review and disclosure on website.

109. The ADB SPS 2009, ADB Public Communication Policy 2011 as well as government issuances will serve as guides. The documents listed above will be uploaded on to the ADB website.

V. GRIEVANCE REDRESS MECHANISM

110. A GRM is a systematic process to receive, evaluate, and address the project-related grievances of affected persons (AP) and/or groups. The PLN has drafted a GRM in consultation with relevant stakeholders and this will be posted in the project website within 6 months of loan effectiveness. An information disclosure mechanism in Bahasa will also be in place to ensure that local communities are aware of GRM.

111. Grievances related to any aspects of the Project will be handled through negotiation with aim to achieve consensus. The procedures to be followed in resolving complaints on the affected assets, the level of compensation offered by the government, and other aspects of the projects are outlined below. All administrative channels, such as the Office of the Camat and the Office of the Regent, will be exhausted in the effort to resolve any complaint before elevated to a court of law for adjudication. No cost shall be borne to the APs in relation with the grievance redress mechanism.

Related to Location of Project Component

- (i) An AP/AH may raise any complaint to the Kupang District Head or Head of PLN UIP NUSRA;
- (ii) The District Head establishes a team to assess the complaint within 3 working days from receipt of grievance document. If the complaint is meritorious, the District Head will ask the manager of PLN UIP NUSRA or PLN UPP to find another solution or location for that component of the project. However, if the complaint is not acceptable, the team will inform the complainant and PLN UIP within 7 working days from receipt assessment report;
- (iii) If after the confirmation of location, there is still grievance raised by the AP, the aggrieved AP may file a lawsuit to the Local State Administrative Court (LSAC) within 30 working days since the issuance of the location determination.
- (iv) The LSAC shall accept or reject the lawsuit within 30 working days of receipt of the lawsuit.
- (v) If the aggrieved AP is not satisfied with the LSAC decision, the AP may file the complaint for cassation with the Supreme Court within 14 working days.
- (vi) The Supreme Court must issue a decision within 30 working days. This final and binding court decision shall be the basis whether continue or not with the land acquisition for the project.

Related to Inventory of Affected Assets

- (i) An aggrieved AP/AH may appeal the result of the DMS on affected land and other assets found on the affected land (buildings, plants, other objects) to PLN UIP NUSRA and/or LAIT led by ATR/BPN of Kupang District;

- (ii) LAIT within 14 working days (starting from the time the DMS result is announced to the public/AHs) will verify the results of the DMS on affected assets of the AH and will make necessary revisions/corrections, as needed;
- (iii) If the grievance/complaint concerns ownership/control of land and/or other assets found on the affected land, LAIT will seek a settlement with the contending parties through consultation;
- (iv) If the consultation does not produce a settlement, LAIT will advise the APs to resolve the case through the court;
- (v) LAIT keeps the record of complaints and disputes handled.

Related to Compensation

- (i) An aggrieved AP/AH may bring the grievance/complaint as regards compensation rates directly to LAIT or through the Customary or Village leader who will submit it to the LAIT either in writing or relay it verbally. LAIT together with the land acquisition team at PLN UIP NUSRA and the Customary or Village leader will attempt to seek consensus to achieve an acceptable settlement with the aggrieved AP/AH, specifically;
- (ii) An AP/AH who is not satisfied with the amount of compensation initially offered by LAIT has within 30 working days to come into agreement with LAIT on the level of compensation for affected assets, including income loss for adversely affected business or employment.
- (iii) If negotiation on compensation with the Resettlement Implementation Team fails, the AP/AH may file within 14 days with the local district court a complaint on the compensation proffered by Resettlement Implementation Team. If within 14 working days, no grievance filled by the APs to the court, PLN will deposit the compensation to the District Court. The court will judge on the case within 30 days.
- (iv) If the AP/AH is not satisfied with the decision of the district court, the AP/AH within 14 days following judgment by the district court may bring the case to the Supreme Court and seek a reversal of the ruling of the district court. The Supreme Court will judge on the case within 30 days

Related to Other Aspects of the Project

- (i) An aggrieved AP/AH may bring any complaint either directly to PLN project office (UPP Project Manager) or contractor or to the customary leader in the village/sub-village level, customary leader in the hamlet/village level who will facilitate/bring the grievance to the Contractor or PLN Office, in the first instance to seek resolution. The PLN office/contractor/customary leaders have 14 working days from receipt of grievance to settle the complaints;
- (ii) If the grievance cannot be resolved, the AP/AH may convey the grievance to the PLN UPP Timor or to the District Environmental Agency (BLH Kabupaten/Kota) who will bring to the PLN UPP for resolution. The PLN UPP have 30 working days from receipt of grievance to settle the complaint.
- (iii) If the grievance cannot be resolved, the aggrieved person may convey the grievance to the PLN UIP Nusa Tenggara or to Provincial Environmental Agency (BLH Provinsi) who will bring to the PLN UIP Nusa Tenggara for resolution. The

PLN UIP Nusa Tenggara have 30 working days from receipt of grievance to settle the complaint

- (iv) If the aggrieved AP is not satisfied with the action taken on the complaint, she/he may file the complaint to the court for final adjudication.

112. Grievances related to other aspects of the projects like increasing of dust and/or noise or any other impact due to project construction are included in the EIA GRM.

113. For customary communities, the grievance mechanism shall follow their internal grievance mechanism (if any) or any mechanism provided by local government based on community request. The affected APs may bring their complaints to the village leaders and/or customary leaders. The village/customary leaders will settle the complaint within two to seven days working days upon receipt of the complaint notice. If this has not been settled, they may bring it to the project officers in the field office or sub-project site office.

VI. LEGAL AND POLICY FRAMEWORK

A. Relevant Laws and Regulations in Indonesia

114. **Involuntary Resettlement.** Act No. 2/2012 on Land Acquisition for the Development for the Public Interest and its implementing regulations is the main regulation applied for the project land acquisition. The Law provides a clear procedure and time frame which will accelerate the process of land acquisition. the government should undertake land acquisition by involving all entitled holders (pihak yang berhak) and concerned entities. The entitled parties shall be those who control or own the object of the land acquisition, inter alia: a. the holders of land rights; b. the holders of land rights to manage; c. nadzir for the waqf⁶ land; d. the owners of former customary rights secured land; e. customary communities; f. the parties occupying the state land in good faith; g. land tenure holders; and/or h. the owners of buildings, plants or other objects related to the land. The object of land acquisition includes; (i) land; (ii) above ground and underground space; (iii) plants; (iii) buildings; (iv) objects related to land; and (v) other appraisable loss that include non-physical loss such as loss of business, loss of job, cost of change of location, cost of change of profession, and loss of the remaining property (residual property that is no longer viable). Land acquisition should be conducted by providing fair and adequate compensation to the entitled parties. The law recognizes that: (i) persons controlling and utilizing land are entitled to compensation; (ii) all losses - lost land and non-land assets, other structures that can be valued - should be evaluated by the independent appraiser; (iii) project location permit will be required that should refer to the spatial planning; and (iv) land acquisition will be undertaken by National Land Agency.

115. Land acquisition not more than 5 hectares will be conducted through negotiated land acquisition per President of the Republic of Indonesia Regulation No. 40/2014 on amendment of Presidential Regulation No 71/2012 and Presidential Regulation No. 4/2016 on the Acceleration of Electricity Infrastructure Development article 34 (1). Land acquisition for public interest with size not more than 5 hectares can be implemented directly by the agency requiring land with the land rights holders, by way of sale or exchange or other means agreed upon by both parties. PLN Board of Director Decree No 0344.P/DIR/2016 stipulates that land acquisition implementation for not more than 5 hectares will be undertaken through release of land rights, purchase, exchange, or other ways agreed by parties. However, if negotiation fails, PLN can still exercise eminent domain after depositing compensation with courts. This land is handled by the PLN Land Acquisition Team (PLN LAT) appointed by the General Manager or Head of Division. The regulation covers: (i) land acquisition for public interest with size not more than 5 Ha is subject to eminent domain, and (ii) land acquisition not for public interest, such as land acquisition for development of office, warehouse, official

⁶ Waqf - an inalienable religious endowment in Islamic law, typically donating a building or plot of land or even cash for Muslim religious or charitable purposes. The donated assets are held by a charitable trust or waqf organizer.

residence etc. Land acquisition for non-public interest is done through negotiation and not subject to eminent domain. Land acquisition for more than 5 Ha will be implemented in accordance with the Land Law No 2/2012.

116. This new PLN Board of Director Regulation also sets the compensation payment mechanisms, which include (i) consultation determination of the form of compensation, (ii) compensation payment under normal circumstances and urged, (iii) implementation of the cost and benefit analysis scheme for AHs who do not agree with the amount of compensation which was determined by the appraiser, (iv) deposit of compensation (consignment) at the District Court in the location of land acquisition subproject under this sector loan considered as project strategic national per Presidential Decree No. 3/2016.

117. Land acquisition for projects considered as strategic national could be done by Central or Local Government. National Enterprises (in this case PLN) as assigned by Central Government can be done and refer to the Land Acquisition for Public Interest Law using minimum duration/time. Central and or Local administrations can support the process in the form of (i) priority over the provision of the land (ii) use of land owned by the Central Government or Local Government, in accordance with legislation.

118. Further, Presidential Regulation No. 4/2016 and PLN Decree 2016 set the government's efforts in supporting the accelerated development of electricity power infrastructure, including implementation support, ease of financing and the ease of obtaining any permits. The regulations state that the determination for the amount of compensation for land acquisition will be assessed by an independent appraiser. The same regulation further stipulates that if AHs do not agree with the amount of compensation as determined by the independent appraiser, PLN may set the value of the sale and purchase agreed by both parties based on the cost and benefit analysis with regard to good governance. Specifically, compensation for restriction of land and building will be provided in the form of easement fee in the amount of 15% of the value as determined by the independent appraisal. Compensation for trees are based on valuation approaches according to Indonesia Valuation Standards. Only tall trees that have potentially more than 5 m height under the ROW of transmission line will be compensated. Presidential Regulation No 4 is in line with Presidential Decree No. 148 of 2015 on the fourth amendment of Presidential Decree 71 of 2012 that modifies allocation of time at each stage of land acquisition in order to streamline, including time of handling objections of local community surrounding the project by the governor and time for location determination by the Governor/Regent.

119. Indonesia Valuation Standards 306 (SPI 306) on the Assessment of Land Acquisition for Development for the Public Interest. The Indonesia Professional Appraisers Society (MAPPI) formulated the standards by adopting the development of international standards (IVS 2011). Standards 306 provides guidelines for assessment of land acquisition object for compensation in land acquisition for development in the public interest. Assessment includes adequate replacement value of property and land. Assessment standards are also associated with other standards, such as scope of assignment, land property and structures valuation, farmland property valuation, valuation of property with particular business, business valuation, and inspection of cases under consideration.

120. Other related laws and 2/2012 implementing regulations are:

- (i) Presidential Regulation No. 56/2017 Concerning of Handling Social Impact for Providing Land for National Strategic Projects. This regulates on handling social impacts for land that has already been owned by agency needing the land and occupied or used by the people.
- (ii) Presidential Regulation No. 14 of 2017 regarding Amendment of Presidential Regulation No. 4 of 2016 on Acceleration of Infrastructure Development for Electricity. This amendment specifically underscores funding support from the government for the development of electricity infrastructure and its management. Utilization of other infrastructure pertains to the utilization of road, train rail, or

gas pipeline infrastructure to transport electricity generation supplies both above or below the ground.

- (iii) Presidential Regulation No. 88/2017 on the Settlement of Land Tenure within Forest Area. The government addresses the issues on land controlled by individuals, institutions, social / religious agencies, and customary communities who utilize plots of lands in forest areas. Settlement options are in the form of: (a) removing those plots of land from the forest by changing the boundaries of forest areas; (b) replace/exchange the forest areas; (c) provide access to forest management through social forestry programs; or (d) Resettlement/relocation. The options depend on the status of the forest and how long the controlling parties have utilized the forest area. Government will establish a team to Accelerate Completion of Land Tenure within the Forest Area, hereinafter referred to as the PPTKH Acceleration Team, which is headed by the Coordinator Minister for Economic Affairs. The members will consist of the representatives of the Ministry of Environment and Forestry, Ministry of Agrarian and Spatial Planning/Head of National Land Acquisition, Ministry of Home Affairs, Cabinet Secretary, and Head of Presidential Staff. The team will be assisted by the Implementation Team of PPTKH comprised of the Deputy and Director within the ministries/institutions cited above. At the Provincial Level, the Governor establishes the Inventory and Verification Team (Inver Team) who will collect data on land control, ownership, use or utilization per the complaint raised by parties through the Regent/Mayor. The inventory and verification results shall be submitted to the PPTKH Acceleration Team for resolution.
- (iv) Supreme Court Regulation No. 3/2016 on Procedure for Filing Objections and Deposit (Consignment) of Compensation to the Court of Land Acquisition for Development for Public Interest. This regulates the proceedings in court regarding the number of days the court will rule on the case and who bears the cost. Procedures for deposit of compensation is also covered in this regulation.
- (v) Supreme Court Regulation No. 2/2016 on Guidelines for Litigation of Disputes Related to the Development of Public Interest in the State Administration Court. This regulates the proceeding in courts as to how many days the court will rule on the case (30 days) and who bears the cost.
- (vi) Presidential Regulation No. 4 of 2016 on Acceleration of Infrastructure Development for Electricity. The regulation sets the government's efforts in supporting the accelerated development of electricity power infrastructure, including implementation support, ease of financing and the ease of obtaining any permits. This regulation also regulates that for negotiated land acquisition (land acquisition less than 5 Ha), if the AHs does not agree with the amount of compensation which was appraised by the appraiser, PLN may set the value of the sale and purchase agreed by both parties based on the cost and benefit analysis with due respect to good governance.
- (vii) Ministry of Energy and Mineral Resources Decree No. 33/2016 pertains to Technical Mitigation of Land, Buildings, and/ or Plant Controlled by Peoples in the Forest Area in the Context of Acceleration of Infrastructure Development for Electricity. In order to accelerate the development of electricity infrastructure, PLN could acquire lands, buildings, and plants controlled by people within forest areas by giving compensation. Prior to the conduct of land acquisition, PLN should secure clarification about the status of the land from the Ministry of Agrarian and Spatial Planning. Procedures for land acquisition shall refer to the applicable PLN Decree and compensation determined by Independent Appraiser
- (viii) The Ministry of Energy and Mineral Resources Decree No. 38/2013 Regarding Compensation of Assets in the ROW of Transmission Line establishes procedures, mechanisms, and formulas for compensation. Compensation is provided for restrictions on the use of land and other assets as it is used indirectly for electricity development. Compensation for restriction of land and building will

be provided in the form of easement fee in the amount of 15% of the value appraised by independent appraiser. Compensation for trees are based on valuation approaches according to Indonesia Valuation Standards. Only tall trees that have potentially more than 5 m height under the ROW of transmission line will be compensated.

- (ix) Head of National Land Agency Guideline No. 5 / 2012 concerning Land Acquisition for Development in Public Interest and Ministry of Agrarian and Spatial Planning No. 6/2015 concerning amendment of the Head of National Land Agency Guidelines No. 5/2012 highlight application of procedures at implementation stage.
- (x) Instruction of Ministry of Agrarian and Spatial Planning concerning Acceleration of Land Acquisition for Project National Strategic (PSN). In order to optimize the implementation of land acquisition for development, it needs accelerated implementation through intensive and continuous monitoring and evaluation of the implementation of that strategic project by the National Land Agency (BPN).
- (xi) Law No. 31/2009 on Electricity. The law states that the use of land by the electric power supply concession holder shall be conducted by providing compensation for affected land, buildings, and plants in accordance with the provisions of the prevailing law. Compensation is also provided to state land users.
- (xii) Law No. 30/2009 on Electricity regulates permits for electricity generation and distribution and also refers to land acquisition and compensation for electricity generation and distribution.

121. **Customary Communities.** While there is no single law about safeguarding the rights and welfare of customary communities (adat communities), the definition of customary communities in Indonesia's legal system can be found in some laws. 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" (masyarakat hukum adat) and regional government) and Article 28 I Para. 3 on "traditional community" and Human Rights.

122. Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (or Basic Agrarian Law, BAL), Article 2 Para. 4, Article 3, and 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".

123. While Law 41/1999 on forestry does not provide a definition of masyarakat hukum adat, also widely known as customary community, the elucidation of Article 67 (2) lists five conditions, on the basis of which the government will recognize customary community: (i) in the people's daily life, it still is a communal society (paguyuban); (ii) the community has adat institutions and adat leaders; (iii) the community has clear boundaries; (iv) the community has well-functioning customary law institutions, particularly an adat judicial system; and (v) the community still collects forest products for its subsistence.

124. AMAN, an Indonesian organization working with customary communities defines indigenous people as follows: Indigenous communities are a group of people who have lived on their ancestral land for generations, have sovereignty over the land and natural wealth in their customary bounded territory, where adat (customary) law and institutions arrange the social life of the community, and carry out the social-political and economic lives of the community.

125. The most recent policy on customary communities is the Constitutional Court Decision No. 35/2012, which was officially enacted on 16 May 2013 regarding the status of adat forest. The Constitution of the Republic of Indonesia Article 18 B and 28 I recognize customary communities' existence and traditional rights, though it includes conditions for the recognition:

‘as far as they still exist, conform with social development, in line with the principles of the Republic of Indonesia, and administered by law’. The conditions have been used in various laws mentioning the recognition of customary communities or ‘masyarakat hukum adat’.

126. Other laws that impinge on the plight of customary communities are as follows:

- (i) Regulation of the Minister of Agrarian and Spatial Planning/Head of National Land Agency No. 10 of 2016 on the Procedures for the Establishment of Communal Rights on Customary Land and the People Living In A Specific Area (updating regulation of the MASP No. 9/2015) set forth that: a) the land entitlement can be granted to customary law community who meet the requirements, b) the land entitlement can be granted to community living in a specific area and meet the requirements. This regulation stipulates that groups of people living in a specific region (forests and plantations) who meet the requirements may be granted the land entitlement.⁷ It further states that communal rights outside of particular areas (forest and plantation/leasehold land), can be transferred in accordance to provisions applicable to customary law with consent from members of the customary community.
- (ii) Regulation of the Minister of Home Affairs No. 52 Year 2014 about Guidelines for Recognition and Protection of Customary Communities. The regulation stipulates that Governors/District Heads/Mayors shall appoint a committee to carry out recognition and protection of customary communities through identification, verification, validation and formal recognition.
- (iii) Act No. 23/2014 concerning Local Government – establishes division of authority between Central, Provincial and District Government regarding ulayat land and recognition of customary communities, local wisdom or traditional knowledge and rights to local wisdom or traditional knowledge, rights of customary communities to PPLH, and capacity building of customary communities.
- (iv) Environmental Protection and Management (Law No. 32 of 2009) tasks local governments to stipulate policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respect to environmental protection and management, and 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.
- (v) Indonesia is a signatory to the 2008 UN Declaration on the Rights of Indigenous Peoples. While it is not a legally binding instrument under international law, it does “represent the dynamic development of international legal norms and reflects the commitment of the UN's member states to move in certain directions”.
- (vi) 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.
- (vii) Act No. 25. By 2000, Act No. 25 concerning the National Development Program (Program Pembangunan Nasional; PROPENAS) 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 (Appendix Chapter X).
- (viii) 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

⁷ Requirements include: a) physically in control for at least ten (10) years or more in a row b) still manage harvests in certain regions and surrounding areas to satisfy daily needs c) is the main source of life and livelihood of society; d) social and economic activities are integrated with community life.

ulayat land, is protected in line with the evolvement of time.”

127. **Other Laws.** Other key laws and regulations that impinge on involuntary resettlement and customary communities’ issues include:

- (i) Government Regulation on the Environmental Permit, Ministry of Environment Regulation No. 17 / 2012 where vulnerable / severely affected people are identified as early as possible through the Social Impact Assessment of AMDAL that also seeks participation guidance from local communities in order to obtain the AMDAL and Environmental Permit Issuance. These are likewise referred previous environmental laws.
- (ii) Law No. 11/2009 on Social Welfare and its implementing regulation Ministry of Social Welfare Decree No. 39/2012 on Delivery of Welfare. Vulnerable / severely affected people are identified as early as possible through the Social Impact Assessment of AMDAL as referred to in the Environmental Law no. 32/2009 on Environmental Protection and Management; Indonesia Government.
- (iii) Act No.41/2009 on Protection on Agricultural Land for Sustainable Food – stipulates special compensation if a project impacts sawah (wet rice) land, which is important to food security.
- (iv) PP. 71 / 2008 On the Third Amendment to Government Regulation No. 48 / 1994; (PP. 27 / 1996 jo and PP. 79 / 1999 jo); Basic Law Government regulation that relate to tax incentive or the income tax rate of land and / or building ownership transfer.
- (v) Law 26 of 2007 on Spatial Planning (State Gazette of the Republic of Indonesia Year 2007 No. 68, Supplement of State Gazette of the Republic of Indonesia No. 4725); provides that development and land acquisition in the public interest should be carried out in accordance with regional spatial planning.
- (vi) The Law of the Republic of Indonesia Number 27 Of 2007 Concerning the Management of Coastal Zones and Small Islands.⁸ The Government shall regulate, encourage, and/or carry out research and development of the Management of Coastal Zone and Small Islands, to produce the necessary science and technology for the management of Coastal Zone and Small Islands, to make it more effective, efficient, economic, highly competitive and environment friendly, while respecting traditional wisdom or local culture. 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. Further, that the empowerment of traditional communities and coastal communities shall be executed through socialization of policies of the government, provincial governments and regency/municipal governments regarding resource management policy in maritime territory.
- (vii) Minister of Finance Regulation No. 96/PMK.06/2007 related to Procedures for the Implementation of the Use, Utilization, Omission and Transfer of State Property and The Minister of Finance Regulation No. 168/PMK.05/2015 on Mechanism of Implementation of Government Assistance Budget at State Ministries/Institution, provide the procedures for donating land and building for projects.
- (viii) Law No.11/2005 on the Ratification of the International Covenant on Economic, Social and Cultural Rights. This Act protects people rights of economy, social, and culture including right to live descent and protection of culture. As stated in Article 11 of the Convention, the state recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State will take appropriate steps to ensure the realization of this right, recognizing the essential importance of international cooperation based on free and prior informed

⁸ Some subprojects are located along coastal zones and perhaps later some non-core may also be situated in such.

consent.

- (ix) Act No. 39 of 1999 on Human Rights describes vulnerable groups: the elderly, children, the poor, pregnant women and people with disabilities. It also recognizes the differences in and the needs of, adat law communities that have to be observed and protected by the law of society and Government” as well as the “Cultural identity of adat law communities, including rights to ulayat land that need protection.” It espouses that the acquisition of ulayat land by government must be done through due process of law following the free, prior and informed consent of adat communities.

B. ADB Policies

128. **Involuntary Resettlement.** The objectives of the ADB safeguards policy are to avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives; and to enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real terms relative to pre-project levels, and to improve the standards of living of the displaced poor and other vulnerable groups.

129. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

130. The absence of legal title to land cannot be considered an obstacle to compensation and rehabilitation privileges per ADB policy. All persons affected by the project, especially the poor, landless, and semi-landless persons shall be included in the compensation, resettlement, and rehabilitation package. Affected persons (AP) and/or affected households (AH), whichever is deemed applicable, who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for compensation with respect to non-land assets only, and not the land itself. They will however be provided with other benefits and allowances as provided to other APs.

131. The following ADB SPS principles on involuntary resettlement are stipulated and will also apply to the project.

- (i) Carry out meaningful consultations with affected persons and relevant stakeholders. Inform all APs of their entitlements and ensure their participation in planning, implementation, and monitoring of involuntary resettlement programs. Pay particular attention to the needs of vulnerable groups and establish a grievance redress mechanism.
- (ii) Develop procedures in a transparent, consistent, and equitable manner, if land acquisition is through negotiated settlement in order to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (iii) Prepare a RCCDP/RP elaborating on APs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (iv) Disclose a draft RCCDP/RP including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RCCDP/RP and its updates, if any, to affected persons and other stakeholders.
- (v) Monitor and assess involuntary resettlement outcomes, their impacts on the standards of living of APs, and whether the objectives of the RCCDP/RP have

been achieved by taking into account the baseline conditions and the results of involuntary resettlement monitoring. Disclose monitoring reports.

132. **Indigenous Peoples.** Under the ADB safeguards policy of 2009, the main objective with respect to indigenous peoples (IP) is to design and implement projects in a way that fosters full respect for IP identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. IP safeguards are triggered if a project directly or indirectly affects 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 an ancestral domain or asset.

133. ADB's SPS for IP requirements include: (i) consultation and participation; (ii) social impact assessment; (iii) indigenous peoples planning; (iv) information disclosure; (v) grievance redress mechanism (GRM); (vi) monitoring and reporting; and (vii) unanticipated impacts.

134. **Other Policies.** 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.

135. Another key policy is the ADB Public Communications Policy that 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.

C. Gap Analysis and Project Principles

136. The GOI enhanced its country system in order to address land acquisition issues for public interest development project purposes. The new Land Acquisition Law No. 2/2009 and its implementing rules and regulations approximate harmonization with the ADB SPS of 2009. The new law grants that persons with no legal title over the land they occupy or utilize are entitled to compensation⁹ for improvements found thereon, including compensation for job and business losses, moving cost,¹⁰ etc. A land acquisition plan also needs to be prepared by the agency requiring land. People affected by land acquisition are consulted and their complaints heard and resolved in the most expeditious way during the planning and implementation of land acquisition. Likewise, the PLN Decree 2013 is prepared in line with 2/2012.

137. There are still some gaps between the new Land Acquisition Law of Indonesia with PLN Decree 2013 and the ADB SPS but some gaps have been bridged by the provisions of other relevant laws. Remaining gaps revolve around (i) the provision of livelihood recovery programs for severely affected people and vulnerable groups to ensure that their lives will not be worse due to the project, (ii) relocation assistance for physically displaced residents and (iii) transition allowance. A comparison between ADB SPS 2009 and government regulations on involuntary resettlement is presented in Table 12 along with gap filling measures proposed as project policies.

Table 12. Assessment on Involuntary Resettlement Policy Gaps

⁹ See Act No.2/2012 Elucidation of Article 40.

¹⁰ Elucidation of Article 40 of Law No. 2/2012 with the following provisions: For building rights or land use right, Compensation granted to the holder of building right or use rights on buildings, plants, or other objects related to land owned by him/her, while Compensation on land granted to the holder of the ownership or management rights.

Principles	GOI Laws: Law 2/2012 & Implementing Regulations & other relevant laws & regulations & PLN Regulation 2016	ADB Policy	Project Policy
Screening of the project.	The legal framework lacks a stand-alone screening requirement for involuntary resettlement impacts. There is no explicit stipulation for conducting a screening and assessment of impacts when land acquisition involves land purchase.	Screen the project early on to identify past, present, and future involuntary resettlement	Screen the sub-project to identify involuntary resettlement impacts and risks. Sub project triggers involuntary resettlement and sub project with category A as per SPS will not be selected
Meaningful consultations	The legal framework provides greater protection of human rights to children, the poor, and the disabled, also against discrimination to women. However, it does not mandate to afford special attention to the needs of vulnerable groups and to ensure their participation in consultations. Some key groups may not be considered as vulnerable (e.g., women, the landless, and those without legal title to land	Pay attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	Meaningful consultation shall pay attention to the vulnerable groups (the poor, the landless, the elderly, women and children, Indigenous Peoples, and those without legal title to land). Ensure their participation in consultations
Negotiated land acquisition	A government regulation on negotiated settlement provides for a procedure to implement direct purchase for parcels of land of 5ha and less; however eminent domain may still be triggered if negotiations fail. There may be no option for an affected person to opt out from the deal	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement	Negotiated land acquisition shall be undertaken in a transparent, free from intimidation, compensation at replacement cost. Independent party shall be mobilized to ensure that the negotiations are fair and transparent.
Level of compensation and bases of calculation	According to Law 2 of 2012, compensation will be provided based on valuation of independent appraiser that cover (i) land; (ii) over ground and underground spaces; (iii) building; (iv) plants; (v) objects related to land and/or; (vi) other appraisable loss such loss of business, jobs, change of profession, and moving costs. However, PLN's 2016 Regulation does not cover compensation for over ground and underground spaces and other appraisable losses, while the MEMR Regulation, 2013 on Compensation for the Transmission line ROW stipulates on over ground and	Compensation rate will be calculated at full replacement cost to be determined by an independent appraiser experienced in assessing acquired assets. For involuntary resettlement, no deduction on taxes and administrative costs for affected lands, as well as depreciation in the value of the affected structure will be applied.	Compensation will cover all losses set forth in the Law 2 of 2012.
Depreciation of affected structure value			The principle of full replacement cost will be applied. In case of involuntary resettlement, capital gains tax and the costs of transferring ownership, including the cost of new land certificates, will not be deducted from the compensation of those who will lose lands. In case there will be deduction of tax for negotiated land acquisition,

Principles	GOI Laws: Law 2/2012 & Implementing Regulations & other relevant laws & regulations & PLN Regulation 2016	ADB Policy	Project Policy
	<p>underground spaces</p> <p>Tax incentive is provided to: (a) person who supports the project; (b) person who does not file a complaint related to project location determination and/or compensation.</p> <p>Law is silent on issue of application of depreciation when calculating compensation for affected structures. Valuation standard set by Independent appraisers' association (MAPPI, 2015) does not apply depreciation for physical condition of the affected building.¹¹ For affected buildings, MAPPI applies solatium (emotional compensation) of 10% - 30% of the total compensation for physical loss.</p>		<p>the deduction should be clearly consulted and agreed by the affected persons.</p> <p>Compensation at full replacement cost for affected structures will be determined based on the replacement cost of a new building without any depreciation.¹²</p>
Compensation for sharecroppers	<p>Compensation for sharecroppers or encroacher will be provided in by way of consultation to get agreement, maximum amount provided is 50% of the total value appraise by independent appraisal (Director PLN Regulation No. 0344 of 2016).</p> <p>Law 2/2012 and its elucidation, 71/2012 stipulate that owners of trees/plans are entitled for compensation of affected trees/plants.</p>	Compensation for affected land and non-land assets should be provided at replacement cost	Compensation for sharecroppers be provided based on losses at replacement cost.
Compensation and assistance to displaced persons without legal title or any recognizable legal rights	The legal framework provides compensation and assistance for displaced persons without title or any recognizable legal rights to land unless their legitimate claims cannot be proven/recognized prior to land LAR implementation.	Ensure displaced persons without titles or any recognizable legal rights to land are eligible for resettlement assistance and compensation at replacement cost for loss of non-land assets	<p>The principle to provide compensation for non-land assets at replacement cost will be applied.</p> <p>Assistance in the form of livelihood restoration and</p>

¹¹ Indonesia Valuation Standards 306 (SPI 306). Land Acquisition Assessment For Development for the Public Interest. Code of Ethics Indonesia Appraisers and Indonesia Standard, 2015, Jakarta, Gelora Karya Bharata, 2015.

¹² Compensation will be based on i) the market value; ii) transaction costs; iii) accrued interest; iv) transition costs and repairs; v) other applicable payments.

Principles	GOI Laws: Law 2/2012 & Implementing Regulations & other relevant laws & regulations & PLN Regulation 2016	ADB Policy	Project Policy
	However, application of full replacement cost for people utilizing land has been owned by the agency needing the land is unclear.		relocation assistance will be provided
Assistance to non-land rights holders	<p>Article 36 of Perpres 71 of 2012 indicates the task of appraiser to carry out the appraisal of the amount of compensation which includes: a. Land; b. Space above and below the surface of the land; c. Buildings; d. Plants; e. Objects related to the land; and/or f. Other appraisable loss” means nonphysical loss equivalent to money value, for example, loss due to loss of business or job, cost of change of location, cost of change of profession, and loss of value of the remaining property.).</p> <p>The law and regulations stipulate on compensation for affected asset, yet do not stipulate on the assistance to the non-land rights holders and other economic loss.</p> <p>There is no legal basis for additional “transitional support/allowance”.</p>	Physically and Economically displaced persons are provided transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities.	Assistance in the form of income restoration will be provided
Transitional support			Transitional support and development assistance will be included in the total cost born by displaced persons. Institution needing land can address this through income restoration measures or in the case of PLN, through CSR.
High Risk of Impoverishment	Not covered in new Land Law but Law No. 11/2009 on Social Welfare and its implementing regulation Ministry of Social Welfare Decree No. 39/2012 states: To cover or identify vulnerable / severely impacted people by the project as early as possible it can be covered in Social Impact Assessment of AMDAL as referred in Environmental Law no. 32/2009 and other relevant Government Regulation on Environmental Permits.	Particular attention must be given to the needs of poor and vulnerable APs that face the risk of further marginalization and impoverishment.	<p>Income restoration / livelihood rehabilitation measures or program will be provided to severely affected and vulnerable AHs.</p> <p>Severely affected household and other vulnerable groups will be identified at resettlement planning stage. Livelihood restoration assistance will be provided to them through applicable PLN Corporate Social Responsibility programs.</p>
Public disclosure	Planning for land acquisition by the Office of the Governor at preparation stage and implementation of land	The draft and agreed social safeguard planning document at PPTA, and the draft and agreed	Pre-IOL and post-IOL consultations will be held with stakeholders and entitled parties. The

Principles	GOI Laws: Law 2/2012 & Implementing Regulations & other relevant laws & regulations & PLN Regulation 2016	ADB Policy	Project Policy
	acquisition by BPN will be carried out by holding public meetings and consultations, and results of surveys and appraisal of affected assets will be disclosed to the public.	updated social safeguard planning document at project implementation will be disclosed to the APs and other stakeholders in accessible forms, languages and places. The same will be posted on the ADB website.	approved social safeguard planning document will be disclosed to entitled parties and other stakeholders in accessible forms, languages and places, and posted on the ADB website. Monitoring reports during implementation will likewise be posted on the ADB website.
Monitoring at Project Implementation	Land National Agency (BPN) carries out the monitoring and evaluation towards the control, ownership, utilization and benefits of the results of the Land Acquisition for Development in the Public Interest. BPN is only responsible in the monitoring implementation phase and delivering result excluding planning and preparation stages.	Monitor and assess involuntary resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the RCCDP has been achieved by taking into account the baseline conditions and the results of involuntary resettlement monitoring. Disclose monitoring reports.	English versions of social safeguard planning document implementation M & E reports will be submitted to the ADB and results posted on the ADB website

138. For customary communities, the main principles of the government policies related to customary communities and consultation and social assessment are generally parallel to ADB SPS 2009. Gaps remain but have been addressed by other relevant laws. Outstanding gaps are on (i) project screening, (ii) social impact assessment, and (iii) monitoring and evaluation. A comparison between ADB SPS 2009 and government regulations on customary communities is presented in Table 13 along with gap filling measures proposed as project policies.

Table 13. Assessment on Customary Communities Policy Gaps

Principles	GOI Laws	ADB Policy	Project Policy
Project screening	The screening conducted under Land Law 2012 with regards to spatial planning, designation, conformity, and development priority and project level does not specify a customary communities safeguard documentation to prepare if customary communities is triggered.	Screen early on to determine (i) whether customary communities are present in, or have collective attachment to, the project area; and (ii) whether project impacts on customary communities are likely.	Conduct appropriate screening at subproject planning/preparation stage.
Social impact assessment	Land Law 2012 specifies a social survey and feasibility study to be done for preparing land acquisition plan. Yet, does not specify to cover specific need for conducting social impact assessment in regard to customary communities. It is treated as part of the land acquisition planning process.	Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on customary communities.	Conduct appropriate social impact assessment and consultation procedures.

Principles	GOI Laws	ADB Policy	Project Policy
	Under Forestry laws, SIA is conducted through an inventory of assets that will be affected but impacts on masyarakat hukum adats are not assessed.		
Monitoring at Project Implementation	<p>The Land Law 2012 specifies the task of BPN to monitor and evaluate the results of the Land Acquisition yet it does not specify to monitor CCDP implementation impacts that may require some corrective actions to be performed by agencies acquiring land.</p> <p>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).</p>	Monitor implementation of the social safeguard planning document using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether social safeguard planning document objective and desired outcome have been achieved, taking into account the baseline conditions and the results of social safeguard planning document monitoring. Disclose monitoring reports.	With the assistance of qualified and experienced experts, M&E will be conducted and English versions of social safeguard planning document implementation M & E reports will be submitted to the ADB and results posted on the ADB website.

D. Social Safeguards Policy Principles for the Project

139. The Project shall, under the aegis of PLN, uphold legal provisions of the Government of Indonesia in harmony with ADB-SPS 2009 safeguard requirements. Based on the above legal framework and equivalence-gap analysis, the resettlement and customary communities' policy principles for the Project are as follows:

- (i) Screen subproject components during early stages to identify involuntary resettlement impacts and risks as well as presence of customary communities and the likelihood of impacts on identified customary communities per project activity. These impacts and risks must be minimal. Appropriate social safeguards planning documents will be developed precisely and accurately as a result of a social assessment.
- (ii) Carry out culturally appropriate and gender-sensitive SIA to assess potential impacts on APs particularly with customary communities living in the project areas, and concerned NGO organizations. Inform all APs including customary communities on potential restriction to access to natural resources because of the project and ensure their participation in the project cycle.
- (iii) Conduct meaningful consultations with affected APs/customary communities, host communities (if any relocation), and concerned non-government organization or community groups to solicit their participation across the project cycle to (a) avoid adverse impacts or - issues of access restriction will be avoided as much as possible - when avoidance is not possible, to minimize, mitigate, or compensate for such effects; (b) entitlements of displaced persons and develop project benefits for affected customary communities in a culturally appropriate manner; (c) provide culturally appropriate and gender inclusive capacity development; and (d) establish a culturally appropriate and gender inclusive GRM.

- (iv) Pay particular attention to the need of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, customary communities, and those without legal title to land and ensure their participation in consultation.
- (v) In areas that affect customary lands, full consultation to generate consensus with customary communities will be upheld to define the areas with customary rights of the local people and reflect the issues in the social safeguards planning document with particular actions to protect or compensate customary communities.
- (vi) Improve or at least restore the livelihood of the APs/customary communities through (a) land-based resettlement strategies or cash compensation; (b) prompt replacement of assets with equal or higher value; (c) prompt compensation at full replacement cost for lost assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- (vii) APs/customary communities shall be involved in resettlement and customary communities planning based on the SIA, and social safeguards planning documents will include a framework for continued consultation with the customary communities during project implementation and cover all appropriate mitigation measures to improve, or at least restore, the livelihoods of all APs/customary communities, especially vulnerable groups so that the living standard of APs/customary communities do not become worse off compared to pre-project levels. Social safeguards planning documents should elaborate on culturally appropriate GRM, AP/customary communities' entitlements, strategy for income and livelihood restoration, including institutional arrangements, monitoring and evaluation, budgeting, and time-bound implementation schedule, and provide APs/customary communities with appropriate assistance.
- (viii) APs/customary communities without title or any recognizable legal rights to land are eligible for assistance and compensation for non-land assets at replacement cost. Particular attention will be paid to women, women-headed households, the elderly and other vulnerable persons.
- (ix) Disclose the draft social safeguards planning documents and its updates before subproject appraisal to the APs/customary communities and other stakeholders in an accessible place and a form and understandable language.
- (x) The RCCDP will be conceived of as part of the project and related costs will be included in and financed out of the project cost.
- (xi) Civil works and/or restrictions to use of land resources will not commence unless APs/customary communities are fully compensated for affected assets and non-assets and relocation of APs to new site, if any physical relocation, in accordance with the approved RCCDP and all other entitlements provided.
- (xii) Monitor implementation of the social safeguards planning documents; monitor and assess involuntary resettlement outcomes, their impacts on the standards of living of APs/customary communities.
- (xiii) Disclose monitoring reports as uploaded on to ADB and PLN websites; and with project sites specifically to the affected communities/persons in summary form.

E. Unanticipated Impacts

140. Should unanticipated involuntary resettlement and customary communities' impacts emerge during project implementation, PLN shall ensure the conduct of a SA and update or formulate a new RCCDP depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in the RCCDF. PLN shall submit these documents to ADB for disclosure on ADB's website and convey

relevant information in them to the affected persons/community.

VII. COMPENSATION, ASSISTANCE, AND VALUATION

A. Eligibilities

141. Entitled parties are those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes and income-earning opportunities. Such impacts may be permanent or temporary.¹³ Entitled parties are eligible for compensation - in cash or in kind, and other assistance under this project.

142. The cut-off-date for eligibility to project entitlements is set at 03 May 2017 and refers to the date when the Resettlement Implementation Team led by the ATR/BPN Kupang District posted the results of the DMS in public places (e.g., village office board, public sport area)¹⁴ The cut-off date sets the time limits to determine eligibility of persons living and/or with assets or interests inside the project areas. Should they be adversely affected, they will be entitled to compensation for their affected assets, including rehabilitation measures as needed, sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. Those who encroach into the project area, or any of its subprojects after 03 May 2017 will not be entitled to compensation or any other assistance.

B. Entitlements

143. Project entitlements cover the scope of impacts and the involuntary resettlement and customary community policies provided for in this RCCDP. The allowable entitlements are detailed in Table 14.

Table 14. Entitlement Matrix

No	Impact/Loss Category	Entitled Person	Project entitlement	Remarks
A. Land Loss				
1	Loss of land, including agricultural and residential land	Those who have formal legal rights (certificate) or those whose claim over the land is recognized as a full title including persons occupying the state land in good faith.	<ul style="list-style-type: none"> Cash compensation at replacement cost and reflective of fair market value at the time of payment of compensation; or land replacement with at least similar attributes to the acquired land in term of value, productivity, location, and titling. Any taxes and transactional cost borne by the project.. Financial assistance for the renewal of the land ownership documents (certificate and land documents recognized as full title) for the residual area of the entitled persons' land. If the remaining affected land can't be functioned for the specific use and utilization, the entitled party can ask for compensation 	<ul style="list-style-type: none"> Valuation of compensation conducted by a licensed independent property appraiser. It will be used for compensation payment by the Land Acquisition Implementing Team In case of the compensation rate established by the independent appraiser either for land or non-land assets (trees/crops/timber) is not acceptable to the APs/AHs, PLN may determine compensation rate based on the cost of benefit analysis For the negotiated land acquisition, in case there is deduction of tax as per government's requirements, the amount of the tax value and the

¹³ ADB. Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document. November 2012.

¹⁴ Article 29 of Law No. 2 of 2012

No	Impact/Loss Category	Entitled Person	Project entitlement	Remarks
			for their entire land at replacement cost (Law No. 2 tahun 2012 article 35).	deduction should be clearly consulted with and agreed by the APs.
2	Loss of customary land	Customary communities	Cash compensation at replacement cost or other types of compensation agreed by the customary community as per provisions compensation for loss of land above and ceremonial rites of land transfer	<p>Consultation to get agreement of compensation will be conducted with customary members and customary leader witnessed by Village and/or Sub District Official.</p> <p>Inclusion of customary communities to income restoration programs or CSR.</p> <p>Ceremonial rites usually required prior to construction.</p> <p>Extend assistance by way of facilitating for the Minfini to process certification of their remaining land with BPN per Regulation of the Minister of Agrarian and Spatial Planning/Head of National Land Agency No. 10 of 2016 on the Procedures for the Establishment of Communal Rights on Customary Land and the People Living In A Specific Area (updating regulation of the MASP No. 9/2015)</p>
3	Loss of area for livestock grazing	Owners of livestock, regardless of land tenure status (with certificate or recognizable rights, informal dwellers, occupants).	Assistance to open livestock grazing area	<ul style="list-style-type: none"> The assistance may include helping to open livestock grazing areas, if available replacement land, fencing, and providing basic grazing facilities. Participate in the livelihood restoration program
B. Loss of Trees/Crops:				
1.	Loss of Crops and Trees:	Owners, regardless of land tenure status (with certificate or recognizable rights, informal dwellers, occupants).	<ul style="list-style-type: none"> Annual crops: cash compensation will be paid based on prevailing market rates. Perennial crops: compensation at replacement cost taking into account their productivity and age. Timbers/trees: compensation at current market rate based on age, type of trees and diameter of trunk at breast height. 	<ul style="list-style-type: none"> Commercial crops: referring to income approach using Discarded Cash Flow (DCF) for 1 cycle Non-commercial crops: referring to market approach with a standard price reference issued by the local government. Non-productive Plants: referring to cost approach;

No	Impact/Loss Category	Entitled Person	Project entitlement	Remarks
				<ul style="list-style-type: none"> Valuation of non-productive plants will use cost approach; 30 to 60 days advance notice before harvesting / land clearing.
C. Loss of Structure				
1	Loss of secondary structures	Owners of the affected secondary structure, regardless of tenure	<ul style="list-style-type: none"> Compensation at full replacement cost that reflect prevailing market prices of materials and cost of labor for dismantling, transferring and rebuilding at the time payment. No depreciation should be applied; 	<ul style="list-style-type: none"> Valuation is determined by an independent appraiser Depreciation will not be deducted for affected structures. 3 months advance notice is given to the entitled party prior to the date on which they must demolish their affected structures.
D. Temporary or Permanent Impacts on Non-Land Assets During Construction				
1	Temporary or permanent impacts due to construction activities	<p>For those who have formal legal rights (certificate) or those whose claim on land is recognized as a full right</p> <p>Those who do not have legal rights and entitlements that can be recognized as full ownership</p>	<ul style="list-style-type: none"> For lease payments of the affected land by the contractor based on the applicable rental fees and agreements with landowners. For temporary impact on productive land, the AH may choose: <ul style="list-style-type: none"> (1) cost of the rental valued to be not less than the net income that will be generated from productive affected land; Compensation for non-land assets acquired (trees / plants, structure) permanently affected will be compensated at replacement cost Land will be restored to pre-project conditions or even better after the construction is completed <p>There is no land rental costs during the period of impact Land will be restored as it was before the project, or even better.</p>	<ul style="list-style-type: none"> 30-60 days prior notice given to the owner of the land before it is used temporarily by contractors. This provision should be stipulated in the contract / agreement with civil works contractors
E. Other Appraisable Loss				
1	Transaction Cost	The entitled party who lost land and non-land assets	Allowance to cover administration cost, renewal of land ownership for residual land, land clearing	Calculations are based on Inventory of Losses (IOL) and Socioeconomic Survey (SES)
2	Compensation for the waiting period (interest)	The party entitled to receive compensation for late payment	Cash compensation based on the risk-free interest, government bank interest	

No	Impact/Loss Category	Entitled Person	Project entitlement	Remarks
3	Loss of the resource base (high risk of impoverishment)	Entitled Party who lost 10% or more of total assets or earning revenue sources; Entitled Party, poor and vulnerable, regardless of the severity of the impact	<ul style="list-style-type: none"> • Participate in livelihood restoration program (LRP) • Given the opportunity to get a job related with the project • Providing free electricity access/connection as a project benefit to the customary communities. 	<ul style="list-style-type: none"> • LRP includes agricultural support, provision of training, job placement, additional financial grants and micro loans for equipment and buildings, as well as organizational support / logistics to establish alternative income generating activities for affected populations • LRP will be integrated with PLN CSR as applicable and/or local government social programs where the project is located

C. Valuation, Replacement Costs, and Compensation

144. As validated through the DDR, determination of affected households and scope of impacts were made through the DMS conducted by LAIT Kupang District and valuation by the independent appraiser. Existing documents are available as follows:

- (i) Land Acquisition Implementation Report for Development of PLTU Timor 1 Capacity 2x25 MW and PLTMG Kupang Peaker Capacity 40 MW in Lifuleo, Kupang Barat Sub district, Kupang District- Land Acquisition and Implementation Team-Land Office of Kupang District, 2017.
- (ii) Appraisal Report 052402/LP-L/dha-2/999/V-17, Type of Land Property and Plants owned by PT. PLN Persero, KJPP Dwi Haryantono Agustinus Tamba, May 2017.

145. Land acquisition assessment applied the Indonesia Valuation Standards 306 2015. The bases of assessment are: (i) Fair Replacement Value - This value can be understood as a value based on the interests of the owner (the value to the owner)¹⁵; (ii) Market value equivalence¹⁶; (iii) non-physical losses caused by the compulsory right relinquishment of property owner¹⁷; (iv) property ownership is not limited to ownership rights, but can be interpreted as control, management and use of property in accordance with applicable laws and regulations or according to the agreed scope of assignment; (v) valuation date is the announcement date, and the date of site determination for development for public interest in accordance with the applicable legislations; (vi) value adding calculated based on the risks incurred from owner's potential losses.

146. Compensation assessment in this standard includes but not limited to: i) the construction of resettlement; ii) education and motivation programs; iii) provision of working facilities; and iv) business facilities compensation. Assessment approach is specified in the detailed SPI 306 (Table 15).

Table 15. Valuation Assessment Approach Applied in Kupang Peaker 2

¹⁵ Value to the owner is defined as the economic benefits derived from the possession or ownership of a property.

¹⁶ The market value is one of the basis to determine asset value by taking into account limited or entirely absent data market. This market value can be compared with the value based on the potential use (without looking at the benefit of land acquisition plan for the public interest).

¹⁷ Non-physical loss is other losses, as referred to in Law No. 2/2012, Article 33 f and its elucidation, applicable or according to the agreed scope of Tenure.

Appraisal Object	Calculation Base	Approach	Remarks
Physical: – Land or land and structures	Market and Non-Market	Market approach Income approach	
– Structure and / or Complementary Facility	New replacement cost with adjustments	Cost approach	Depreciation calculation is only used for adjustment of physical condition The interpretation on depreciation from MAPPI mentions that to meet the justice principles, the depreciation of the affected structures can be converted to premium rate for non-physical losses. Therefore, in principle, no depreciation for the affected structure to be applied. ¹⁸
– Crops	Markets and reasonable cultivation calculation norms	Income approach	With the Discounted Cash Flow method for one cycle
		Market approach	For non-commercial plant, using references from relevant agencies.
		Cost approach	Immature crops
Non-Physical Adequate replacement of the loss on right relinquishment from landowners who will be given a premium	Market and non-market	Income approach Cost approach	Based on applicable laws and regulations Losses due to termination or closure of business premises.
Loss of job or loss of business, including profession shift.	Additional compensation is calculated based on: - potential income (net income plus the liabilities of business costs need to be paid for the transfer, such as the cost of permanent employees (for business) - income for the last month (for the profession shift)		e.g.: fish farmers, restaurants, and workshops. - if no other provisions, can be considered for an average 3 months for business and 6 months for the professional shift)
– Emotional losses (solatium)	Per SPI 306 guidelines, considerations for solatium or emotional trauma are as follows: (i) Case A: less than 2 years of Residency does not merit		May range from 5% - 30% from the market value of homes (land and building) as stipulated in the SPI 306 guidelines with the agreement of the assignor.

¹⁸ The premium value hereinafter may be referred to as "non-physical premium losses on depreciation charges". For further information on depreciation, see Hamid Yusuf, Masyarakat Profesi Penilai Indonesia (MAPPI); "Memahami Nilai Penggantian Wajar: Penilaian Terkait Pengadaan Tanah untuk Kepentingan Umum (Berdasarkan Standar Penilaian Indonesia). Jakarta, MAPPI, 2016, page 64

Appraisal Object	Calculation Base	Approach	Remarks
	consideration for solatium; (ii) Case B: recorded 2-5 years of Residency granted 10% of the cost of land and main structure; (iii) Case C: with 5-10 years of Residency allocated 20% of the cost of land and main structure; and (iv) Case D: those with over 10 years of Residency granted 30% of the cost of land and main structure.		
– Transaction cost	Based on socio-economic study conducted by an expert consultant / or applicable laws and regulations	Cost approach	<ul style="list-style-type: none"> • Cost of moving • The cost of clearing • Tax associated Costs • Cost of Certificate of Land Deed Official (PPAT)
– Waiting period Compensation (interest)	Based on the risk-free rate, or the government bank deposits interest		Based on applicable laws and regulations
– Loss of residual land	Market	Market data approach	Based on applicable laws and regulations

147. The land acquisition process considered all of the Minfini – that included the 3 margas, those using tanah ulayat lands affected by Kupang Peaker 1 and the ADB-financed Kupang Peaker 2. Four types of losses were documented by LAIT: (i) loss of communal land (tanah ulayat), (ii) loss of secondary structures (farm sheds), (iii) loss of communally owned timber trees, and (iv) loss of fruit trees.

148. Table 16 provides the details for loss of land and Table 17 for loss of farm sheds.

Table 16. LAIT-established loss of land

Name of AH Representative/ Customary Leader	Total Affected Land	Compensation and Unit Rate	Remarks
Yonas Minfini	50 Ha (no breakdown)	Rp 30,973,500,000 (61,947 per m2)	Authorized to receive compensation (Designated as leader/representative from Marga Minfini which consist of three families/marga i.e. Minfini, Saketu and Tosi)
Alexander Minfini			Representative
Barnabas Minfini			Designated as head of Minfini Family
Usias Saketu			Designated as head of Saketu and Tosi Family

Table 17. LAIT-established loss of secondary structure (farm shed)

Name AHs	Farm shed	Compensation (Rp)	Remarks
Elisabeth Minfini	1 unit	320,000	Assessment of unit rate is based on the material use for affected farm shed and condition, regardless
Barnabas Minfini	1 unit	280,000	
Kornelis Saketu	1 unit	340,000	
Markus Atabela	1 unit	440,000	
Minci Minfini	1 unit	500,000	

Name AHs	Farm shed	Compensation (Rp)	Remarks
Yusak Kona	1 unit	340,000	the size/width
Lina Kona	1 unit	440,000	
Ibet Loen (Ibetianus Lowen)	1 unit	420,000	
Lukas Saketu	1 unit	600,000	
Apris Saketu	1 unit		
Morid Tosi	1 unit	200,000	
Daniel Saketu	1 unit	200,000	
Usias Saketu	1 unit	260,000	
Laasar Saketu	1 unit	120,000	

Note: Those in yellow highlights belong to Peaker 2 Minfini AHs farming on Minfini communally owned land.

149. For loss of timber trees (Table 18), it was agreed among the Minfini that these communally belong to them and that they authorize Yonas Minfini to receive what accrues to them. Lastly, loss of fruit trees (Table 19) with identified APs.

Table 18. LAIT-established loss of timber trees

Name of Trees	Number/Age			Total	Compensation (Rp)
	Big	Medium	Small		
Tuak	427	190	179	796	3,359,058,000
Kayu Merah	771	815	684	2,270	
Kusambi	922	779	808	2,509	
Kola	539	658	632	1,829	
Tamarind	266	128	133	527	
Kedondong	12	3	1	16	
Teak	0	0	23	23	
Cashew nut	0	82	0	82	
Jarak Putih	0	35	0	35	
Kum	150	178	247	575	
Bluk	188	99	101	388	
Beringin	130	34	28	192	
Bonak	35	18	13	66	
Unok	354	394	331	1079	
Mango	0	0	3	3	
Orange	0	2	0	2	
Kapook	2	0	0	2	
Kelor	0	50	25	75	
Cendana Hutan	0	14	0	14	
Total 19 type of trees	3,796	3,479	3,208	10,483	

Table 19. LAIT-established loss of fruit trees

Name of AHs	Affected Trees/Number		Compensation (Rp)
Kornelius Tosi	Kedondong (Big)	6	3,672,000
	Kedondong (Medium)	4	
Elisabeth Minfini	Kedondong (Big)	5	2,998,000
	Kedondong (Medium)	3	
Barnabas Minfini	Cashew nut (Big)	6	7,647,000
	Teak (Medium)	1	
	Teak (Small)	10	
	Kedondong (Big)	6	
Joel Saketu	Cashew nut (Big)	4	5,710,000
	Cashew nut (Medium)	2	
	Teak (Small)	2	
Arkalaus Minfini	Cashew nut (Medium)	2	1,334,000
Kornelis Saketu	Cashew nut (Big)	4	4,938,000
	Teak (Small)	1	

Name of AHs	Affected Trees/Number		Compensation (Rp)
	Orange (Big)	1	
Markus Atabela	Cashew nut (Small)	5	1,110,000
Demas Minfini	Teak (Big)	1	5,622,000
	Teak (Medium)	1	
Alex Saketu	Cashew nut (Big)	7	7,000,000
Yusak Kona	Mango (Big)	1	1,000,000
Iben Loen	Cashew nut (Medium)	13	10,671,000
	Jarak/Damar Putih (Big)	40	
Usias Saketu (Plot 1)	Cashew nut (Big)	20	20,000,000
Lukas Saketu	Mahony (Small)	1	113,000
Salmun Minfini	Kapok (Big)	1	900,000
Apris Saketu	Teak (Small)	7	2,780,000
	Kedondong (Big)	3	
Morid Tosi	Kedondong (Big)	3	1,464,000
Daniel Saketu	Cashew nut (Big)	3	7,880,000
	Kedondong (Big)	10	
Usias Saketu (Plot 2)	Cashew nut (Big)	7	7,667,000
	Cashew nut (Medium)	1	
Laasar Saketu	Cashew nut (Big)	2	2,000,000
Daniel Kiau	Cashew nut (Big)	12	12,000,000
Edison Tosi (Plot 2)	Kedondong (Big)	3	1,464,000

Note: Those in yellow highlights belong to Peaker 2 Minfini AHs farming on communally owned land.

150. As for crop losses, these were not recorded by LAIT because they conducted the DMS from April-May 2017. The crops had already been harvested by AHs.

151. Overall, compensation payment for lost communal land, lost trees/crops planted by the sharecroppers, and secondary structures has been paid to the Minfini ethnic group. None of the main structures (houses) was affected and physical relocation of the Minfini ethnic was not required. The land acquisition for Kupang Peaker 2 was part of the land acquisition of the 50 ha for PLN's power plant complex. Compensation for land amounting to IDR 34,445,000,000 was provided in June 2017 to the customary leader on behalf of the Minfini group. After compensation was received by the customary leader, they held a coordination meeting among the AHs to agree on the appropriate distribution of compensation of land to all AHs. Compensation was proportionally distributed to all the Minfini AHs depending on the status of the head of household determined by generation. For the first level families, each family received Rp 300 – 500 million, for each son with family (second level) they received Rp 200 million. Daughters with families each received Rp 50 - 100 million and each grandchild received Rp 5 – 20 million. Approximately 20 out of 120 AHs are 1st level families, 50 out of 120 AHs are sons, and the rest are daughter and grandchildren households. There were no complaints that arose from the AHs regarding this modality.

D. Income Restoration for Vulnerable and Severely Affected HHs

152. Customary communities form part of the vulnerable sector shall receive additional assistance and in the case of Kupang Peaker 2, all AHs belong to the Minfini with all 9 AHs as severely affected and 6 AHs being vulnerable under the customary community group.

153. Income of severely affected entitled parties and vulnerable groups will be enhanced, so that they would thoroughly benefit from the project. The income restoration and rehabilitation will be delivered by PLN UIP NUSRA through Corporate Social Responsibility (CSR).

154. Per results of the IOL and SES all 9 AHs are farmers with corn and peanut as primary crops. Two of 9 AHs have other lands for cultivation. Based on interviews, since the status of the land is communal in nature, the 7 remaining AHs can farm in lands near the affected lands owned by the Minfini, with permission from the customary community leader.

155. Allocation for IRP is based on the Development of Food Crops 2015-2019 from the

Directorate General Food Crop, Ministry of Agriculture, East Nusa Tenggara Province is one of the provinces targeted for extension areas on corn and beans. With due consideration to the socioeconomic plight of AHs and to ensure that their livelihoods are made sustainable, the suggested income restoration program shall be in the form of extending food crop development packages which consist of delivering farm equipment (hand tractor and tools) for planting high quality corn and peanut. Training for improved cultivation techniques to increase productivity will likewise be provided. Hand tractor is necessary to help them cultivate newly opened drylands. Follow through assistance and agricultural extension activities shall be through the Agriculture Office of East Nusa Tenggara (Dinas Pertanian Provinsi NTT) as formally linked by PLN.

156. Aside from the 9 AHs, the remaining 111 of the 120 total Minfini AHs who own the 50 Ha land to be acquired by PLN would likewise be included for income restoration consideration as part of project benefits for customary communities.

157. Table 21 provides the cost analysis resulting to an allocation of Rp 17,800,000.00 per AH for 23 sharecropper households.

Table 20. Cost Analysis for Kupang 2 Peaker IRP per AH

No	Item	Number	Unit Price (Rp)	Total (Rp)
1	Hand Tractor (mini)*	1	10,000,000	10,000,000
2	Seed (high quality) per Ha**			
	- Corn (hibrida)	20 kg	30,000	600,000
	- Peanut (Jerapah)	50 kg	30,000	1,500,000
3	Fertilizer ***	Package		4,200,000
4	Tool for seed planting*	1	500,000	500,000
5	Training for cultivation	1	750,000	1,000,000
Total per AH				17,800,000

Notes/Source: *Agrowindo Shop, Jakarta,

** e-litbang pertanian.go.id

*** Fertilizer: (i) ZA: 300 kg x Rp 2,000 = Rp 600,000;
(ii) Ponska 600 kg x Rp. 3,000 = 1,800,000,
(iii) Urea = 600 kg x 2,000 = Rp. 1,200,000 and
organic fertilizer 600 kg x 1,000 = Rp. 600,000

158. The income restoration program will be delivered using CSR funds that are taken from the company's profit program/budget and rolled out from Pusat to PLN UIP NUSRA. Table 21 summarizes how CSRs are developed on the ground and submitted, processed and approved at Headquarters.

Table 21. Steps in the Development of CSR Projects

No.	Stages for CSR	Responsible Entity
1	Survey and village condition mapping	UPP & HKP
2	Proposal from Village submitted/forwarded to PLN UIP	UPP
3	Review Proposal by CSR Team	HKP (Tim CSR)
4	Submission of Work Plan and Budget (RKA) to PLN HQ	HKP
5	Approval process for Work Program and Budget	SKOM PLN Pusat
6	Funds flow/disbursement from PLN HQ to UIP	DivMUM & DivANG
7	Funds flow/disbursement to Village	KSDM UIP
8	CSR implementation at village level	HKP (Tim CSR) & UPP

No.	Stages for CSR	Responsible Entity
9	Evaluation and reporting to PLN HQ	UPP, KSDM, HKP

UPP = Unit Pelaksana Proyek; HKP = Hukum, Komunikasi, dan Pertanahan; SKOM = Satuan Komunikasi Korporat; DivMUM = Divisi Umum; DivANG = Divisi Anggaran; KSDM = Keuangan dan Sumberdaya Manusia; UIP = Unit Induk.

E. Special Assistance to Vulnerable Sector

159. The vulnerable sector is a distinct group of people who might suffer more or face the risk of being further marginalized due to the project. Per Law No. 39/1999 on Human Rights (Art 5 elucidation), it specifically includes i) households headed by women, ii) household heads with disabilities, iii) households falling under the regional poverty line, and iv) elderly household heads. The Minfini villages are considered as 'Desa Swakarya' by the Government of Indonesia and may with respect to socioeconomic terms not be considered vulnerable.

160. Customary communities generally are found in rural areas, rich in natural resources but steep in poverty and other facets of vulnerability: (i) the problem of inadequacy of access and unavailability of facilities and services for the fulfilment of basic needs; (ii) sociocultural problems that include values and behavior that are perceived as inimical to the improvement of community life; and (iii) structural problems, namely, policies and regulations rooted in the wider system that run counter to the traditional customary community way of life. Other parameters for vulnerability were considered (elaborated in the RCCDF) as cited in an ADB poverty study conducted in Eastern Indonesia¹⁹ in 2002: (i) Lack of recognition of adat rights over land and natural resources and transfer of land to outsiders; (ii) Poor land quality for agriculture; (iii) Lack of education; (iv) Lack of health facilities; (v) Lack of infrastructure and transport facilities; and (vi) Lack of information. To address the vulnerability, PLN shall provide the following assistance:

- (i) Participate in the IRP;
- (ii) Given preferential opportunity for employment in Project-related jobs. PLN UIP NUSRA will identify the project related jobs and offer the Minfini group, especially those who are considered vulnerable with jobs;
- (iii) Provided with free access to electricity which could spill over to other vulnerable households in the desa and hamlet. In early 2017, PLN, through the CSR program provided electricity access to all households in Panaf hamlet with free of charge (see Figure 6 below)
- (iv) Improve the road access to the Panaf Hamlet ad project area with the asphalt. Road will be completed with the safety signed and awareness on safety to the community members and drivers during equipment mobilization.
- (v) Assistance of PLN to open the livestock grazing area lost because of land acquisition of 50 ha of communal land.
- (vi) PLN will consider the medical services through the regular visit of the doctor to check community health.
- (vii) PLN will also consider the request of the Minfini group on the water supply for agriculture.

¹⁹ The study was conducted among customary communities of the Toro Communities and Kalora of the Central Sulawesi, Tunjung People in Sekolaq Darat Village, East Kalimantan and Benuaq People in Benung Village, East Kalimantan.



Figure 6. House With Electric Connection from PLN

161. The project staff and external monitor will ensure that all information shall be disseminated to all of the vulnerable households to allow them to secure all their compensation and avail of assistance prior to land clearance.

162. **Gender Strategy.** With due reference to the gender analysis in Chapter 3, the following specific actions seek to address gender issues as well as for other vulnerable sectors in the Project:

- (i) Women, the elderly, and disabled will be invited to/represented in consultations most especially those belonging to the Minfini during RCCDP implementation;
- (ii) In conducting the Detailed Measurement Survey and consultations on resettlement activities, both women and men will participate in the discussions – to include the elderly and disabled (may be by representation);
- (iii) Both husband or wife will be invited to be present to receive the compensation and other allowances due to the household for affected assets.
- (iv) Women will be given equal chance in getting hired for unskilled work and receive equal remuneration for the same work by the men.
- (v) Women, the elderly, and disabled will be prioritized in Income Restoration Program to be provided during RCCDP implementation specifically as vulnerable/ severely AH heads.
- (vi) Disaggregated monitoring indicators by sex, ethnicity, and vulnerable groups will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities.

VIII. RCCDP BUDGET

163. Costs related to social safeguards will be financed by PLN. Compensation for lost assets have been paid the Minfinis already which also entailed the hiring of a licensed property appraiser who conducted a detailed property appraisal of all affected assets. The results of

the work of the property appraiser was used by the LAIT led by MASP/NLA of Kupang District in negotiating with AHs the as regards levels of compensation for their affected assets.

PLN will release sufficient budget for implementation of livelihood rehabilitation and other social safeguards activities in an appropriate and timely manner from Headquarters on to the UIP. Table 22 provides the budget line items and overall cost which is IDR 45,309,261,400 or USD 3,398,789.39

Table 22. Cost for RCCDP Implementation

Budget Items	Kupang Total Cost	
	IDR	USD
I. COMPENSATION	34,443,878,000	2,583,743.01
A. Land	30,973,500,000	2,323,419.10
B. Structures	4,460,000	334.56
C. Forest Trees	3,359,058,000	251,973.45
D. Fruit Trees	106,860,000	8,015.90
II. INCOME RESTORATION PROGRAM (PLN CSR). This does not include CSR program for people living around the project area including Panaf Hamlet for electricity access, road improvement, possibility of water supply for agriculture, and open area for livestock grazing.	409,400,000	30,710.37
TOTAL / DIRECT COST	34,853,278,000	2,614,453.38
Administrative costs (15% of direct costs)	5,227,991,700	392,168.01
OVERALL TOTAL	40,081,269,700	3,006,621.39
Cost contingencies (15% of direct costs)	5,227,991,700	392,168.01
GRAND TOTAL	45,309,261,400	3,398,789.39

Note: Cost for items such as free access to electricity, provision of school and health service not included.

164. At the Pusat level, funds allocation, processing and flow to the sites is through the DivMUM or the Divisi Umum (General Affairs Division) under the Directorate of Human Capital Management and the DivANG or the Divisi Anggaran (Budget Division) under the Directorate of Finance. Funds are directed to the KSDM or Keuangan dan Sumberdaya Manusia (Financial and Human Resource Field Division) which is specifically tasked to develop, implement and evaluate administrative human resource activities at the UIP and UPP.

IX. INSTITUTIONAL ARRANGEMENTS

A. Current PLN Capacities on Social Safeguards

165. Each PLN regional office has a safeguard unit with two or three staff depending on the number and scale of projects allocated. It oversees the compliance of safeguard-related laws and regulations and PLN guidance. Each PLN development unit (Unit Pembangunan Induk/UIP) also has a safeguard team to handle environment and land acquisition issues.

166. PLN as a whole has accumulated adequate knowledge and experience in handling environmental and social safeguard issues. To enhance their capacity, PLN staff attend trainings (including training on environmental and resettlement safeguards) provided by the Education and Training Unit of PLN Corporate University. All staff are entitled to select and attend trainings twice a year. In addition, several PLN staff have been enhancing their understanding of social and environmental safeguards by participating in external training conducted by ADB. Some PLN staff also participate actively in discussions on the equivalence

assessment of country safeguard systems for resettlement and environmental safeguards conducted under ADB technical assistance²⁰.

167. While most safeguard staff are well-versed with land acquisition procedures, substantive social safeguards capacities remain limited especially along the areas of meaningful consultation, social impact assessment that include conduct of social surveys – both quantitative and qualitative. Qualitative is to be highlighted particularly in regard to customary communities' safeguards.

B. Institutional Arrangements

168. Land acquisition for the purpose of providing electric power, both for a government assignment or not, has been regulated by PLN Board of Director Regulation No. 0344/2016 Regarding Land Acquisition within PLN. PLN Regulation No 0344/2016 covers: (i) land acquisition for public interest with size less than 5 Ha, and (ii) land acquisition not for public interest, such as land acquisition for development of office, warehouse, official residence etc. Land acquisition for more than 5 Ha was implemented in accordance with the Land Law No 2/2012. This new PLN Regulation also sets the compensation payment mechanisms that includes (i) consultation determination of the form of compensation, (ii) compensation payment under normal and urgent circumstances, (iii) implementation of the cost and benefit analysis scheme for the AHs does not agree with the amount of compensation which was assessed by the appraiser, (iv) Deposit of compensation (consignment) at the District Court in the location of land acquisition. As for compensation to owners of land, building, trees and other objects under the transmission line of above 35 kV which will be formed as free space, the Ministry of Energy and Mineral Resources Decree No. 38/2013 Regarding Compensation of Assets in the ROW of Transmission Line establishes procedures, mechanisms, and formulas for compensation.

1. National Level

169. PT. PLN (Persero) Head Quarter (PLN Pusat) under the Ministry of Energy and Mineral Resources as the EA of this project will be responsible for overall coordination, policy directions, and administration, including those related to social safeguards. In PT. PLN (Persero) Head Quarter there is one division for handling the Health, safety, and environmental namely K3L (Kesehatan, Keamanan, dan Keselamatan Kerja dan Lingkungan) Division. The K3L Division divided into 2 units headed by managers namely: Manager of K3 and Manager of Environmental. K3L Division will supervise the social safeguard issues with PLN UIP Nusa Tenggara. Under the PLN (Persero) Headquarter there is also a division for handling land acquisition namely the PPT (Perijinan dan Pertanahan). To this effect, a Project Implementation Consultant (PIC) will be recruited to assist PLN in overall Project management. Div PPT is the section with the main responsibility on required permits for land acquisition, monitoring land acquisition process, including income/livelihood restoration program using CSR program to address social issues in land acquisition, and providing guidance to the UIPs/UPP and Wilayah in managing land acquisition and handling social issues. Div PPT will also be a representative in PMU and review of social safeguards planning and monitoring reports prior to submission to ADB for review and disclosure. Div K3L is responsible for health, safety and environment including monitor impacts of land acquisition to be embodied in the Environmental Impact Assessment.

170. The Corporate Communication Unit (Satuan Komunikasi Korporat--SKOM) is responsible for Corporate Social Responsibility (CSR) distinct and separate from safeguards. Specific to CSR and Partnership and Community Development Program (Program Kemitraan dan Bina Lingkungan/PKBL), it is tasked to: (i) ensure planning, implementation and evaluation of policies and strategies for the management of CSR and PKBL, including

²⁰ ADB. 2010. Technical Assistance for Strengthening and Use of Country Safeguard Systems. Manila (TA 7566-REG); ADB. 2013. Technical Assistance for Aligning Asian Development Bank and Country Systems for Improved Project Performance. Manila (TA 8548-INO).

community development and corporate social responsibility program; (ii) Ensure planning, implementation and evaluation of CSR and PKBL program synchronization between Headquarters, Regional and Unit Induk and Subsidiaries, and assessing the impact on the Company; and Ensure planning, implementation and evaluation of CSR and PKBL activities are published to external and internal stakeholders, and carry out monitoring and evaluation of the implementation of CSR and PKBL.

171. Project Management Unit. PLN will establish a dedicated Project Management Unit (PMU) at PLN's Head Office headed by a project director with administrative support will oversee project implementation. PLN RKO will oversee the formation of the PMU through a Board of Director decree. This PMU will be based on existing PLN structures and general responsibilities and comprise staff from all relevant divisions. It is responsible for management of the implementation and monitoring of the project, including managing the subproject pipeline, selection of non-core subprojects, coordination of preparation of subprojects, procurement of EPC and consulting contracts, monitoring of project progress and reporting. It will utilize the capacities of PLN's divisions, including Engineering Division, New and Renewable Energy Division, Strategic Procurement and Safeguards Division. The PMU shall bundle oversight and liaison with all relevant PLN units, including the subdivision on Environmental and Social Safeguards, with ADB and the PIC.

172. Project Implementation Consultant (PIC). A PIC will be contracted through the loan to support PLN in the supervision of the implementation of the project. As part of this consultant team, international and national social safeguards consultants will support addressing social safeguards issues (involuntary resettlement, customary communities, and social development). While PIC will be attached to the national PLN office specifically under the Project Management Unit (PMU), the social consultants will work closely with UIP on social safeguards.

2. Site Level

173. PT PLN (Persero) Unit Induk Pembangunan (UIP). UIP Nusa Tenggara as PLN unit in charge of the construction of power plants PLTU Timor 1, PLTMG Kupang Peaker 1 and PLTMG Kupang Peaker 2. PLN UIP Nusa Tenggara will be responsible for implementation of all land acquisition activities under supervision of the Law and Land Acquisition Manager and will be assisted by the Land Acquisition Assistant Manager in PT. PLN (Persero) UPP Timor. Once constructed, management of the power plants and transmission networks for PLTU Timor 1, PLTMG Kupang Peaker 1 and PLTMG Kupang Peaker 2 is handed over by PLN UPP Timor. PT. Detailed tasks and responsibilities of the PT. PLN (Persero) UIP Nusa Tenggara are as follows:

- (i) Support the LAIT to conduct the DMS following final detailed design;
- (ii) Obtain authorization for land use and secondary structure demolition;
- (iii) Mobilize Independent Appraiser for valuation of compensation.
- (iv) Responsible for implementation of all RCCDP activities;
- (v) Close coordinate with PLN Regional Office, responsible for designing and implementing income rehabilitation assistances to APs;
- (vi) Support LAC to conduct public consultations and public disclosure;
- (vii) Support LAC in conducting negotiation for compensation with APs;
- (viii) Disburse compensation payments;
- (ix) Conduct internal monitoring and support the PMU with information about progress at the project in order to be integrated into semi-annual project reports to be submitted to ADB;

174. Unit Pelaksana Proyek (UPP) - The UPP is responsible for managing the implementation of construction in accordance with contractor's contract, construction

supervision, design supervision and other parties as part of the achievement of construction performance targets established by the company.

175. Subproject Management Unit (SPMU). Each location of a planned power plant funded by this sector loan will set up a SPMU, also comprised of existing staff from UIP and UPP Nusa Tenggara, and will monitor project progress and coordinate implementation of the sub-project. The SPMUs and PLNs site supervision consultants will liaison with PMU and PIC, especially on monitoring and the contractors' compliance with the EPC contracts and the safeguard requirements to enable satisfactory functioning of all supervisory.

176. Land Acquisition Implementation Team (LAIT). PLN UIP East Nusa Tenggara has submitted the request of land acquisition to the Ministry of Agrarian and Spatial Planning / National Land Agency (KATR/BPN) of Kupang District after location was stipulated. Land Acquisition Implementation Team led by Kupang District Land Office will conduct land acquisition and resettlement, which are includes: (i) detailed measurement of affected assets, (ii) appointment of Appraisal Team for valuation of entitlements, (iii) negotiation of type and amount of compensation, (iv) compensation payment and land title release, potential relocation, (v) handling complaint related with IOL and compensation together with PLN UIP East Nusa Tenggara, (vi) submission of acquired land document to PLN UIP East Nusa Tenggara.

177. PLN-CSR. Project income/livelihood restoration undertakings shall be coursed through PLN-CSR. At the site level, this is lodged with the Legal, Communication and Land Affairs/ Hukum, Komunikasi, dan Pertanahan (HKP) under UIP. Aside from its other tasks, it specifically is assigned to develop, implement, and evaluate CSR activities. The UPP is responsible for the development, implementation and evaluation of CSR activities that have been approved by UIP.

178. Province/District Government. PLN UIP as the project implementing agency and agency requiring land has submitted land acquisition planning document to the Governor. The Governor, has delegated to Regent (Bupati), established a Preparation Team which have tasks to conduct: (i) notification on the development plan; (ii) initial location identification on the development plan; and (iii) public consultation on the development plan. The Nusa Tenggara Province issues the location determination for project development. Should there be objections, the Governor of Nusa Tenggara Timur will establish a special team to assess the situation.

179. Customary Communities/Village Head/Head of Kecamatan. The status of land in the project area is customary land of the Minfini. In the land acquisition process, primary consideration for the release of land rights refer to the customs of the Minfini that will be decided by 3 heads of the Minfini who will represent their respective families/tribes: Minfini, Saketu, and Tosi. The following are the stages of land acquisition process for Customary Land in the project area:

- (i) The release of rights for customary land should get advice from the village head, authorized by the Head of the Kecamatan. In this case the Village Head should explain the status of land in a statement letter.
- (ii) The statement letter should be signed by members of the suku (Anak Suku), Marga representative (head of marga), and suku heads for Minfini, Saketu, and Tosi.
- (iii) The statement letter will be acknowledged by the Head of Village (Kepala Desa) and approved by the Head of the Sub-district (Camat). The statement letter shall include information on land area and land disputes, if any.

C. Capacity Building

180. In order to realize the implementation of the RCCDP, the Social Safeguards Specialist under the PIC shall assist PLN-UIP for the RCCDP update if applicable, implementation, and provide capacity building trainings on social safeguards-related tasks/activities. Trainings for site-based PLN safeguards teams will be conducted prior to social safeguards planning

document full implementation – the first set should be before detailed measurement surveys. Specific topics recommended for the training are:

- (i) Strengthen knowledge and awareness of stakeholders on provisions in the RCCDP including ADB SPS 2009 on involuntary resettlement and customary communities.
- (ii) An orientation on the cultural sensitivities of the Minfini will have to be conducted.
- (iii) Requirements and procedure for RCCDP Update as well as understanding use of the detailed measurement survey instruments.
- (iv) Conduct of meaningful consultations and grievance handling.
- (v) Orientation and finalization of detailed plans for income restoration, plan for compensation disbursement and its required document, and required document for grievance handling.
- (vi) Monitoring

181. PLN UIP Nusa Tenggara as primary implementing agencies, shall retain adequate staff for handling social safeguards with relevant qualifications and experience to be able to adequately design and deliver the RCCDP.

D. Implementation Schedule of the RCCDP

182. Based on the DDR, PLN had been compliant with existing policies and principles related to involuntary resettlement and indigenous peoples at the time land acquisition for the whole Kupang complex was implemented. What remains are implementation of other facets of the RCCDP like monitoring and upholding of meaningful consultations, disclosure, and observance of grievance redress particularly customary modalities. Most urgent are as follows:

- (i) Finalize and disseminate PIB – translated to Helong;
- (ii) Incorporate agri-based livelihood restoration for budget allocation through PLN-CSR;
- (iii) Set up social safeguard monitoring and disclosure mechanisms and instruments with reference to the RCCDP; to include for monitoring of grievances; and
- (iv) Disclosure of this DDR – to be disclosed to AHs and posted in both the ADB and PLN project websites as prescribed in the RCCDF with PPT Division as responsible entity.

183. For these, PLN shall, with assistance from PIC, refer to the pertinent sections of the RCCDP. Table 23 summarizes the indicative schedules of the various RCCDP activities.

Table 23. RCCDP Implementation Schedule

Activities	Schedule
Finalization of RCCDP	December 2017-January 2018
Distribution of localized Project information leaflet	31 January 2018
Incorporate agri-based livelihood restoration for budget allocation through PLN-CSR	31 January 2018
Set up social safeguard monitoring and disclosure mechanisms and instruments with reference to the RCCDP; to include for monitoring of grievances	1st quarter 2018
Disclosure of RCCDP and DDR – to be disclosed to AHs and stakeholders. - posted in both the ADB and PLN project websites as prescribed in the RCCDF with PPT Division as responsible entity	26 and 29 January 2018 March 2018
PLN concurrence of draft RCCDP; ADB approval of draft RCCDP	March 2018

Activities	Schedule
Implementation of income restoration program	Across project stages but to commence before civil works
Internal monitoring (submission of semiannual reports)	Ongoing during implementation; to commence 6 months after loan effectiveness

X. MONITORING AND EVALUATION

A. Monitoring Arrangements

184. PLN Headquarters will establish a dedicated Project Management Unit (PMU) at the Head Office to oversee project implementation; responsible for project management at implementation as well as monitoring and reporting. The PMU shall bundle oversight and liaison with all relevant PLN units, including the subdivision on Environmental and Social Safeguards, with ADB and the PIC.

185. Parallel to the PMU, a subproject management unit (SPMU) will be set up, comprised of existing PLN staff specifically UIP Nusa Tenggara Legal, Communication, and Land Affair division to periodically monitor project progress and coordinate implementation of the sub-project. The SPMUs and PLNs site supervision consultants will liaison with PMU and PIC as regards monitoring safeguard requirements embodied through this RCCDP and the RCCDF.

186. Semiannual monitoring reports will be prepared by the PIC in discussion and review by PLN PMU/SPMU who in turn will submit the report to the PPT Division for further review. A semiannual monitoring report template is provided in the Project Administration Manual which further describes the appropriate methodologies per parameter. The PPT Division is tasked to submit the semiannual monitoring to ADB for review and disclosure. Further monitoring will take place through ADB progress mission, mid-term reviews and other events as may be proposed by ADB and agreed with PLN.

187. The scope of monitoring includes but not limited to:

- (i) Payment of compensation to all APs in various categories, according to the compensation policy described in this RCCDP.
- (ii) Delivery of income restoration and social support entitlements.
- (iii) Public information dissemination and consultation procedures.
- (iv) Adherence to grievance procedures and outstanding issues requiring management's attention.
- (v) Priority of APs regarding the options offered.
- (vi) The benefits provided from the project.
- (vii) Assess if RCCDP activities achieved the intended objectives; measure resettlement outcomes against baseline conditions.

B. Monitoring Indicators

188. Monitoring indicators address the specific contents of the RCCDP activities and entitlements matrix. Potential monitoring indicators, from which specific indicators can be developed and refined as applicable to the pertinent social safeguard planning document, are set out in Table 24.

Table 24. Suggested Monitoring Parameters and Indicators

Monitoring parameters	Suggested indicators
RESETTLEMENT	

Monitoring parameters	Suggested indicators
Consultation and Grievances	<ul style="list-style-type: none"> • Consultations organized as scheduled including meetings, groups, and community activities. • Knowledge of entitlements by the APs (of customary communities, women, men, and other vulnerable groups). • Use of the grievance redress mechanism by the APs (of customary communities, women, men, and other vulnerable groups). • Information on the resolution of the grievances. • Information on the implementation of the social preparation phase. • Implementation of special measures for customary communities.
Communications and Participation	<ul style="list-style-type: none"> • Number of general meetings (for customary communities, women, men, and other vulnerable groups). • Number of meetings exclusively with customary communities. • Percentage of women out of total participants. • Number of meetings exclusively with women. • Number of meetings exclusively with vulnerable groups. • Number of meetings between hosts and the APs. • Level of participation in meetings (of customary communities, women, men, and other vulnerable groups). • Level and adequacy of information communicated. • Information disclosure. • Translation of information disclosed in the local languages.
Delivery of Entitlements	<ul style="list-style-type: none"> • Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix. • Disbursements against timelines. • Identification of APs losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps, have been included. • Timely disbursements of the agreed transport costs, income substitution support, and any resettlement allowances, according to schedule. • Provision of replacement land plots. • Quality of new plots and issuance of land titles. • Restoration of social infrastructure and services. • Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan. • Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.
Budget and Time Frame	<ul style="list-style-type: none"> • Social safeguards staff appointed and mobilized on schedule for field and office work. • Capacity building and training activities completed on schedule. • Achieving resettlement and customary community implementation activities against the agreed implementation plan. • Funds allocation for resettlement-to-resettlement agencies on time. • Receipt of scheduled funds by resettlement offices. • Funds disbursement according to the RCCDP/RP/CCDP/DDR. • Social preparation phase as per schedule. • Land acquisition and occupation in time for implementation.
Livelihood and Income Restoration	<ul style="list-style-type: none"> • Number of APs under the rehabilitation programs (customary communities, women, men, and vulnerable groups).

Monitoring parameters	Suggested indicators
	<ul style="list-style-type: none"> • Number of APs who received vocational training (customary communities, women, men, and vulnerable groups). • Types of training and number of participants in each program. • Number and percentage of APs covered under livelihood programs (customary communities, women, men, and vulnerable groups). • Number of APs who have restored their income and livelihood patterns (customary communities, women, men, and vulnerable groups). • Number of new employment activities. • Extent of participation in rehabilitation programs. • Extent of participation in vocational training programs. • Degree of satisfaction with support received for livelihood programs. • Percentage of successful enterprises breaking even (customary communities, women, men, and vulnerable groups). • Percentage of APs who improved their income (customary communities, women, men, and vulnerable groups) • Percentage of APs who improved their standard of living (customary communities, women, men, and vulnerable groups) • Number of APs with replacement agriculture land (customary communities, women, men, and vulnerable groups) • Quantity of land owned/contracted by APs (customary communities, women, men, and vulnerable groups) • Number of households with agricultural equipment • Number of households with livestock
Benefit Monitoring	<ul style="list-style-type: none"> • Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation. • Noticeable changes in income and expenditure patterns compared to the pre-project situation. • Changes in cost of living compared to the pre-project situation. • Changes in key social and cultural parameters relating to living standards. • Changes occurred on customary communities and other vulnerable groups benefiting from the project.
CUSTOMARY COMMUNITIES	
Demographic baseline	<ul style="list-style-type: none"> • The numbers of affected members of customary communities 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 women members of customary communities as participants; number of meetings exclusively with women members of customary communities • Percentage of vulnerable members of customary communities represented / attending meetings; number of meetings exclusively with vulnerable customary communities • Languages used at meetings

Monitoring parameters	Suggested indicators
	<ul style="list-style-type: none"> • 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 members of customary communities using the grievance redress procedure • Number of distinct customary communities - any of these 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

C. Reporting and Disclosure

189. PLN is required to prepare semiannual monitoring reports for submission to ADB. Monitoring reports are subject to review by ADB and posted on the ADB website and project website, if applicable. PLN through the SPMU- Nusa Tenggara shall disclose results of monitoring specifically to the affected communities/persons in summary form - status of the social safeguards planning document, information on benefits sharing, and corrective action plans, if any. Community disclosures will be in both Bahasa Indonesia and Helong, the language commonly understood by the AHs/CCs and posted at a location commonly agreed with AHs and village leaders.

APPENDICES

Appendix 1. Survey Results

Head of AH based on Age Group

Village	Age Group (years)				Total
	≤ 20	21 - 40	41 - 60	≥ 60	
Lifuleo	-	6	4	3	13
Nitneo	-	2	4	3	9
Total	-	8	8	6	22

Head of AH based on Sex

Village	Sex		Total
	Male	Female	
Lifuleo	12	1	13
Nitneo	6	3	9
Total	18	4	22

Head of AH based on Marital Status

Village	Marital Status		Not Answered	Total
	Married	Widow/Widower		
Lifuleo	12	1	-	13
Nitneo	6	2	1	9
Total	18	3	1	22

Head of AH based on Ethnicity

Village	Suku/Ethnic Group					Total
	Alor	Belu	Helong	Rote	Timor	
Lifuleo	1	1	-	1	10	13
Nitneo	-	-	1	1	7	9
Total	1	1	1	2	17	22

Head of AH based on Education Attainment

Village	Educational Attainment				Not answered	Total
	Not complete Primary School	Complete Primary School	Not complete Senior HS	Complete Senior HS		
Lifuleo	5	7	1	-	-	13
Nitneo	1	5	-	2	1	9
Total	6	12	1	2	1	22

Main Livelihood Activity of Head of AH

Village	Main Livelihood Activity		Total
	Farmer	Employer	
Lifuleo	12	1	13
Nitneo	8	1	9
Total	20	2	22

Secondary Livelihood Activity of Head of AH

Village	Side/Secondary Livelihood Activity					Not Answered	Total
	Seaweed Cultivation	Fishermen	Motorcycle Taxi Driver	Livestock Keepers	Craftsman		
Lifuleo	5	2	-	-	-	6	13
Nitneo	-	-	1	1	1	6	9
Total	5	2	1	1	1	12	22

Head of AH based on Distance to Work Location

Village	Distance to Work Location			Total
	Less than 1 km	1 – 2 km	More than 4 km	
Lifuleo	7	4	2	13
Nitneo	-	-	9	9
Total	7	4	11	22

Head of AH based on Monthly Income

Village	Monthly Income from Main Livelihood						No Response	Total
	< Rp900,000	>Rp 1,000,000 – 1,900,000	>Rp 2,000,000 – 2,900,000	>Rp 3,000,000 – 3,900,000	>Rp 4,000,000 – 4,900,000	>Rp5,000,000		
Lifuleo	2	3	2	4	-	-	2	13
Nitneo	2	2	2	1	1	-	1	9
Total	4	5	4	5	1	-	3	22

Average AHs Monthly Consumption/Expenditures

No	Type of Consumption/Expenditure	Total Amount for 22 AHs (Rp/month)	Average Consumption/Expenditure	
			(Rp/month)	%
1	Food/Meals	24.040.000	1.092.727	29.42
2	Transportation	10.290.000	467.727	12.59
3	Housing (KPR/Rent)	-	-	-
4	Electricity	565.000	70.625	1.90
5	Water	565.000	40.357	1.09
6	Education	9.780.000	698.571	18.81
7	Health	680.000	75.556	2.03
8	Saving	250.000	125.000	3.37
9	Entertaining	4.950.000	825.000	22.21
10	Other	5.100.000	318.750	8.58
Total		56.220.000	3.714.314	100.00

AHs based on Lighting Source

Village	State Electricity (PLN)	Non-State Electricity (Non-PLN)	No Electricity (Oil Lamp)	Total
Lifuleo	-	1	12	13
Nitneo	9	-	-	9
Total	9	1	12	22

AHs based on Source of Clean Water

Village	Cooking and Drinking				Bathing and Washing			
	Own/ Private Wells	Public Wells/ Water Channel	Buy Water	Total	Own/ Private Wells	Public Wells/ Water Channel	Buy Water	Total
Lifuleo	5	8	-	13	5	8	-	13
Nitneo	8	-	1	9	8	-	1	9
Total	13	8	1	22	13	8	1	22

AHs based on Type of Place for Defecate

Desa	Type of Place for Defecate			Total
	Latrine with septic tank	Cubluk (embankment, latrines without septic tank)	'Helicopter Toilets'	
Lifuleo	4	7	2	13
Nitneo	9	-	-	9
Total	13	7	2	22

AHs based on Type of Diseases Experienced in the Last 1 Month

Village	Type of disease experienced by the AHs in the last 1 month						Total
	Skin Diseases	Respiratory Diseases	Diarrhea	Stomachache	Cough	Influenza	
Lifuleo	-	-	1	2	1	2	6
Nitneo	1	2	-	-	1	3	7
Total	1	2	1	2	2	5	13

AHs based on Government Assistance

Village	Government Assistance			Total
	Yes	No	Not Answered	
Lifuleo	8	4	1	13
Nitneo	4	5	-	9
Total	12	9	1	22

AHs based on Government Assistance on Health

Village	Government Assistance on Health		Not Answered	Total
	Yes	No		
Lifuleo	4	6	3	13
Nitneo	5	4	-	9
Total	9	10	3	22

AHs based on Participation in Community Activities

Village	Participation in Community Activities		Total
	Yes	No	
Lifuleo	9	4	13
Nitneo	6	3	9
Total	15	7	22

Type of Community Activities

Village	#HH Members Involved	Sex		Religious Activities				Community Social Activities		
		Male	Female	Men's Group	Women's Group	Elderly Group	Youth Group	Kaster	Majelis	Posyandu
Lifuleo	21	9	12	8	6	-	-	1	4	1
Nitneo	7	1	6	1	5	1	1	-	-	2
Total	28	10	18	9	11	1	1	1	4	3

Women Involvement in Family Decision Making

Village	Women Involvement in Family Decision Making		Not Answered	Total
	Yes	No		
Lifuleo	12	1	0	13
Nitneo	7	0	2	9
Total	19	1	2	22

Appendix 2. Letter Issuance to Constitute and Delegate LAIT for PLTMU Timor and PLTMG Kupang



GOVERNOR NUSA TENGGARA TIMUR

Kupang, 10 Juni 2016

Nomor : Pem.593/28/1/2016
Sifat : Penting.
Lampiran : —
Hal : Pendelegasian Kewenangan Pelaksanaan Persiapan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Pembangunan PLTU Timor 1 kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW)

Kepada
Yth. Bupati Kupang
di-
OELAMASI

Sehubungan dengan Surat General Manager PT. PLN Unit Induk Pembangunan XI Nomor: 0902/KON.00.02/UIP XI/2015 tanggal 15 Oktober 2015 perihal Permohonan Penetapan Lokasi dan Pengadaan Tanah Untuk Pembangunan PLTU Timor 1 dan PLTMG Kupang, maka dengan ini disampaikan hal-hal sebagai berikut :

1. Pada prinsipnya Pemerintah Provinsi Nusa Tenggara Timur sangat mendukung upaya General Manager PT. PLN (Persero) Unit Induk Pembangunan XI dalam rangka Pembangunan PLTU Timor 1 kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW yang terletak di Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang guna peningkatan kualitas pelayanan kepada masyarakat.
2. Sesuai Dokumen Perencanaan Pengadaan Tanah Untuk Pembangunan Bagi Kepentingan Umum (Pembangunan PLTU Timor 1 kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW) di Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang, luas tanah yang dibutuhkan adalah 500.000 m² (50 Ha) dengan total anggaran yang dibutuhkan untuk membebaskan lahan dimaksud sebesar Rp.50.000.000.000,- (Lima Puluh Miliar Rupiah) biaya ganti rugi dibebankan kepada Pemegang Kuasa Usaha Ketenagalistrikan dan Pemegang Izin Usaha Ketenagalistrikan PT. PLN (Persero) Unit Induk Pembangunan XI.
3. Bahwa pasal 47 Peraturan Presiden Nomor 148 Tahun 2015 tentang Perubahan Keempat Atas Peraturan Presiden Nomor 71 Tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan untuk Kepentingan Umum menyatakan bahwa :
 - (1) Gubernur dapat mendelegasikan kewenangan pelaksanaan persiapan Pengadaan Tanah bagi pembangunan untuk kepentingan umum kepada Bupati/Walikota berdasarkan pertimbangan efisiensi, efektifitas, kondisi geografis, sumber daya manusia, dan pertimbangan lainnya, dalam waktu paling lama 5 (lima) hari kerja sejak diterimanya dokumen Perencanaan Pengadaan Tanah;
 - (2) Dalam hal Gubernur mendelegasikan kewenangan - kepada Bupati/Walikota sebagaimana dimaksud pada ayat (1), bupati/walikota

membentuk Tim Persiapan dalam waktu paling lama 5 (lima) hari kerja sejak diterimanya pendelegasian;

- (3) Pelaksanaan persiapan Pengadaan Tanah bagi pembangunan untuk kepentingan umum sebagaimana dimaksud pada ayat (1), dilakukan secara mutatis mutandis sesuai pasal 9 sampai dengan pasal 46.
4. Berdasarkan angka 3 (tiga) di atas, maka dalam rangka efisiensi dan efektifitas pelaksanaan kegiatan persiapan pengadaan tanah bagi Pembangunan PLTU Timor I kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW di Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang, Gubernur Nusa Tenggara Timur mendelegasikan kewenangan pelaksanaan persiapan pengadaan tanah untuk Pembangunan PLTU Timor I kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW yang terletak di Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang seluas 50 Ha kepada Bupati Kupang.
 5. Dalam rangka pelaksanaan persiapan pengadaan tanah dimaksud, agar mempedomani Undang - Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum, Peraturan Presiden Nomor 71 Tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum, sebagaimana telah diubah beberapa kali, terakhir dengan Peraturan Presiden Nomor 148 Tahun 2015 tentang perubahan keempat atas Peraturan Presiden Nomor 71 Tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum.
 6. Selama melaksanakan persiapan pengadaan tanah untuk Pembangunan PLTU Timor I kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW dimaksud, agar tetap memperhatikan kearifan lokal yang ada dengan tetap melibatkan pihak - pihak terkait baik di Provinsi Nusa Tenggara Timur maupun di Kabupaten Manggarai Barat sehingga hasil pelaksanaannya tidak menimbulkan masalah dikemudian hari.
 7. Melaporkan setiap perkembangan pelaksanaan persiapan Pengadaan Tanah Untuk Pembangunan PLTU Timor I kapasitas 2 x 25 MW dan PLTMG Kupang *Peaker* Kapasitas 40 MW kepada Gubernur Nusa Tenggara Timur.

Demikian penyampaian ini, atas perhatian dan kerjasama yang baik disampaikan terima kasih.

 **GUBERNUR NUSA TENGGARA TIMUR,**
FRANS LEBU RAYA

Tembusan :

1. Wakil Gubernur Nusa Tenggara Timur di Kupang;
2. Ketua DPRD Provinsi Nusa Tenggara Timur di Kupang;
3. Kepala Kantor Wilayah BPN Provinsi NTT di Kupang;
4. General Manager PT.PLN (Persero) Unit Induk Pembangunan XI di Mataram;
5. Ketua DPRD Kabupaten Kupang di Oelasa;
6. Kepala Kantor BPN Kabupaten Kupang di Oelamasi.

Jalan Basuki Rahmat No. 1, Kupang 85111
Telp: (0380) 30382/832807/831234 PSW, 143,151,137,126,135 - Faks: (0380) 833624 Website: nttprov.go.id

Appendix 3: Minutes of the Joint Inspection - PLN UIP Survey Team and Minfini

BERITA ACARA PERSEKUTUAN BERSAMA

Tanggal : Rabu, 28 September 2018
Tempat : Rumah Bapak Paulus Sakti
Daftar hadir : Terlampir

Pada tanggal 28 September 2018 telah dilakukan pengesahan lahan bersama rencana pembangunan PLTU dan PLTMS Kupang di Dusun 04, Desa Lefuleo, Kecamatan Kupang Barat antara pihak PT. PLN (Persero), tokoh masyarakat, tokoh adat dan para pemilik lahan dengan hasil sebagai berikut :

1. Lahan untuk rencana lokasi pembangkit (PLTU dan PLTMS) seluas \pm 40 hektar tidak terdapat pemukiman, gergaji dan kebun.
2. Tokoh masyarakat, tokoh adat dan para pemilik lahan menyampaikan bahwa pada prinsipnya mendukung dan menerima rencana pembangunan pembangkit (PLTU dan PLTMS) di Dusun 04, Desa Lefuleo, Kec. Kupang Barat.
3. Pemilik lahan bersedia lahannya untuk dilebarkan oleh tim pemerintah dengan cara ganti rugi dengan luas \pm 40 hektar.
4. Pemilik lahan belum menyetujui rencana lokasi untuk pembangunan ash yard dengan luas \pm 10 hektar dan meminta kepada pihak PT. PLN (Persero) untuk mempertimbangkan kembali rencana untuk lokasi pembangunan ash yard tersebut.

PT. PLN UIP MUSRA


TAUFIQ-4

Wakil Pemilik


Yonas Minfani

P.T. PLN WIL NTT


BELLAN MINS MINS

Pejabat Dusun


Yonas Y. Pesi

DAFTAR HADIR
PENINJAUAN LOKASI (PATOK) RENCANA PEMBANGUNAN PLTMG DAN PLTU DI DUSUN
PANAF DESA LIFULEO KECAMATAN KUPANG BARAT

Hari / Tgl : KAMIS, 28 SEPTEMBER 2016

Jam : 09.30 Wita s/d selesai

Tempat : RUANG RAPAT KANTOR PLTU BOLOK - NTT

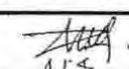
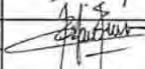
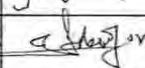

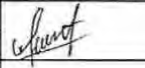


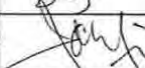

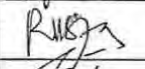



NO	N A M A	PEKERJAAN	No. HP	TANDA TANGAN
1	Bellaminus Mimi	PLN WIRIT	081353803000	
2	Yonas Minfimi			
3	DEMAS Minfimi			
4	YONIAS Y- TOSI	KADUS IV PANAF	081353769738	
5	Lukas Sakeku		082339244783	
6	ONI - SAKETU			
7	Alek Minfimi			
8	Alvin Sakeku	Petani masyarakat		
9	OKTAF A. Sakeku	Petani masyarakat	081858103762	
10	DOMINGGUS MINFINI			
11	ISAHH SAKETU	PAKSI		
12	NAHASON SAKETU	PETANI		
13	KORNELIS Sakeku	Petani		
14	Markus Atebela	Petani		
15	LUHER SAKETU	Petani		

DAFTAR HADIR
PENINJAUAN LOKASI (PATOK) RENCANA PEMBANGUNAN PLTMG DAN PLTU DI DUSUN
PANAF DESA LIFULEO KECAMATAN KUPANG BARAT

Hari / Tgl : KAMIS, 28 SEPTEMBER 2016

Jam : 09.30 Wita s/d selesai

Tempat : RUANG RAPAT KANTOR PLTU BOLOK - NTT

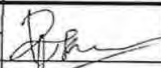

NO	N A M A	PEKERJAAN	No. HP	TANDA TANGAN
16	Topi Saketu	Petani		
17	Yusuf - Muntini	II - - II -		
18	Joel - Saketu	II - - II		J.S
19	Obet MUNTINI	II - - II		
20	Thomas Tasi	Petani		
21	mariaus Saketu	- I -		
22	USIAS - SAKETU	- II -		U.S -
23	Paulus Saketu			
24	Dameal Saketu	- I -		P.S
25	TAMFLO A.	PLN UIP NUERA.	001139103 863	
26	Welen ferdinan	PLN PUSANLIS	0813 8109 2790	
27	RUSTAM	PLN KUPANG	081338490222	
28	SARWEDI BUTAR BUTAR	PLN PUSANLIS	0852 21506776	
29	Sulaiman	PLN WIL NTT	081 246 92 851	
30	Putu Ulocum	PLN UPP TMA	081 1201 189	

DAFTAR HADIR
PENINJAUAN LOKASI (PATOK) RENCANA PEMBANGUNAN PLTMG DAN PLTU DI DUSUN
PANAF DESA LIFULEO KECAMATAN KUPANG BARAT

Hari / Tgl : KAMIS, 28 SEPTEMBER 2016

Jam : 09.30 Wita s/d selesai

Tempat : RUANG RAPAT KANTOR PLTU BOLOK - NTT

NO	N A M A	PEKERJAAN	No. HP	TANDA TANGAN
31	bernabas minzini	Petani		
32	Bayu Septo	PLN UPQ TIMOR		
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Appendix 4: Minutes of 18 October 2016 Public Consultation

BERITA ACARA SOSIALISASI

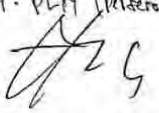
Tanggal : Selasa, 18 Oktober 2016
Tempat : Gerya
Daftar hadir : Terlampir

Pada tanggal 18 Oktober 2016 telah dilakukan sosialisasi rencana pembangunan PLTM dan PLTU di Dusun Poraf, Desa Lipuleo, Kecamatan Kupang Barat, Kabupaten Kupang antara pihak PT. PLN (Persero), Camat Kupang Barat, Kepala Desa Lipuleo, Pemerintah Kabupaten Kupang, tokoh masyarakat, tokoh adat dan para pemilik lahan dengan hasil sebagai berikut :

1. PLN melalui pemerintah Kabupaten Kupang telah menyampaikan rencana PLN untuk membangun tanah di Dusun Poraf, Desa Lipuleo, Kecamatan Kupang Barat Kabupaten Kupang kepada warga masyarakat / pemilik tanah untuk pembangunan PLTM / PLTU seluas \pm 45 hektar.
 2. Masyarakat / pemilik tanah menyatakan menyetujui tanahnya dibebaskan untuk kepentingan pembangunan PLTM / PLTU tersebut.
 3. Pemerintah Kabupaten Kupang berjanji akan mempertemukan masyarakat / pemilik tanah dan PLN dengan Bupati Kupang (waktu dan tempat akan diinformasikan kemudian).
- Demikian Berita Acara ini dibuat untuk dipertanggungjawabkan sebagai berita meeting.

Dusun Poraf Desa Lipuleo
Kabupaten Kupang

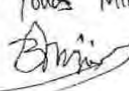
PT. PLN (Persero) / UCP NUSAA


Amrusdin Rindang



Wakil Pemilik

Yous Minfani




2. Bernabos Minfani

CS

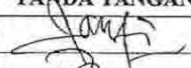
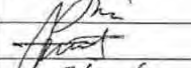
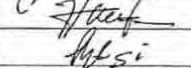

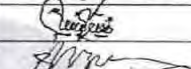
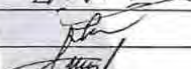
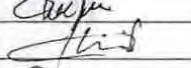


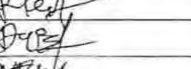









3. Usias Sabitu

Mengetahui,
Camat Kupang Barat


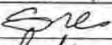
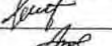























Yus Dina

	PT PLN (Persero)	No.Dokumen	
	UNIT PELAKSANA PROYEK	Edisi/Revisi	01/00
	PEMBANGKIT DAN JARINGAN TIMOR	Tanggal	18 Oktober 2016
		Halaman	1 dari 1
DAFTAR HADIR			

Tanggal	: 18 Oktober 2016
Waktu	: 09.00 WITA - selesai
Tempat	: Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kab. Kupang
Acara	: Pertemuan Terkait Rencana Pembangunan PLTMG Kupang Peaker

NO	NAMA	JABATAN	NO.TELP / EMAIL	TANDA TANGAN
1.	TAUPIO . A.	PLN UIP MURPA		
2.	JONI LIKAT	DPP	081379115656	
3	JUNUS NINFINI	PETANI		
4	YOHAN JULIUS TUI	Kades Lifuleo	085239421179	
5	WITANIEL . TOSI	-		
6	LUKAS - SAKETU	NITNEO -	082.339244263	
7	YONAS . MINFINI	KATUA . SIKU	- II	
8.	ALEX MINFINI	NITNEO	RT 12 RW 1.	
9	BARNABAS . MINFINI	PANAP -		
10	FILIPUS - SAKETU	PANAP -		
11	DOMINGGUS MINFINI	NITNEO	RT - 12 RW 01	
12	PINTO MINFINI	PETANI	085338949013	
13	ARKILAS MINFINI	PETANI		
14	SALIMUN MINFINI	PETANI		
15.	DANIAL SAKETU	PETANI		
16	YOHANIS . MINFINI	- II	- II -	
17	USIAS . SAKETU	PANAP		
18	MINGUS . MINFINI	NITNEO		
19	LAHASAR . SAKETU	PANAP		
20	APRIS . SAKETU	- II -		
21	LENORA . SAKETU	PANAP		
22	ELISABET . SAKETU . TOSI	- II -		
23.	JULIANA . SAKETU	PANAP		
24.	PIPEA . SAKETU B	PANA		
25.	DAMARIS . SAKETU	- II -		
26.	NAOMI . TOSI	- II -		

	PT PLN (Persero)	No. Dokumen	
	UNIT PELAKSANA PROYEK	Edisi/Revisi	01/00
	PEMBANGKIT DAN JARINGAN TIMOR	Tanggal	18 Oktober 2016
		Halaman	2 dari 1
DAFTAR HADIR			

NO	NAMA	JABATAN	NO. TELP / EMAIL	TANDA TANGAN
27	Yopi Sakaen			
28	Sarah Sakaen			
29	markus Saketu	Petani		
30	Abia Sakaen	- 1 -		
31	GRPD MINFINI	- 1 -		
32	Daoud Sca	- 1 -		
33	ASER - MINFINI	- 1 -		
34	GIDEON MINFINI	- 1 -		
35	Markus Atebella			
36	Paulus Saketu	RW 0-6		
37	Djufi Lwi	DPP		
38	XUSAN ULIN	Comet	08525318656	
39	DELMON SIABAN	PLN UPB TIMOR	08344159034	
40	Yotap. MIBER	penilik lahan	08123928999	
41	Bernabas pengfu			
42	Cornelius Tosi	penilik lahan	085239286401	
43	Ibet. Lowen.	panaf		
44	Thomas Tosi	Jakoh masy.		
45	Oni Saketu	tapi		
46	Yusuf Minfini	Nut Med	petani	
47	ZOSIAS - MINFINI	NITNEO	08214667006	
48	DEDRAS - MINFINI	NITNEO		
49	MARTEN - TOSSI	PANAF		
50	AMIRUBBIN KINTIVE	PLN	08127000525	
51	Bayu Septer	PLN	08123941000	

Appendix 5. PLN Project Location Determination



PROVINSI NUSA TENGGARA TIMUR

KEPUTUSAN BUPATI KUPANG
NOMOR : 33/KEP/HK/2017

TENTANG

LOKASI RENCANA PEMBANGUNAN PEMBANGKIT LISTRIK TENAGA UAP
(PLTU) TIMOR 1 KAPASITAS 100 MW DAN PEMBANGKIT LISTRIK TENAGA
MESIN GAS (PLTMG) KUPANG PEAKER KAPASITAS 40 MW
DI DESA LIFULEO KECAMATAN KUPANG BARAT
KABUPATEN KUPANG

BUPATI KUPANG,

- Menimbang :
- a. bahwa dalam upaya untuk memenuhi kebutuhan energi listrik masyarakat dan menambah pasokan energi pada saat beban puncak di Pulau Timor diperlukan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW;
 - b. bahwa dalam rangka pembangunan Pembangkit Listrik Tenaga Uap Timor (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW diperlukan persiapan pengadaan tanah;
 - c. bahwa seluruh kawasan rencana Pembangunan Pembangkit Listrik Tenaga Uap Timor (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW di Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang telah dilakukan Pendataan Awal Lokasi;

F

- d. bahwa telah terjadi kesepakatan dari pihak yang berhak terhadap Lokasi Rencana Pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW sebagaimana dimaksud pada huruf c, dengan dituangkannya dalam Berita Acara Kesepakatan.
- e. bahwa berdasarkan pertimbangan sebagaimana dimaksud huruf a, huruf b, huruf c, dan huruf d perlu ditetapkan dengan Keputusan Bupati Kupang.

Mengingat : 1. Undang-Undang Nomor 69 Tahun 1958 tentang Pembentukan Daerah-Daerah Tingkat II dalam wilayah Daerah-daerah Tingkat I Bali, Nusa Tenggara Barat dan Nusa Tenggara Timur (Lembaran Negara Republik Indonesia Tahun 1958 Nomor 122, Tambahan Lembaran Negara Republik Indonesia Nomor 1655);

2. Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244, Tambahan Lembaran Negara Republik Indonesia Nomor 5587), sebagaimana telah beberapa kali diubah terakhir dengan Undang-Undang Nomor 9 Tahun 2015 tentang Perubahan Kedua atas Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 5679);

3. Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Lembaran Negara Republik Indonesia Tahun 2012 Nomor 22, Tambahan Lembaran Negara Republik Indonesia Nomor 5280);

f

4. Peraturan Pemerintah Nomor 38 Tahun 2007 tentang Pembagian Urusan Pemerintahan Antara Pemerintah, Pemerintahan Daerah Provinsi dan Pemerintahan Daerah Kabupaten/Kota (Lembaran Negara Republik Indonesia Tahun 2007 Nomor 82, Tambahan Lembaran Negara Republik Indonesia Nomor 4737);
5. Peraturan Presiden Nomor 71 Tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 156) sebagaimana telah diubah beberapa kali terakhir dengan Peraturan Presiden Republik Indonesia Nomor 148 Tahun 2015 tentang Perubahan Keempat Atas Peraturan Presiden Nomor 71 Tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Lembaran Negara Republik Indonesia Tahun 2016 Nomor 366);
6. Keputusan Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 2 Tahun 2003 tentang Norma dan Standar Mekanisme Ketatalaksanaan Kewenangan Pemerintah di Bidang Pertanahan yang dilaksanakan oleh Pemerintah Kabupaten/Kota;
7. Peraturan Daerah Kabupaten Kupang Nomor 6 Tahun 2016 tentang Pembentukan dan Susunan Perangkat Daerah Kabupaten Kupang (Lembaran Daerah Kabupaten Kupang Tahun 2016 Nomor 6, Tambahan Lembaran Daerah Kabupaten Kupang Nomor 011);

MEMUTUSKAN :

Menetapkan : KEPUTUSAN BUPATI TENTANG LOKASI RENCANA PEMBANGUNAN PEMBANGKIT LISTRIK TENAGA UAP (PLTU) TIMOR 1 KAPASITAS 100 MW DAN PEMBANGKIT LISTRIK TENAGA MESIN GAS (PLTMG) KUPANG PEAKER KAPASITAS 40 MW DI DESA LIFULEO KECAMATAN KUPANG BARAT KABUPATEN KUPANG.

KESATU : Lokasi Rencana Pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW terletak di Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang.

KEDUA : Lokasi Rencana Pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW di Dusun Panaf Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang seluas $\pm 500.000 \text{ M}^2$ (lima ratus ribu meter persegi) telah dilakukan pendataan awal lokasi, survey, pemetaan dan pengukuran dengan batas-batas sebagai berikut :

- a. Utara berbatasan dengan : Laut dan tanah Suku Minfini
- b. Selatan berbatasan dengan : Tanah Suku Minfini
- c. Timur berbatasan dengan : Tanah Suku Minfini
- d. Barat berbatasan dengan : Tanah Suku Minfini

KETIGA : Peta Lokasi Rencana Pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW sebagaimana dimaksud dalam Diktum KESATU adalah sebagaimana tercantum dalam Lampiran Keputusan ini.

7

- KEEMPAT** : Rencana Pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW sebagaimana dimaksud dalam Diktum KESATU terdiri atas :
- a. Regas Plant
 - b. PLTMG Kupang Peaker
 - c. Ash Yard
 - d. PLTU Timor 1
 - e. Coal Yard
- KELIMA** : Pelaksanaan Persetujuan Penetapan Lokasi sebagaimana dimaksud dalam Diktum KEDUA dilakukan dengan syarat dan ketentuan sebagai berikut :
- a. perolehan hak atas tanah melalui Pelaksanaan Pengadaan Tanah oleh Tim Pelaksana pada Kantor Pertanahan Kabupaten Kupang dilakukan sesuai dengan ketentuan Peraturan Perundang-undangan;
 - b. apabila perolehan hak atas tanah telah selesai dilaksanakan segera mengajukan permohonan hak atas tanahnya sampai dikeluarkan sertifikat hak atas tanah atas nama instansi induknya, dan
 - c. pelaksanaan pembangunan fisik melibatkan tenaga kerja dan masyarakat disekitar lokasi pembangunan.
- KEENAM** : Penetapan Lokasi Rencana Pembangunan sebagaimana dimaksud dalam Diktum KESATU, berlaku untuk jangka waktu 2 (dua) tahun sejak ditandatanganinya Keputusan ini dan dapat diperpanjang 1 (satu) kali untuk paling lama 1 (satu) tahun.
- KETUJUH** : Segala biaya yang dikeluarkan sebagai akibat ditetapkannya Keputusan ini dibebankan pada Anggaran PT. PLN (Persero) Unit Induk Pembangunan Nusa Tenggara.

7

KELIMA : Keputusan ini mulai berlaku pada tanggal ditetapkan dengan ketentuan akan ditinjau kembali apabila di kemudian hari ternyata terdapat kekeliruan dalam penetapannya.

Di tetapkan di Oelamasi
pada tanggal 6 Februari 2017



Tembusan Keputusan ini disampaikan dengan hormat kepada :

1. Gubernur Nusa Tenggara Timur di Kupang;
2. General Manager PT. PLN (Persero) Unit Induk Pembangunan XI di Mataram;
3. Ketua DPRD Kabupaten Kupang di Oelamasi;
4. Kepala Bappeda Kabupaten Kupang di Oelamasi;
5. Kepala Dinas Pekerjaan Umum dan Perumahan Rakyat Kabupaten Kupang di Oelamasi;
6. Inspektur Inspektorat Daerah Kabupaten Kupang di Oelamasi;
7. Kepala Dinas PPKAD Kabupaten Kupang di Oelamasi;
8. Kepala Bagian Hukum Setda Kabupaten Kupang di Oelamasi;
9. Kepala Bagian Pemerintahan Setda Kabupaten Kupang di Oelamasi;
10. General Manager PT. PLN (Persero) Wilayah Nusa Tenggara Timur di Kupang;
11. Manager PT. PLN (Persero) UPP Timor Kupang di Kupang;
12. Kepala Kantor Pertanahan Kabupaten Kupang di Oelamasi;
13. Camat Kupang Barat di Batakte;
14. Kepala Desa Lifuleo di Panaf.

Appendix 6: Request for Implementation of Land Acquisition



PT PLN (Persero)
UNIT INDUK PEMBANGUNAN NUSA TENGGARA

Jalan Yos Sudarso No. 2A Mataram 83114
Telepon. : (0370) 621732, 621733

Facsimile : (0370) 621734

Nomor : 001 / KIT.02.03 / UIP NUSRA / 2017
Lampiran : 3 (tiga) set
Sifat : Segera
Perihal : Pengajuan Pelaksanaan Pengadaan
Tanah Bagi Pembangunan Untuk
Kepentingan Umum Lokasi PLTU Timor 1 100 MW
dan PLTMG Kupang Peaker 40 MW

3 Maret 2017

Kepada :
Kantor Pertanahan
Kab. Kupang
di.
OELAMASI

u.p Yth. Kepala Kantor,

Menunjuk Keputusan Bupati Kupang No. 33/KEP/HK/2017 Tentang Lokasi Rencana Pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor 1 Kapasitas 100 MW Dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker Kapasitas 40 MW di Desa Lifuleo Kecamatan Kupang Barat Kabupaten Kupang dan Menunjuk Keputusan Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur No. 74/ KEP-53.300.II/VIII /2016 Tentang Penugasan Kepala Kantor Pertanahan Kabupaten Kupang sebagai Ketua Pelaksana Pengadaan Tanah, dengan ini kami mengajukan pelaksanaan pengadaan tanah bagi pembangunan untuk kepentingan umum lokasi pembangunan Pembangkit Listrik Tenaga Uap (PLTU) Timor#1 (100 MW) dan Pembangkit Listrik Tenaga Mesin Gas (PLTMG) Kupang Peaker (40 MW), Kabupaten Kupang, Provinsi Nusa Tenggara Timur.

Sebagai kelengkapan pengajuan pelaksanaan pengadaan tanah tersebut di atas, dengan ini kami sampaikan sebagai berikut :

1. Foto copy Keputusan Penetapan Lokasi;
2. Dokumen Perencanaan Pengadaan tanah;
3. Data awal Pihak yang berhak dan objek Pengadaan Tanah;

Demikian disampaikan, atas perhatian dan kerjasamanya diucapkan terima kasih.



Tembusan Yth. :

1. GUBERNUR NUSA TENGGARA TIMUR
2. DIR REG SNT PT PLN (PERSERO)
3. TP4D KEJAKSAAN TINGGI NTT
4. KEPALA KANTOR WILAYAH BPN NTT
5. BUPATI KUPANG
6. PT PLN (PERSERO) WILAYAH NUSA TENGGARA TIMUR
7. PT PLN (PERSERO) UPP TIMOR

Model 1003



PT PLN (Persero)
UNIT INDUK PEMBANGUNAN NUSA TENGGARA

Jalan Yos Sudarso No. 2A Mataram 83114
Telepon : (0370) 621732 , 621733

Facsimile : (0370) 621734

Nomor	: 0284/KON.00.01/UIP NUSRA/2017	06 Maret 2017
Sifat	: Penting	
Lampiran	: 1 (satu) lembar	
Perihal	: Usulan Penetapan KJPP Dwi Haryantono Agustinus Tamba Untuk Menilai Tanah PLTU Timor1 dan PLTMG Kupang Peaker 40 MW	Kepada: Kantor Pertanahan Kabupaten Kupang di. Kupang

up. Yth. Kepala Kantor,

Sehubungan dengan kegiatan pengadaan tanah untuk pembangunan PLTU Timor1 dan PLTMG Kupang Peaker 40 MW, dengan berpedoman pada Pasal 63 ayat (2) Peraturan Presiden Republik Indonesia Nomor 99 tahun 2012 tentang Perubahan Kedua atas Peraturan Presiden Republik Indonesia Nomor 71 tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan untuk Kepentingan Umum, PT PLN (Persero) Unit Induk Pembangunan Nusa Tenggara sebagai Instansi yang membutuhkan tanah telah melakukan pengadaan Jasa Penilai atau Penilai Publik.

Bersama ini kami sampaikan usulan Calon Jasa Penilai / KJPP yaitu KJPP Dwi Haryantono Agustinus Tamba, untuk melakukan penilaian harga tanah dan benda-benda lain diatas tanah lokasi pembangunan PLTU Timor1 dan PLTMG Kupang Peaker 40 MW di Desa Lifuleo, Kec. Kupang Barat, Kab. Kupang. Selanjutnya mohon Kepala Kantor Pertanahan Kabupaten Kupang selaku Ketua Pelaksana Pengadaan Tanah dapat melakukan penetapan.

Demikian disampaikan atas perhatian dan kerja samanya kami ucapkan terima kasih.

GENERAL MANAGER

DJAROT HUTABRI EBS



PT PLN (Persero)
UNIT INDUK PEMBANGUNAN NUSA TENGGARA

Jalan Yos Sudarso No. 2A Mataram 83114
Telepon. : (0370) 621732, 621733

Facsimile : (0370) 621734

Nomor	: 0002 /KIT.02.03/UIP NUSRA/2017	27 Maret 2017
Lampiran	: 1 (satu) set	
Sifat	: Segera	
Perihal	: Kelanjutan Pengajuan Pelaksanaan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Lokasi PLTU Timor 1 dan PLTMG Kupang Peaker 40 MW	Kepada : Kantor Pertanahan Kab. Kupang di. OELAMASI

u.p. Yth. Kepala Kantor,

Menunjuk surat kami :

- a. Nomor 001/KIT.02.03/UIP NUSRA/2017 pada tanggal 03 Maret 2017 perihal Pengajuan Pelaksanaan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Lokasi PLTU Timor 1 100 MW dan PLTMG Kupang Peaker 40 MW,
- b. Nomor 0284/KON.00.01/UIP NUSRA/2017 pada tanggal 06 Maret 2017 perihal Usulan Penetapan KJPP Dwi Haryantono Agustinus Tamba Untuk Menilai Tanah PLTU Timor 1 dan PLTMG Kupang Peaker 40 MW,

Dengan ini kami mohon percepatan proses pengadaan tanah untuk pembangunan PLTU Timor 1 dan PLTMG Kupang Peaker mengingat kedua pembangunan tersebut masuk dalam program nasional pembangunan infrastruktur ketenagalistrikan 35.000 MW dan surat perjanjian pembangunan telah ditandatangani.



Tembusan Yth. :

1. GUBERNUR NUSA TENGGARA TIMUR
2. DIR REG SNT PT PLN (PERSERO)
3. TP4D KEJAKSAAN TINGGI NTT
4. KEPALA KANTOR WILAYAH BPN NTT
5. BUPATI KUPANG
6. PT PLN (PERSERO) WILAYAH NTT
7. PT PLN (PERSERO) UPP TIMOR

Model 1001

Appendix 7: Documents Pertinent to Consultation Prior to DMS



**BADAN PERTANAHAN NASIONAL REPUBLIK INDONESIA
KANTOR PERTANAHAN KABUPATEN KUPANG
PROVINSI NUSA TENGGARA TIMUR**

Jalan Timor Raya KM. 36 Oelamasi Kupang - NTT

Oelamasi, 18 April 2017

Nomor : 283/7-53.01/VI/2017
Lampiran : -
Perihal : Sosialisasi Kegiatan Pengadaan Tanah Untuk
Pembangunan pembangkit Listrik Tenaga
Uap Timor 1 Kapasitas 2 x 25 MW dan
Pembangkit Listrik Tenaga Mesin Gas
Kupang (peaker) 40 MW

Kepada :
Yth.
di-
.....

Sesuai perihal surat tersebut diatas, bersama ini disampaikan bahwa Tim Pelaksana Pengadaan Tanah Kabupaten Kupang akan melaksanakan sosialisasi Kegiatan Pengadaan Tanah Untuk Pembangunan pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2 x 25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (peaker) 40 MW Di Desa Lifuleo, Kecamatan Kupang Barat, Kabupaten Kupang, yang Sedianya akan dilaksanakan pada :

Hari / tanggal : Jumat, 21 April 2017

Jam : 10.00 Wita

Tempat : Gedung Gereja Imanuel Panaf

Untuk kelancaran kegiatan dimaksud, dimohonkan agar saudara-saudara hadir tepat waktu tanpa diwakili.

Demikian untuk maklum dan terima kasih.

KERALA KANTOR PERTANAHAN
KABUPATEN KUPANG

NANTI ERASMUS FANGGIDAE, SH
NIP. 19601106 198303 1 002

Tembusan : disampaikan dengan hormat kepada :

1. Bapak Kepala Kantor Wilayah Badan Pertanahan Nasional Provinsi Nusa Tenggara Timur di Kupang ;
2. Bapak Bupati Kupang di Oelamasi ;
3. Perwakilan PT. PLN (Persero) Unit Induk Pembangunan Nusra di Kupang ;
4. Arsip.



BERITA ACARA
SOSIALISASI PELAKSANAAN PENGADAAN TANAH
PEMBANGKIT LISTRIK TENAGA UAP TIMOR 1 KAPASITAS 2X25 MW DAN PEMBANGKIT
LISTRIK TENAGA MESIN GAS KUPANG (PEAKER) KAPASITAS 40 MW, DESA LIFULEO
KECAMATAN KUPANG BARAT
NOMOR : : 01/PT/53.24/100-2/IV/2017

Pada hari ini Jumat tanggal dua puluh satu bulan april Tahun Dua ribu tujuh belas, kami yang bertedatangan di bawah :

NO	a. NAMA b. NIP	JABATAN	TANDA TANGAN
1.	NANTJE ERASMUS FANGGIDA, SH NIP. 19601106 198303 1 002	Kepala Kantor BPN Kab. Kupang	
2.	MARKUS NATONIS, SH NIP. 19580918 198503 1 011	Kepala Dinas Pertanahan Kab. Kupang	
3.	HERMAN A. OEMATAN, S.SIT NIP. 19760414 199803 1 004	Kepala Sub Bagian Tata Usaha / Plt. Kepala Seksi HTPPT	
4.	YOHANIS F. MALELAK, S.SIT NIP. 19761210 199803 1 009	Kepala Seksi Survei Pengukuran dan Pemetaan Bidang Tanah	
5.	CHARLES O. FANGGIDAE, SH NIP. 19630725 199303 1 005	Kepala Bidang Pengurusan Hak – Hak Tanah, Dinas Pertanahan Kab. Kupang	
6.	FAH DEWI KORI KERIHI, SE, M.Si NIP. 19660219 199903 2 002	Kepala Bidang Pengurusan Dan Penguasaan Tanah, Dinas Pertanahan Kab. Kupang	
7.	DJEFFRI J.D, LUSI, S.Sos, M.Si NIP. 19710901 199203 1 001	Kepala Seksi Perencanaan, Penataan, Penguasaan dan Penggunaan Tanah Dinas Pertanahan Kab. Kupang	
8.	YOHAN YULIUS TUY	Kepala Desa Lifuleo	
9.	YUSAK A. ULIN, S.Sos NIP. 19670428 200012 1 004	Camat Kupang Barat	
10.	LUKAS KANA NIP. 19591014 198003 1 002	Kepala Sub Seksi Penetapan Hak Atas	

Telah melaksanakan Sosialisasi pengadaan tanah untuk pembangunan pembangkit listrik tenaga uap timor 1 kapasitas 2 x 25 mw dan pembangkit listrik tenaga mesin gas kupang (peaker) kapasitas 40 mw, yang diikuti oleh peserta sebagai ana daftar hadir terlampir, yang dilaksanakan di :

- a. Desa/Kelurahan : Lifuleo
- b. Kecamatan : Kupang Barat
- c. Kabupaten/Kota : Kupang

Materi Sosialisasi yang telah disampaikan meliputi :

- a. Gambaran Umum, Maksud dan tujuan kegiatan pengadaan tanah untuk pembangunan pembangkit listrik tenaga uap timor 1 kapasitas 2 x 25 mw dan pembangkit listrik tenaga mesin gas kupang (peaker) kapasitas 40 mw
- b. Tahapan Kegiatan Pengadaan Tanah Sampai dengan Peyerahan hasil
- c. Rencana Pelaksanaan Inventarisasi dan identifikasi Subjek objek oleh satgas A dan satgas B

Demikian Berita Acara Sosialisasi Kegiatan pengadaan tanah untuk pembangunan pembangkit listrik tenaga uap timor 1 kapasitas 2 x 25 mw dan pembangkit listrik tenaga mesin gas kupang (peaker) kapasitas 40 mw, kami buat untuk dipergunakan sebagaimana mestinya.

Lifuleo, 21 April 2017


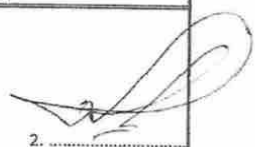










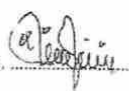
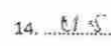


KETUA PELAKSANA PENGADAAN TANAH



NANTJE ERASMUS FANGGIDAE, SH

NIP. 19601106 198303 1 002

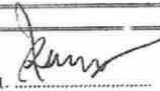


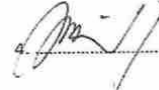






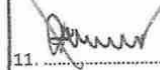

DAFTAR HADIR SOSIALISASI
PENGADAAN TANAH UNTUK PEMBANGUNAN PEMBANGKIT LISTRIK TENAGA UAP
TIMOR 1 KAPASITAS 2 X 25 MW DAN PEMBANGKIT LISTRIK TENAGA MESIN GAS
KUPANG (PEAKER) KAPASITAS 40 MW, DESA LIFULEO KECAMATAN KUPANG BARAT
KABUPATEN KUPANG PROPINSI NUSA TENGGARA TIMUR
HARI/TANGGAL : 2017

NO	NAMA	ALAMAT	TANDA TANGAN
1	2	3	4
1	Nangge F. Fagggidde	BPA KAB. KUPANG	1. 
2	Albert Siregar	Mutarau	2. 
3	JOHANN Y TUY		3. 
4	BARKUS NATANUS		4. 
5	Unuker L. Woleka.	Kepati NTT	5. 
6	Anwar Lakoni	—	6. 
7	Iskandanus. Iowasen	Pangaf	7. 
8	YCNAG MINTINI	Pangaf	8. 
9	Pulu jantangosa.		9. 
10	Godliet Hae.	TP4D	10. 
11	BERNABAS MINTINI	Pangaf	11. 
12	FENI EFENDI, TUY. SA	Pangaf	12. 
13	Alex Mintini	Pangaf	13. 
14	Ysias Sakatu	Pangaf	14. 
15	Paulus Sakatu	Pangaf	15. 
16	Lukas. Sakatu.	Pangaf	16. 



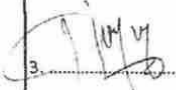






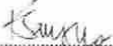






17	DEMAS MINFINI	Pang	17.	
18	EKLEMUS. TAMON O	"	18.	
19	CORRALIUS TOS	"	19.	
20	YUSAK KONA	"	20.	
21	Salmon Mintiri	"	21.	
22	Alia - Saketu	"	22.	
23	Iahuser - Saketu	"	23.	
24	ISAK H. SAKETU	"	24.	
25	NAHASAN SAKETU	"	25.	
26	YONIAS Y. TOSI	"	26.	
27	NIHANEC TOSI	"	27.	
28	Kornelis Saketu	"	28.	
29	yo manis. Minfiri	"	29.	
30	IMELDA TOSI	"	30.	
31	HERMINA TOSI	"	31.	
32	NAOMI TOSI	"	32.	
33	MAGDALENA SAKETU	"	33.	
34	APRIS. SAKETU	"	34.	
35	ESTER. T. Minfiri	"	35.	
36	MATKIDA. Saketu	"	36.	
37	MARTINI-TOSI	"	37.	
38	TOSI Minfiri	"	38.	
39	NATAM S MINFINI	"	39.	
40	Jakomina. S. Minfiri	"	40.	
41	AROM ORO	D. PEGANAN	41.	
42			42.	

42	Arbet . Saketo		42	<i>[Signature]</i>
43	Des Kerihi		43	<i>mi</i>
44			44	
45	markus . atela		45	<i>[Signature]</i>
46	SEPNAT . OLBATA		46	<i>[Signature]</i>
47	RINTO J C . MINFINI		47	<i>[Signature]</i>
48	Getson minfini		48	<i>[Signature]</i>
49	IMANUEL KANA		49	<i>[Signature]</i>
50	LENORA - SAKETO		50	<i>[Signature]</i>
51	Corinus Laka		51	<i>[Signature]</i>
52	YOHANIS . SAKETO		52	<i>[Signature]</i>
53	Jetri . SAKETO		53	<i>[Signature]</i>
54	YOS LEO		54	<i>[Signature]</i>
55	GOUDIFEN SAKETO DONI MINFINI		55	<i>[Signature]</i>
56	GOUDIFEN SAKETO		56	<i>[Signature]</i>
57	ALEX SAKETO		57	<i>[Signature]</i>
58	NOVI SAKETO		58	<i>[Signature]</i>
59	Daniel saketo		59	<i>[Signature]</i>
60	YOTAN MINFINI		60	<i>[Signature]</i>
61			61	<i>[Signature]</i>
62	Dr. S. Fongile	DINAS BETAUHAH	62	<i>[Signature]</i>
63	Polly KARPOTIMU	— SK —	63	<i>[Signature]</i>
64	Jefi Lm	— — —	64	<i>[Signature]</i>
65	Liliana matelak	BANK BNI	65	<i>[Signature]</i>
66	Donna Sine .	BANK BNI	66	<i>[Signature]</i>
67			67	
68			68	
69			69	
70			70	
71			71	

DAFTAR HADIR SOSIALISASI
PENGADAAN TANAH UNTUK PEMBANGUNAN PEMBANGKIT LISTRIK TENAGA UAP
TIMOR 1 KAPASITAS 2 X 25 MW DAN PEMBANGKIT LISTRIK TENAGA MESIN GAS
KUPANG (PEAKER) KAPASITAS 40 MW, DESA LIFULEO KECAMATAN KUPANG BARAT
KABUPATEN KUPANG PROPINSI NUSA TENGGARA TIMUR
HARI/TANGGAL : JUMAT 21 APRIL 2017

NO	NAMA	ALAMAT	TANDA TANGAN
1	2	3	4
1	Herik A. Lelu	Ratahata	1. 
2	JOHAN Y. TAY	Lifuleo	2. 
3	ARNOLD NUSAN	delamasi	3. 
4	MARKUS NATONIS		4. 
5	Yuska Bastary	Matasam	5. 
6	Yohannis F. Natelale	Bpn Kab-Leg	6. 
7	Lugnor Luan		7. 
8	Adrus Silaban	UPP Timor	8. 
9	RACHMADULAH	-/-	9. 
10	The mus. TOSI	Panay	10. 
11	En.O-Fangita	delamasi	11. 
12	Yusak Ulin	Canat	12. 

DAFTAR HADIR SOSIALISASI
PENGADAAN TANAH UNTUK PEMBANGUNAN PEMBANGKIT LISTRIK TENAGA UAP
TIMOR 1 KAPASITAS 2 X 25 MW DAN PEMBANGKIT LISTRIK TENAGA MESIN GAS
KUPANG (PEAKER) KAPASITAS 40 MW, DESA LIFULEO KECAMATAN KUPANG BARAT
KABUPATEN KUPANG PROPINSI NUSA TENGGARA TIMUR
HARI/TANGGAL : JUMAT 21 APRIL 2017

NO	NAMA	ALAMAT	TANDA TANGAN
1	2	3	4
1	DONY MINFINI		1. 
2	MON LALAI		2. 
3	AGUSTINUS MINFINI		3. 
4	SARA SAKETU		4. 
5	FERDERIKA SAKETU		5. 
6	IRMA YATI SAKETU		6. 
7	Gerson minfini		7. 
8	YUSUF minfini		8. 
9	Ferdinan saketu		9. 
10	Kornelis Saketu		10. 
11	Matrida Saketu		11. 
12	Lenora Saketu		12. 
13	Adoifina Saketu		13. 
14	KORNALIA - SAKETU		14. 
15	FERONIKA - SAKETU		15. 
16	DANIAL - RALIA		16. 

17	GODWIEN SAKETU	17	<i>[Signature]</i>
18	MAGDALENA	18	<i>[Signature]</i>
19	EDI TOSI	19	<i>[Signature]</i>
20	APRIS SAKETU	20	<i>[Signature]</i>
21	SETRIAT SAKETU	21	<i>[Signature]</i>
22	Ferdonika SAKETU	22	<i>[Signature]</i>
23	MILIANA SAKETU	23	<i>[Signature]</i>
24	Yuliana TOSI	24	<i>[Signature]</i>
25	ANGRIS SAKETU	25	<i>[Signature]</i>
26	anton Lowern	26	<i>[Signature]</i>
27	Ardis TOSI	27	<i>[Signature]</i>
28	Yane SAKETU	28	<i>[Signature]</i>
29	Yuliana SAKETU	29	<i>[Signature]</i>
30	Novi SAKETU	30	<i>[Signature]</i>
31	Lahasar SAKETU	31	<i>[Signature]</i>
32	IMAREDA TOSI	32	<i>[Signature]</i>
33	HERMINA TOSI	33	<i>[Signature]</i>
34	PITRONELA TUPA	34	<i>[Signature]</i>
35	NARONI TOSI	35	<i>[Signature]</i>
36	FITRI SAKETU	36	<i>[Signature]</i>
37	ESTER TOSI	37	<i>[Signature]</i>
38	MILKA SAKETU	38	<i>[Signature]</i>
39	ANCE TOSI	39	<i>[Signature]</i>
40	YONIAS TOSI	40	<i>[Signature]</i>
41	DEWI KEMATI	41	<i>[Signature]</i>

Dinas Pertahanan

Appendix 8: Disclosure Modalities on Results of Independent Appraisal



KEMENTERIAN AGRARIA DAN TATA RUANG/BADAN PERTANAHAN NASIONAL

KANTOR PERTANAHAN KABUPATEN KUPANG

PROVINSI NUSA TENGGARA TIMUR

Jl. Timor Raya Km. 36 Kompleks Perkantoran Kabupaten Kupang – Oetamasi, Kupang

BERITA ACARA KESEPAKATAN MUSYAWARAH GANTI RUGI

NOMOR : 09 /PT/53.24/100-2/IV/2017

Pada hari ini Senin, tanggal Sembilan belas, bulan Juni, tahun dua ribu tujuh belas, telah dilakukan musyawarah bentuk Ganti Kerugian tahap ke-2 Pengadaan Tanah Pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2x25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (Peaker) Kapasitas 40 MW yang berlokasi di :

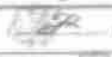



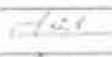







RT./RW. : RT. 012/RW. 006
Dusun : IV (empat) Panaf
Desa : Ufuleo
Kecamatan : Kupang Barat
Kabupaten : Kupang

Bentuk Ganti Kerugian berupa uang dengan total sebesar Rp. 34.445.000.000,- (tiga puluh empat miliar empat ratus empat puluh lima juta rupiah), yang nama dan besarnya nilai ganti kerugian seperti dalam daftar lampiran ini.

Demikian Berita Acara ini dibuat untuk dapat dipergunakan sebagaimana mestinya.

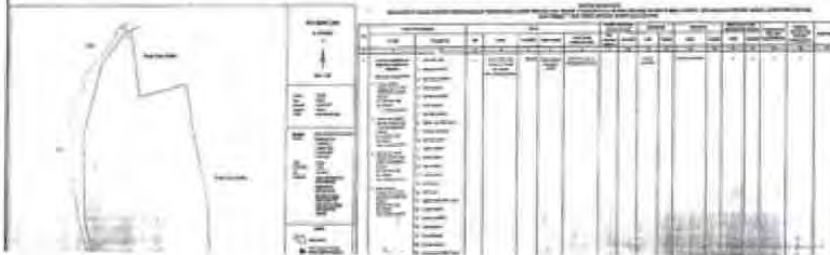
LAMPIRAN BERITA ACARA MUSYAWARAH KESEPAKATAN GANTI RUGI

No. Urut	PELAKSANA YANG BERHAKE (Kategori)	BENTUK GANTI KERUGIAN BANG. (Rincian Rp.)	TANDA TANGAN	KARTU PELAKSANA PENGADAAN TANAH	TANDA TANGAN
1	2	3	4	5	6
1.	Kompa Mitho (12 Ar. Konvergensi Barat 100 Ar)	5.352.558.000,00		SARLES (KAWIJA PADOCAR) SH (Pakaw)	
2.	Komela Tol	2.472.000,00		LUKLO KANGA (Demang)	
3.	Wito Bilang Mitho (20 Ar. M. 100 Ar)	5.318.000,00		WAKOZ NATIONAL SH (Anggah)	
4.	Bemabak Mitho	7.457.000,00		HERMANIA DEMANAS S. ST (Anggah)	
5.	Jaw Sakafo	8.710.000,00		WONG DREK MAJULAK S. ST (Anggah)	
6.	Kamela Mitho	1.234.000,00		CHARLES ON FANOGONAK SH (Anggah)	
7.	Kumera Sakafo	5.278.000,00		Y. DEMER KEMER M. S (Anggah)	
8.	Kamela Andoro	4.580.000,00		DANIEL S. LUB S. SCA. M. S (Anggah)	
9.	Danaga Mitho	5.422.000,00		KUSAN A. LUN. S. SCA (Anggah)	
10.	Kamela Mitho YOTMAN M. LUN. S. SCA	300.000,00		WONG KEMER SH (Anggah)	
11.	Apa Sakafo	7.000.000,00			

No. Urut	PELAK YANG BERHAK (Sahaja)	BENTUK LAIN KERGARAN BANG (pawant Rp.)	TANDA TANGAN	PAMUK PELAKSANA PERAGALAN TAJAN	TANDA TANGAN
1	2	3	4	5	6
12	Kuak Kono	1.340.000,00			
13	Uma Kono	440.000,00			
14	Sufi Lohi	1.021.000,00			
15	Ujak Saka (Bk. No. 1)	20.000.000,00			
16	Luraj Saka	710.000,00			
17	Sipau Saka	600.000,00			
18	Apri Saka	2.780.000,00			
19	Sandi Tbi	1.844.000,00			
20	Dipak Saka	8.080.000,00			
21	Uma Saka (Bk. No. 2)	2.421.000,00			
22	Luraj Saka	2.120.000,00			
23	Dipak Saka	12.000.000,00			

No. Urut	PELAK YANG BERHAK (Sahaja)	BENTUK LAIN KERGARAN BANG (pawant Rp.)	TANDA TANGAN	PAMUK PELAKSANA PERAGALAN TAJAN	TANDA TANGAN
1	2	3	4	5	6
24	Kulak Tbi	1.400.000,00			
	Jumlah:	34.445.000.000,00			
	Stempel:	34.445.000.000,00			

Dalam hal Pihak yang Berhak keberatan atas hasil Inventarisasi dan Identifikasi dimaksud, Pihak yang Berhak dapat mengajukan keberatan kepada Ketua Pelaksana Pengadaan Tanah dalam waktu paling lama 14 (empat belas) hari kerja setelah sejak Pengumuman ini.





PT. KALAMATI PANGGADIAN LARAH

Jalan Kalamati Panggadian Larah No. 100
Kecamatan Panggadian Larah, Kabupaten Panggadian Larah
Provinsi Kalimantan Tengah 75111

REKAPITULASI DATA KUALITAS AIR (RDKA) TAHUN 2017

REKAPITULASI DATA KUALITAS AIR (RDKA) TAHUN 2017

REKAPITULASI DATA KUALITAS AIR (RDKA) TAHUN 2017

No	Waktu Pengambilan	Tempo	Kecepatan	Aliran	Waktu Pengambilan
1	08.00	10	10	10	10
2	09.00	10	10	10	10
3	10.00	10	10	10	10
4	11.00	10	10	10	10
5	12.00	10	10	10	10
6	13.00	10	10	10	10
7	14.00	10	10	10	10
8	15.00	10	10	10	10
9	16.00	10	10	10	10
10	17.00	10	10	10	10
11	18.00	10	10	10	10
12	19.00	10	10	10	10
13	20.00	10	10	10	10
14	21.00	10	10	10	10
15	22.00	10	10	10	10
16	23.00	10	10	10	10
17	24.00	10	10	10	10
18	25.00	10	10	10	10
19	26.00	10	10	10	10
20	27.00	10	10	10	10
21	28.00	10	10	10	10
22	29.00	10	10	10	10
23	30.00	10	10	10	10
24	31.00	10	10	10	10
25	32.00	10	10	10	10
26	33.00	10	10	10	10
27	34.00	10	10	10	10
28	35.00	10	10	10	10
29	36.00	10	10	10	10
30	37.00	10	10	10	10
31	38.00	10	10	10	10
32	39.00	10	10	10	10
33	40.00	10	10	10	10
34	41.00	10	10	10	10
35	42.00	10	10	10	10
36	43.00	10	10	10	10
37	44.00	10	10	10	10
38	45.00	10	10	10	10
39	46.00	10	10	10	10
40	47.00	10	10	10	10
41	48.00	10	10	10	10
42	49.00	10	10	10	10
43	50.00	10	10	10	10
44	51.00	10	10	10	10
45	52.00	10	10	10	10
46	53.00	10	10	10	10
47	54.00	10	10	10	10
48	55.00	10	10	10	10
49	56.00	10	10	10	10
50	57.00	10	10	10	10
51	58.00	10	10	10	10
52	59.00	10	10	10	10
53	60.00	10	10	10	10
54	61.00	10	10	10	10
55	62.00	10	10	10	10
56	63.00	10	10	10	10
57	64.00	10	10	10	10
58	65.00	10	10	10	10
59	66.00	10	10	10	10
60	67.00	10	10	10	10
61	68.00	10	10	10	10
62	69.00	10	10	10	10
63	70.00	10	10	10	10
64	71.00	10	10	10	10
65	72.00	10	10	10	10
66	73.00	10	10	10	10
67	74.00	10	10	10	10
68	75.00	10	10	10	10
69	76.00	10	10	10	10
70	77.00	10	10	10	10
71	78.00	10	10	10	10
72	79.00	10	10	10	10
73	80.00	10	10	10	10
74	81.00	10	10	10	10
75	82.00	10	10	10	10
76	83.00	10	10	10	10
77	84.00	10	10	10	10
78	85.00	10	10	10	10
79	86.00	10	10	10	10
80	87.00	10	10	10	10
81	88.00	10	10	10	10
82	89.00	10	10	10	10
83	90.00	10	10	10	10
84	91.00	10	10	10	10
85	92.00	10	10	10	10
86	93.00	10	10	10	10
87	94.00	10	10	10	10
88	95.00	10	10	10	10
89	96.00	10	10	10	10
90	97.00	10	10	10	10
91	98.00	10	10	10	10
92	99.00	10	10	10	10
93	100.00	10	10	10	10

No	Waktu Pengambilan	Tempo	Kecepatan	Aliran	Waktu Pengambilan
1	08.00	10	10	10	10
2	09.00	10	10	10	10
3	10.00	10	10	10	10
4	11.00	10	10	10	10
5	12.00	10	10	10	10
6	13.00	10	10	10	10
7	14.00	10	10	10	10
8	15.00	10	10	10	10
9	16.00	10	10	10	10
10	17.00	10	10	10	10
11	18.00	10	10	10	10
12	19.00	10	10	10	10
13	20.00	10	10	10	10
14	21.00	10	10	10	10
15	22.00	10	10	10	10
16	23.00	10	10	10	10
17	24.00	10	10	10	10
18	25.00	10	10	10	10
19	26.00	10	10	10	10
20	27.00	10	10	10	10
21	28.00	10	10	10	10
22	29.00	10	10	10	10
23	30.00	10	10	10	10
24	31.00	10	10	10	10
25	32.00	10	10	10	10
26	33.00	10	10	10	10
27	34.00	10	10	10	10
28	35.00	10	10	10	10
29	36.00	10	10	10	10
30	37.00	10	10	10	10
31	38.00	10	10	10	10
32	39.00	10	10	10	10
33	40.00	10	10	10	10
34	41.00	10	10	10	10
35	42.00	10	10	10	10
36	43.00	10	10	10	10
37	44.00	10	10	10	10
38	45.00	10	10	10	10
39	46.00	10	10	10	10
40	47.00	10	10	10	10
41	48.00	10	10	10	10
42	49.00	10	10	10	10
43	50.00	10	10	10	10
44	51.00	10	10	10	10
45	52.00	10	10	10	10
46	53.00	10	10	10	10
47	54.00	10	10	10	10
48	55.00	10	10	10	10
49	56.00	10	10	10	10
50	57.00	10	10	10	10
51	58.00	10	10	10	10
52	59.00	10	10	10	10
53	60.00	10	10	10	10
54	61.00	10	10	10	10
55	62.00	10	10	10	10
56	63.00	10	10	10	10
57	64.00	10	10	10	10
58	65.00	10	10	10	10
59	66.00	10	10	10	10
60	67.00	10	10	10	10
61	68.00	10	10	10	10
62	69.00	10	10	10	10
63	70.00	10	10	10	10
64	71.00	10	10	10	10
65	72.00	10	10	10	10
66	73.00	10	10	10	10
67	74.00	10	10	10	10
68	75.00	10	10	10	10
69	76.00	10	10	10	10
70	77.00	10	10	10	10
71	78.00	10	10	10	10
72	79.00	10	10	10	10
73	80.00	10	10	10	10
74	81.00	10	10	10	10
75	82.00	10	10	10	10
76	83.00	10	10	10	10
77	84.00	10	10	10	10
78	85.00	10	10	10	10
79	86.00	10	10	10	10
80	87.00	10	10	10	10
81	88.00	10	10	10	10
82	89.00	10	10	10	10
83	90.00	10	10	10	10
84	91.00	10	10	10	10
85	92.00	10	10	10	10
86	93.00	10	10	10	10
87	94.00	10	10	10	10
88	95.00	10	10	10	10
89	96.00	10	10	10	10
90	97.00	10	10	10	10
91	98.00	10	10	10	10
92	99.00	10	10	10	10
93	100.00	10	10	10	10

REKAPITULASI DATA KUALITAS AIR (RDKA) TAHUN 2017

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Appendix 9: Validation on Compensation Form and Modality



**KEMENTERIAN AGRARIA DAN TATA RUANG/
BADAN PERTANAHAN NASIONAL
KANTOR PERTANAHAN KABUPATEN KUPANG
PROVINSI NUSA TENGGARA TIMUR**
Jalan Timor Raya KM. 36 Oelamasi Kupang – NTT

VALIDASI PEMBERIAN GANTI KERUGIAN DALAM BENTUK UANG

Nomor : 537/4-53.01/VI/2017
Sifat : Segera
Lampiran : 1 (satu) Jepitan
Hal : Validasi

Oelamasi, 20 Juni 2017

Kepada :
Yth. General Manager PT. PLN (Persero)
Unit Induk Pembangunan Nusa
Tenggara
di:
Matanoh.

Sehubungan dengan pelaksanaan pemberian ganti kerugian dalam bentuk uang kepada Pihak yang Berhak dalam pengadaan tanah Lokasi Pembangunan Pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2 x 25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (Peaker) 40 MW, ang berlokasi di :

Jalan : ke Panai
RT. / RW. : RT. 012/RW. 005
Dusun : IV (empat) Panai
Desa : Ululea
Kecamatan : Kupang Barat
Kabupaten : Kupang
Provinsi : Nusa Tenggara Timur

Dengan ini kami Ketua Pelaksana Pengadaan Tanah, memberikan Validasi Pemberian Ganti Kerugian kepada Pihak ang Berhak yang menerima Ganti Kerugian sebagai berikut :

No. Urut	Pihak Yang Berhak	Nomor Urut Daftar Nominal	Lokasi dan Luas Tanah Yang Dilepaskan	Besarnya Nilai Ganti Kerugian (Rp.)	Bentuk Ganti Kerugian (Uang)
1	2	3	4	5	6
1	Yonas Minfiri Ul/An. Keluarga Besar Minfiri	1	50 Ha	34.332.558.000	
2	Kornelius Tosi	1.1	~	3.672.000	
3	Elisabet Minfiri	1.2	~	3.318.000	
4	Bernabas Minfiri	1.3	~	7.927.000	
5	Joel Saketu	1.4	~	5.710.000	
6	Arkalaus Minfiri	1.5	~	1.334.000	
7	Kornelis Saketu	1.7	~	5.278.000	

No. Urut	Pihak Yang Berhak	Nomor Urut Daftar Nominatif	Lokasi dan Luas Tanah Yang Dilepasikan	Besarnya Nilai Ganti Kerugian (Rp.)	Bentuk Ganti Kerugian (Uang)
1	2	3	4	5	6
8	Markus Afabela	1,9	~	1.550.000	
9	Demas Minini	1,10	~	5.622.000	
10	Minci Minini	1,12	~	500.000	
11	Alex Sakefu	1,13	~	7.000.000	
12	Yusak Kona	1,14	~	1.340.000	
13	Lina Kona	1,15	~	440.000	
14	Ibet Loen	1,16	~	11.091.000	
15	Usias Sakefu (Bid. Ke-1)	1,17	~	20.000.000	
16	Lukas Sakefu	1,18	~	713.000	
17	Salmon Minini	1,19	~	900.000	
18	April Sakefu	1,20	~	2.780.000	
19	Marid Tosi	1,21	~	1.664.000	
20	Daniel Sakefu	1,22	~	8.080.000	
21	Usias Sakefu (Bid. Ke-2)	1,23	~	7.927.000	
22	Laasar Sakefu	1,24	~	2.120.000	
23	Daniel Klu	1,25	~	12.000.000	
24	Edison Tosi	1,26	~	1.464.000	
Jumlah		24 Orang	50 Ha	34.444.988.000	
Dibutakan				34.445.000.000	

Demikian Validasi Pemberian Ganti Kerugian ini dibuat dan untuk dapat dipergunakan sebagaimana mestinya.

Petakaona Pengadaan Tanah

NANTJE ERASMUS FANGGIDAE, S.H
NIP. 19601106 198303 1 002

Appendix 10: Proof of Payments and Hand Over



KEMENTERIAN AGRARIA DAN TATA RUANG/BADAN PERTANAHAN NASIONAL

KANTOR PERTANAHAN KABUPATEN KUPANG

PROVINSI NUSA TENGGARA TIMUR

Jl. Timor Raya Km. 36 Kompleks Perkantoran Kabupaten Kupang – Oelamasi, Ku

BERITA ACARA

PEMBERIAN GANTI KERUGIAN DALAM BENTUK UANG

Nomor : 10 /PT/53.24/100-2/VI/2017

Pada hari ini Rabu, tanggal dua puluh satu, bulan Juni, tahun dua ribu tujuh belas, telah dilaksanakan pemberian ganti kerugian Pengadaan Tanah Pengadaan Tanah Pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2x25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (Peaker) Kapasitas 40 MW yang berlokasi di :

RT./RW. : RT. 012/RW. 006
Dusun : IV (empat) Panaf
Desa : Lifuleo
Kecamatan : Kupang Barat
Kabupaten : Kupang

Dengan daftar Pihak yang Berhak yang menerima ganti kerugian sebagai berikut:

NO	Pihak Yang Berhak	Nomor Urut Daftar Nominatif	Lokasi dan Luas tanah yang dilepaskan	Besarnya Nilai Ganti Kerugian (Rp.)
1	2	3	4	5
1	Yonas Minfini U/An. Keluarga Besar Minfini	1	50 Ha	34.332.558.000.000
Dibulatkan				34.445.000.000.000

Demikian Berita Acara Pemberian Ganti Kerugian dalam bentuk uang ini dibuat dan untuk dapat dipergunakan sebagaimana mestinya.

Pihak yang berhak,

PT. PLN (Persero) UIP NUSR

1. YONAS MINFINI U/An Keluarga Besar Minfini

(.....)



DJAROT HUTABRI EKO BUDI SA

KUITANSI PENERIMAAN GANTI KERUGIAN

NOMOR : 001/2017

ASLI

Sudah terima dari : PT. PLN (Persero). Unit Induk Pembangunan Nusa Tenggara

Sejumlah Uang : Rp. 34.445.000.000,-
(tiga puluh empat miliar empat ratus empat puluh lima juta rupiah)

Untuk Pembayaran : Ganti Kerugian Pengadaan Tanah Pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2x25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (Peaker) Kapasitas 40 MW, No. Urut Daftar Nominatif 001 /2017, Seluas 500.000 M² yang senilai dengan Rp. 34.445.000.000,- (tiga puluh empat miliar empat ratus empat puluh lima juta rupiah)



YONAS MINFINI U/An. Keluarga Besar Minfini



KEMENTERIAN AGRARIA DAN TATA RUANG/BADAN PERTANAHAN NASIONAL

KANTOR PERTANAHAN KABUPATEN KUPANG

PROVINSI NUSA TENGGARA TIMUR

Jl. Timor Raya Km. 36 Kompleks Perkantoran Kabupaten Kupang – Oelamasi, Kupang

BERITA ACARA

PEMBERIAN GANTI KERUGIAN DALAM BENTUK UANG

Nomor : 10 /PT/53.24/100-2/VI/2017

Pada hari ini Rabu, tanggal dua puluh satu, bulan Juni, tahun dua ribu tujuh belas, telah dilaksanakan pemberian ganti kerugian Pengadaan Tanah Pengadaan Tanah Pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2x25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (Peaker) Kapasitas 40 MW yang berlokasi di :

RT./RW. : RT. 012/RW. 006
Dusun : IV (empat) Panaf
Desa : Lifuleo
Kecamatan : Kupang Barat
Kabupaten : Kupang

Dengan daftar Pihak yang Berhak yang menerima ganti kerugian sebagai berikut:

NO	Pihak Yang Berhak	Nomor Urut Daftar Nominatif	Lokasi dan Luas tanah yang dilepaskan	Besarnya Nilai Ganti Kerugian (Rp.)
1	2	3	4	5
1	Yonas Minfini U/An. Keluarga Besar Minfini	1	50 Ha	34.332.558.000.000
Dibulatkan				34.445.000.000.000

Demikian Berita Acara Pemberian Ganti Kerugian dalam bentuk uang ini dibuat dan untuk dapat dipergunakan sebagaimana mestinya.

Pihak yang berhak,

PT. PLN (Persero) UIP NUSR

1. YONAS MINFINI U/An Keluarga Besar Minfini



DJAROT HUTABRI EKO BUDI SA

BERITA ACARA PELEPASAN HAK

Pada hari ini Rabu, tanggal dua puluh satu, bulan Juni, tahun dua ribu tujuh belas, hadir dihadapan saya Nantje Erasmus Faggidae, SH selaku Kepala Kantor Pertanahan Kabupaten Kupang :

1. Nama : Yonas Minfini
Tempat/Tanggal Lahir : Nitneo, 23-11-1957
Pekerjaan : Tani
Alamat : RT. 003/RW. 002, Ds. Nitneo, Kec. Kupang Barat
Selanjutnya disebut Ahli Waris PERTAMA

2. Nama : Alexander Minfini
Tempat/Tanggal Lahir : Nitneo, 02-08-1945
Pekerjaan : Tani
Alamat : RT. 001/RW. 001, Ds. Nitneo, Kec. Kupang Barat
Selanjutnya disebut Ahli Waris KEDUA

3. Nama : Bernabas Minfini
Tempat/Tanggal Lahir : Nitneo, 09-05-1933
Pekerjaan : Tani
Alamat : RT. 012/RW. 006, Ds. Lifuleo, Kec. Kupang Barat
Selanjutnya disebut Ahli Waris KETIGA

4. Nama : Usias Saketu
Tempat/Tanggal Lahir : Panaf, 18-10-1958
Pekerjaan : Tani
Alamat : RT. 012/RW. 006, Ds. Lifuleo, Kec. Kupang Barat
Selanjutnya disebut Ahli Waris KEEMPAT

Dalam hal ini bertindak untuk dan atas nama **Keluarga Besar Minfini**, berdasarkan Akta Kuasa Nomor : 01, tanggal 20 Juni 2017, yang dibuat dan dihadapan Grace Nony Mandolang, SH., M.Kn Notaris/PPAT Kabupaten Kupang, selaku yang memiliki/menguasai sebidang tanah turun temurun Keluarga Minfini dengan luas : 50 Ha (lima puluh hektar) seperti yang diuraikan dalam Peta Bidang Tanah Nomor : 01/PT/V/2017, tanggal 02-05-2017, yang dikeluarkan Satuan Tugas 'A', Pengadaan Tanah Lokasi Pembangunan Pembangkit Listrik Tenaga Uap Timor 1 Kapasitas 2 x 25 MW dan Pembangkit Listrik Tenaga Mesin Gas Kupang (Peaker) 40 MW, terletak di RT. 012/RW. 006, Dusun IV (empat) Panaf, Desa Lifuleo, Kecamatan Kupang Barat, Kabupaten Kupang, Provinsi Nusa Tenggara Timur, dengan batas-batasnya :

- Utara : Dengan Laut dan Tanah Keluarga Minfini
- Selatan : Dengan Tanah Keluarga Minfini
- Timur : Dengan Tanah Keluarga Minfini
- Barat : Dengan Laut

Dengan ini kami selaku Ahli Waris yang menerima kuasa dari Keluarga Besar Minfini menyatakan, melepaskan hak atas tanah tersebut beserta segala sesuatu di atasnya kepada Negara, dan menyerahkan seluruh alat bukti penguasaan/kepemilikan atas obyek pengadaan tanah (*terlampir*) kepada Panitia Pelaksana Pengadaan Tanah dan telah menerima ganti kerugian berupa uang sebesar **Rp. 34.445.000.000,- (tiga puluh empat miliar empat ratus empat puluh lima juta rupiah)**.

Sebagai pihak yang melepaskan hak atas tanah tersebut, kami menjamin bahwa:

1. Atas tanah tersebut tidak terkena sita dan tidak tersangkut dalam suatu perkara;
2. Tanah tersebut tidak dibebani dengan Hak Tanggungan/tidak dijadikan jaminan hutang dengan cara apapun;
3. Tanah tersebut belum pernah diserahkan kepada pihak lain dengan cara apapun;
4. Tidak ada pihak lain yang turut mempunyai/memiliki hak atas tanah tersebut;
5. Tidak berada dalam kawasan hutan; dan
6. Tidak merupakan Aset Pemerintah Pusat maupun Pemerintah Daerah.

Apabila dikemudian hari ternyata ada pihak lain yang mempunyai/memiliki hak atas tanah tersebut, kami bersedia menanggung segala akibat dari Penyerahan Tanah/Pelepasan Hak ini.

Hak tersebut kami lepaskan dengan maksud agar, selanjutnya dimohon kepada Pemerintah untuk memberikan status hak tanah sesuai ketentuan yang berlaku kepada :

Nama : PT. Perusahaan Listrik Negara (PT. PLN Persero)
Cq. Unit Induk Pembangunan Nusa Tenggara
Berkedudukan di : Kota Mataram

Demikian Berita Acara Pelepasan Hak ini dibuat dengan sebenarnya, tanpa adanya ancaman/paksaan dari pihak lain dan apabila dikemudian hari ternyata pernyataan kami diatas tidak benar, maka kami bersedia untuk dituntut sesuai ketentuan hukum yang berlaku, baik secara pidana maupun secara perdata.

YANG MELEPASKAN HAK,

1. YONAS MINFINI
2. ALEXANDER MINFINI
3. BERNABAS MINFINI
4. USIAS SAKETU

Dalam Hal ini bertlnaak untuk dan atas nama
Keluarga Besar Minfini

YANG MENERIMA HAK,

UNIT INDUK
PEMBANGUNAN
NUSA TENGGARA
DJAROT HUTABRIEKO BUDI SANTOSO
U/AN PT. PLN (Persero) UNIT INDUK
PEMBANGUNAN NUSA TENGGARA

SAKSI-SAKSI

1. Kepala Desa Lifuleo
**KEPALA DESA
LIFULEO
YOHANNIS TUY**

2. Camat Kupang Barat
YUSAK ULIN, S.Sos
NIP. 19670428 200012 1 004

Telah dicatat dalam daftar Nomor : 01 / PH-53.01 / VI / 2017

KANTOR PERTANAHAN
KUPANG
KANTJE ERASUS FANGGIDAE, S.H
NIP. 1961106 198303 1 002

Appendix 11. Attendance to PPTA-Led Consultations

Consultation with Suku Minfini – 12 October 2016

NO	NAME	MIN	RP	P R A T F
1	Prius	Saketu	RP : 25000	1
2	Alex	Minfini	RP : 25000	2
3	Jonas	Minfini	RP : 25000	3
4	Joselis	Minfini	RP : 25000	4
5	Junus	Minfini	RP : 25000	5
6	Demos	Minfini	RP : 25000	6
7	Jusuf	Minfini	RP : 25000	7
8	Wenpi	Minfini	RP : 25000	8
9	Johannis	Minfini	RP : 25000	9
10	Lukas	Saketu	RP : 25000	10
11	Bernabas	Minfini	RP : 25000	11
12	Thomas	Tosi	RP : 25000	12
13	Nahason	Saketu	RP : 25000	13
14	I Sak	Saketu	RP : 25000	14
15	Daniel	Saketu	RP : 25000	15
16	Uri	Saketu	RP : 25000	16
17	Lahasar	Saketu	RP : 25000	17
18	Felipus	Saketu	RP : 25000	18
19	Udias	Saketu	RP : 25000	19
20	Nitanel	Tosi	RP : 25000	20
21	NAGMA	Saketu	RP : 25000	21
22	NAMU	Tosi	RP : 25000	22
23	Sarah	Saketu	RP : 25000	23
24	Damianis	Saketu	RP : 25000	24
25	Elisabet	Saketu	RP : 25000	25
26	Juliana	Saketu	RP : 25000	26
27	Hermia	Kalau	RP : 25000	27
28	Petronela	Atabella	RP : 25000	28
29	Damianis	Saketu	RP : 25000	29
30	Jokomina	Saketu	RP : 25000	30
31	Ripka	Tosi-T	RP : 25000	31
32	Jonias	Tosi	RP : 25000	32
33	Markus	Saketu	RP : 25000	33
34	Markus	Atabella	RP : 25000	34
35	Apriis	Saketu	RP : 25000	35
36	Apria	Saketu	RP : 25000	36
37	Jopi	Saketu	RP : 25000	37

No	NAMA	RP	P R A F
38	Sepmanus - Saketu	RP : 25000	38 #4.
39	Lutten - Saketu	RP : 25000	39 -
40	Kornelis - Saketu	RP : 25000	40 -
41	Godofan - Saketu	RP : 25000	41 -
42	LESTRI - Tosi	RP : 25000	42 -
43	Frederika - Saketu	RP : 25000	43 -
44	Aranten - Tosi	RP : 25000	44 -
45	Urlina - Saketu	RP : 25000	45 -
46	Anton Lowen - S	RP : 25000	46 -
47	ITA - Saketu	RP : 25000	47 -
48	Nofi - Saketu	RP : 25000	48 -
49	Iber - Lowen	RP : 25000	49 -

FGD with the Women of Suku Minfini – 12 October 2016

WOMEN DISCUSSION DOK PANAF, DESA LIPULO					
No	Nama	usia	Pekerjaan	Religi	Asli/ Pato
1	Juliana Saketu	52	Berladang	-	Asli panaf
2	Elisabetha Saketu	60	Berladang	4SD	Bolog
3	SARA Saketu	58	Berladang	SD	Bone TIMOR 1982
4	Damaris saketu	68	Berladang	-	Asli Panaf
5	Naoki Tosi	65	Berladang	-	Bolog
6	Frederika Saketu	64	"	-	Bolog
7	Petronela Tupa	50	"	1SD	Asli Panaf
8	Mariana Saketu	26	"	SD	Alang 2011
9	Hermira Tosi	45	"	4SD	Asli panaf

Appendix 12. Photo-documentation of Consultations and IOL

1. PLN-Kupang Briefing and 1st Site Visit



2. Customary Community Consultations





3. Conduct of IOL





Appendix 13. Project Information Booklet (Bahasa)

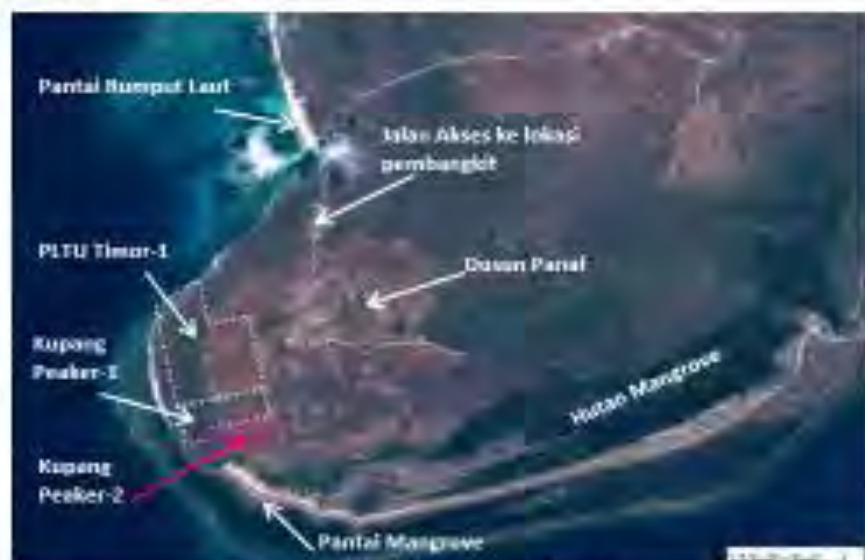


Apa yang dimaksud dengan Pembangunan PLTMG Kupang Peaker 2?

Pembangunan PLTMG Kupang Peaker 2 (yang selanjutnya disebut Proyek) merupakan salah satu program 35.000 MW yang dicanangkan Pemerintah. Pemerintah, melalui PLN, berencana membangun Proyek yang berkapasitas 50 MW ini untuk meningkatkan keandalan dan kapasitas sistem tenaga listrik di Kupang khususnya dan juga akan terintegrasi di layanan Nusa Tenggara Timur (NTT). Pembangunan Proyek ini juga untuk meningkatkan pasokan permintaan energi listrik dan mengatasi kebutuhan listrik selama beban puncak (peak load) yaitu pada malam hari (17:00-22:00).

Dimana proyek ini akan dibangun?

Proyek akan dibangun di Dusun Panaf, Desa Lifuleo. Lokasi PLTMG Kupang Peaker-2 terletak di sebelah selatan pembangkit Kupang Peaker-1 dan PLTU Batubara Timor yang juga akan dibangun di lokasi yang sama.



Gambar 1. Denah Lokasi Proyek

Apa manfaat dari Proyek ini?

- Perluasan akses energi listrik yang bersumber dari gas merupakan energi yang bersih dan ramah lingkungan.
- Memenuhi pasokan kebutuhan listrik dan menghindari pemadaman bergilir di NTT.
- Meningkatkan pendapatan warga melalui penyerapan tenaga kerja Proyek maupun peluang usaha lain selama konstruksi dan operasi.
- Meningkatkan kehidupan masyarakat dari kegiatan pembangunan pembangkit maupun melalui kegiatan PLN Peduli CSR, terutama bagi warga yang sangat membutuhkan.
- Akses jalan akan ditingkatkan yang akan diikuti oleh peningkatan pelayanan, akses pasar, dan peluang usaha yang akan memberikan manfaat bagi masyarakat.
- Memacu masuknya investor ke Provinsi Nusa Tenggara Timur sehingga membuka peluang usaha dan peningkatan ekonomi.
- Meningkatkan akses listrik bagi masyarakat untuk menunjang kegiatan di rumah, terutama bagi anak usia sekolah.

Bagaimana cara mengelola dan menanggulangi dampak lingkungan yang berpotensi timbul dari Proyek?

PLN telah mempersiapkan langkah-langkah pengelolaan lingkungan dengan tujuan untuk mengurangi, mencegah atau meminimalkan dampak lingkungan dan sosial yang negatif dari Proyek sebagai berikut:

1. Pengelolaan Lingkungan Fisik

Dampak Lingkungan Hidup	Rencana Pengelolaan Dampak
Pembukaan lahan yang dapat berpotensi menyebabkan limpasan berseri sedimentasi ke perairan laut	<ul style="list-style-type: none"> a) Menanam tanaman/vegetasi penutup (campuran berbagai jenis rumput) untuk menstabilkan tanah. b) Pekerjaan konstruksi dilakukan dengan cara meminimalkan tanah longsor dan erosi permukaan, misalnya dengan menstabilkan tanah miring atau lereng dan menyebarkan rencana pengendalian erosi tanah dan pengendalian sedimentasi. c) Tidak melakukan pembuangan material atau penggalian di garis pantai atau pada aliran air ke laut. (jangka waktu, selama tahap konstruksi)
Limbah cair dan padat (sampah) yang berpotensi mencemari perairan laut	<ul style="list-style-type: none"> a) Berkoordinasi dengan Kotamadya atau menyewa kontraktor swasta yang kompeten untuk mengumpulkan limbah padat atau sampah dari lokasi Proyek ke tempat pembuangan akhir yang disetujui oleh Pemerintah Kota. (pada tahap konstruksi dan operasi) b) Menyediakan tempat sampah yang cukup dan sesuai untuk berbagai jenis sampah, seperti: dapat didaur ulang, tidak beracun, berbahaya dll. (tahap konstruksi dan operasi) c) Menyediakan toilet yang memadai atau portabel (untuk para pekerja konstruksi) dengan jumlah yang cukup dan limbahnya dikelola dengan benar, misalnya membuat septic tank. d) Limpasan dan air limbah dari lokasi Proyek akan dikumpulkan dan sedimentsinya melewati perangkap sedimentasi dan perangkap minyak, sebelum dibuang ke laut. (jangka waktu selama tahap konstruksi)
Kebisingan dan getaran akibat pekerjaan penghancuran batu untuk penyalpan lahan	<ul style="list-style-type: none"> a) Kontraktor akan menghindari peledakan batu bila memungkinkan. b) Jika harus ada peledakan, ledakan dengan intensitas kecil akan dipilih daripada beberapa ledakan dengan intensitas tinggi. (pada tahap persiapan/pra konstruksi) c) Kontraktor akan menghindari pemasangan tiang pancang dengan cara ditumbuk.
Peningkatan kebisingan, kadar debu dan gas buang kendaraan bermotor di udara akibat mobilitas kendaraan dan alat berat Proyek	<ul style="list-style-type: none"> a) Penggunaan kendaraan dan peralatan yang baru dan dipelihara dalam kondisi baik sehingga mengurangi emisi gas dan bising semaksimal mungkin. b) Pada musim kemarau dilakukan tindakan pengendalian debu, termasuk pembasahan jalan-jalan tanah dan lokasi konstruksi. c) Membatasi kecepatan lalu lintas (10 km/jam di dalam lokasi konstruksi, 30 km/jam di jalan akses ke lokasi konstruksi), terutama di jalan akses tak beraspal antara lokasi proyek dan jalan tak beraspal di desa Lufaleo. (selama tahap konstruksi) d) Memasang peredam suara di sekitar penghiasi kebisingan (tahap konstruksi dan operasi) e) Kegiatan konstruksi hanya pada siang hari (06:00 sd 22:00) dan jika akan melakukan aktivitas pada malam hari, sebelumnya akan diinformasikan pada masyarakat sekitar.
Emisi SO _x di udara diproyeksikan akan meningkat melampaui baku mutu apabila 3 pembangkit beroperasi secara bersamaan selama 24 jam dengan menggunakan bahan bakar minyak solar (HSD).	<ul style="list-style-type: none"> a) PLN akan menggunakan gas alam sebagai bahan bakar utama untuk PLTMG Kupang Pesker-1 dan Kupang Pesker-2. b) Penggunaan bahan bakar solar hanya dilakukan saat keadaan darurat dan tidak dipertahankan dalam waktu yang lama dan menerus. c) Hanya menggunakan solar dengan kandungan belerang rendah. (seluruh rencana pengelolaan dilaksanakan pada tahap operasi)
Kebisingan diproyeksikan akan meningkat melampaui baku mutu apabila 3 pembangkit beroperasi secara bersamaan.	<ul style="list-style-type: none"> a) Penanaman vegetasi peredam kebisingan di sekeliling sumber bising di dalam tapak Proyek. (pada tahap operasi) b) Memasang sekat peredam kebisingan di sekitar penerima bising (misalnya pagar atau dinding tanaman pencegah kebisingan). (pada tahap operasi) c) Pengoperasian Kupang Pesker-2 hanya pada siang hari (maksimum hanya sampai jam 10 malam). (tahap operasi)

Bagaimana cara mengelola dan menanggulangi dampak lingkungan yang berpotensi timbul dari Proyek? (Lanjutan)

2. Pengelolaan Lingkungan Alam

Dampak Lingkungan Hidup	Rencana Pengelolaan Dampak
Dampak terhadap lingkungan laut (Taman Nasional Laut -Sewa) dan kawasan permukiman, limbah padat dan limbah cair/pasir (bahang)	<ul style="list-style-type: none"> a) Menanam tanaman/vegetasi penutup (campuran berbagai jenis rumput) untuk menstabilkan tanah. (pada tahap konstruksi dan operasi) b) Tidak melakukan pembuangan material atau pengaliran di garis pantai atau pada aliran air kelut. (pada tahap konstruksi dan operasi) c) Mengembangkan dan menerapkan rencana pengendalian erosi tanah dan pengendapan sedimentasi. (pada tahap konstruksi) d) Kegiatan konstruksi akan dilakukan pada area yang benar-benar diperlakan, objek yang penting seperti pohon, mangrove dan daerah pesisir akan di pagar guna menghindari dampak yang tidak perlu. (pada tahap konstruksi)
Kualitas air yang buruk (panci) dapat menyebabkan perubahan dan degradasi habitat laut yang kemudian akan mempengaruhi habitat Laut Sewa	<ul style="list-style-type: none"> a) PLN akan mencegah pencemaran lingkungan (pembuangan limbah dan air limbah yang tidak diolah) terutama di daerah pesisir dan mangrove. (pada tahap operasi) b) Melakukan Kajian untuk menilai Habitat Kritis dan menyiapkan Rencana Aksi Kelestarian Hayati untuk memastikan tidak terjadi pengurangan dari habitat alami dan habitat kritis. (pada tahap pra-konstruksi dan operasi)
Operasi kapal tanker LNG untuk Kustang Pasker 2 berpotensi menimbulkan dampak pada mamalia laut di Laut Sewa	Melakukan Kajian untuk menilai Habitat Kritis dan menyiapkan Rencana Aksi Kelestarian Hayati untuk memastikan tidak terjadi pengurangan dari habitat alami dan habitat kritis. (pada tahap pra-konstruksi dan operasi)

3. Lingkungan Sosial Ekonomi dan Budaya

Dampak Lingkungan Hidup	Rencana Pengelolaan Dampak
Peluang kerja dan berusaha bagi penduduk setempat	Memprioritaskan pekerja lokal akan meningkatkan penerimaan proyek yang direncanakan dengan memberikan kesempatan kerja dan pendapatan. (pada tahap pra konstruksi, konstruksi, dan operasi)
Adanya potensi pengaruh sosial dan budaya dari tenaga kerja luar wilayah Proyek terhadap nilai-nilai sosial dan budaya masyarakat lokal setempat	Memprioritaskan pekerja lokal membantu meminimalkan perubahan nilai dan norma sosial sebagai konsekuensi interaksi antara anggota masyarakat setempat dengan pekerja luar (pada tahap konstruksi)
Potensi kecelakaan keselamatan mengingat daerah mobilitas kendaraan proyek pada saat konstruksi	<ul style="list-style-type: none"> a) Pemasangan batas kecepatan akan dipasang, terutama pada akses jalan ke lokasi Proyek b) Barik pekerja akan diberi pagar/pembatas c) PLN dan Kontraktor akan membuat restoransi penanganan keluahan dan pengaduan

Bagaimana Memantau Pelaksanaan Pengelolaan Dampak Lingkungan Hidup ?

PLN akan memastikan semua kegiatan berkaitan dengan pengelolaan dampak lingkungan akan dilaksanakan secara akurat dan transparan. Maka dari itu, pengelolaan lingkungan hidup ini akan dipantau pelaksanaannya dan efektivitasnya secara internal, mencakup:

- 1) Semua kegiatan pengelolaan dampak lingkungan pada tahap Konstruksi akan dimasukkan kedalam dokumen kontrak bagi kontraktor dan kontraktor diwajibkan melaporkan rencana pengelolaan dampak lingkungan dan melatuh statusnya. Rencana pengelolaan lingkungan yang dibuat kontraktor kemudian harus disetujui dahulu oleh PLN sebelum dilaksanakan
- 2) PLN akan melakukan pemantauan terhadap pelaksanaan pengelolaan dampak lingkungan yang dilakukan oleh kontraktor dan sub kontraktor. Pemantauan dilakukan terhadap dua aspek yaitu kepatuhan melaksanakan pengelolaan dampak lingkungan yang sudah ditetapkan oleh PLN dan efektivitas dari upaya pengelolaan tersebut
- 3) Semua kewajiban pengelolaan lingkungan pada masa operasi Proyek akan dilaksanakan oleh PLN

Bagaimana Penanganan Dampak Sosial di Lokasi Proyek

Apakah Dokumen Rencana Pengadaan Tanah dan Pengembangan Masyarakat Adat itu?

PLN, berdasarkan Undang-Undang RI No 2 Tahun 2012 tentang Pengadaan Tanah untuk Pembangunan Bagi Kepentingan Umum, telah menyusun Dokumen Perencanaan Pengadaan Tanah yang diantaranya memuat luas dan status tanah, rencana kegiatan pengadaan tanah, dan perkiraan nilai tanah dari appraisal independen.

Selain itu, PLN juga menyusun Dokumen Rencana Pemukiman dan Pengembangan Masyarakat Adat (RPPMA) yang berisi langkah-langkah yang akan diambil untuk RTD dan Masyarakat Adat sebagai upaya untuk mengatasi dampak proyek terhadap aset milik warga di lokasi proyek, memastikan bahwa kehidupan warga yang aslinya terkena dampak tidak menjadi lebih buruk, dan memberikan kesempatan untuk memperoleh manfaat dari Proyek.

Dokumen RPPMA memuat prinsip-prinsip pengadaan tanah/bangunan, strategi pemberian kompensasi, perbaikan mata pencaharian, sumber pendanaan, tugas institusi pelaksana, monitoring dan evaluasi.

Prinsip-prinsip Kebijakan Pengadaan Tanah Untuk Proyek ialah Sebagai Berikut:

- Sedapat mungkin menghindari dan/atau meminimalisasi dampak terhadap aset dan mata pencaharian RTD dan masyarakat adat.
- Melakukan konsultasi dengan RTD untuk memastikan partisipasi mereka dalam seluruh siklus Proyek, untuk:
 - menghindari dampak yang merugikan;
 - mengembangkan manfaat Proyek sesuai dengan adat-budaya;
 - melaksanakan pemberdayaan masyarakat yang sesuai dengan kekhazanah budaya dan mempertimbangkan aspek gender;
 - membangun mekanisme penanganan sengketa yang sesuai dengan budaya dan mempertimbangkan aspek gender;
- Meningkatkan atau setidaknya memulihkan mata pencaharian RTD;
- RTD yang memiliki hak legal atas tanah atau diakui sebagai hak legal, berhak untuk mendapatkan kompensasi atas tanah yang hilang. Sementara RTD dan MATD yang tidak memiliki hak legal atas tanah atau tidak diakui secara legal, berhak mendapat kompensasi untuk aset lain yang hilang. Pemulihan khusus akan diberikan kepada perempuan, kepala rumah tangga perempuan, orang lanjut usia, dan kelompok rentan lainnya.
- Adanya mekanisme efektif untuk mendengar dan menyelesaikan keluhan dan keberatan yang disampaikan warga selama pelaksanaan Pengadaan Tanah.
- Mengadopsi atau menginformasikan Dokumen RPPMA dan penuruthisannya, sebelum dilaksanakannya penilaian kompensasi (appraisal) kepada RTD, masyarakat adat dan penangku kepentingan lainnya di tempat-tempat yang mudah diakses dan dengan bahasa yang mudah dipahami.

Potensi Dampak Proyek terhadap Aset Milik Warga di Lokasi Proyek

Proyek ini membutuhkan tanah sekitar 4 hektar. Karena lokasinya yang berdekatan, pengadaan tanah dilakukan bersama dengan proyek lainnya di lokasi tersebut (PLTMG Kupang Peakur-1 dan PLTU Babura Timor), yang memiliki luas keseluruhan sekitar 52 hektar.

Berdasarkan survey dan wawancara dengan masyarakat pada bulan Oktober-November 2016 dan 7 November 2017 (jurnal pembayaran dilaksanakan) diketahui bahwa ada 9 Rumah Tangga Terkena Dampak (RTD) atau 41 orang yang kehilangan lahan garapan dan tanaman karena Proyek tersebut, dengan rincian sebagai berikut:

- ± 43.100m² tanah pertanian milik adat (milik bersama suku Minifin);
- ± 148 pohon kayu milik adat;
- ± 33 pohon buah (dimiliki oleh 5 RTD);
- ± 66.450m² tanah tanaman musiman/pangan (dimiliki oleh 9 RTD).

Pembayaran kompensasi atas kehilangan tanah adat dan tanaman telah dibayarkan oleh PLN pada 21 Juni 2017. Kompensasi atas tanah adat dibayarkan kepada ketua adat, yang kemudian dibagikan kepada keluarga ketiga marga suku Minifin, yakni marga Minifin, Tosi, dan Saju. Sementara pembayaran kompensasi atas kehilangan tanaman diberikan langsung pada rumah tangga pemilik.

Dari 9 RTD terkena dampak 6 di antaranya merupakan RTD yang dikategorikan rentan (2 RTD miskin, 4 RTD kepala rumah tangga, 1 RTD kepala keluarga perempuan dan kepala suku Minifin, dan 1 RTD dengan kepala keluarga miskin dan Manula). 13 KK yang terkena dampak Peakur-1 dan PLTU Babura Timor juga dimasukkan kelompok rentan karena mereka adalah masyarakat adat (Total kelompok rentan 22 KK).

Bagaimana mekanisme pengadaan tanah untuk Masyarakat Adat?

Jika tanah yang dibebaskan merupakan milik adat, maka harus ada surat pelepasan hak atas tanah yang ditandatangani oleh seluruh anggota masyarakat adat, kepala marga setempat (Sakatu, Tosi, Mintiri), dan kepala suku Mintiri.

Surat pernyataan ini harus dikawal oleh Kepala Desa yang menandatangani secara tertulis terkait status tanah dan ada tidaknya persengketaan atas tanah dimaksud, dan dan diketahui oleh Camat.

Siapa saja yang berhak untuk mendapatkan ganti rugi/kompensasi dan program perbaikan matapecaharian?

Dalam RPPMA ini, pihak yang berhak adalah orang yang mengalami kehilangan atau kerugian akibat Proyek, kehilangan seluruh atau sebagian aset fisik dan non-fisik, termasuk rumah dan pekerjaan, baik kehilangan secara permanen maupun sementara. Pihak yang berhak ini memenuhi persyaratan untuk mendapatkan kompensasi (tunai maupun natura), serta bantuan lainnya (seperti program Corporate Social Responsibility-CSR) dari Proyek seperti yang tercantum dalam dokumen RPPMA.

Apa yang dimaksud dengan tanggal batas waktu (cut of date)?

Tim Palakasa Pengadaan Tanah yang dikuasai oleh Kantor pertanahan (KATR/BPN) Kab Kupang menentukan tanggal batas waktu RTD yang berhak untuk mendapatkan kompensasi. PLN tidak akan memberikan kompensasi kepada RTD setelah masa tanggal batas waktu berakhir. Tanggal batas waktu penentuan keberfakian atas kompensasi ditetapkan pada tanggal dimana TPPT mengumumkan hasil identifikasi dan pendataan aset kepada masyarakat pada 3 Mei 2017.

Apa saja keberfakian (asset/loss) warga terkena dampak dalam Proyek ini?

Jenis Kehilangan	Pihak yang Berhak	Kompensasi
Tanah untuk Pemukiman dan Pertanian	Memiliki sertifikat hak milik atau diakui oleh negara sebagai hak perseorangan	Kompensasi tunai untuk tanah yang berdasarkan pada harga pasar setempat. Tidak ada pemotongan pajak dan biaya administrasi jual beli. Biaya pembaruan dokumen kepemilikan tanah menjadi tanggungjawab Proyek. Jika ada tanah sisa yang tidak lagi layak digunakan akibat Pengadaan tanah ini, Proyek akan mengambil alih seluruh tanah setara biaya penggantian (UU No. 20/2012 Pasal 35).
Tanah Adat	Masyarakat adat	Kompensasi tunai (sesuai biaya penggantian) untuk penggantian tanah dan upacara seremonial pengalihan kepemilikan tanah (sekitarnya ada)
Pohon	Pemilik pohon, tanpa melihat status kepemilikan tanah	Kompensasi tunai diberikan : i. berdasarkan harga pasar untuk tanaman tahunan, ii. setara dengan harga pasar rata-rata kali pohon untuk tanaman semusim, iii. berdasarkan harga pasar untuk kayu/pohon berdasarkan jenis dan diameter batang. Penilaian kehilangan pohon/tanaman dilakukan oleh jasa penilai independen.
Bangunan Sekunder	Pemilik bangunan sekunder, tanpa melihat status kepemilikan tanahnya	Kompensasi tunai sesuai harga penggantian berdasarkan pada harga pasar material dan biaya tenaga kerja untuk pembongkaran, pemindahan dan membangun kembali. Tidak ada pengurangan nilai bangunan karena umur bangunan, biaya transaksi atau material yang masih bisa dimanfaatkan. Penilaian kehilangan bangunan dilakukan oleh jasa penilai independen.

Apa saja keberhakan (arbitement) warga terkena dampak dalam Proyek ini ? (lanjutan)

Jenis Kehilangan	Risiko yang Berhak	Kepemilikan
Dampak selama Masa Konstruksi	Memiliki hak legal formal (sertifikat) atau yang lain atau tanahnya diakui sebagai hak penuh	<p>Pembayaran sewa dan tanah yang terkena dampak oleh kontraktor dilakukan berdasarkan biaya sewa yang berlaku dan perjanjian dengan pemilik tanah</p> <p>Untuk dampak sementara pada tanah produktif, RTD dapat memilih:</p> <ul style="list-style-type: none"> ✓ Biaya sewa dengan nilai yang tidak boleh kurang dari penghasilan bersih yang dapat dihasilkan oleh tanah produktif yang terkena dampak proyek tersebut; ✓ Kompensasi untuk penanaman, bangunan yang terdampak proyek secara permanen akan diberikan kompensasi sebesar biaya penggantian. <p>Tanah akan dikembalikan ke kondisi sebelum proyek atau bahkan lebih baik lagi</p>
Kompensasi Masa Tunggu (Bunga)	Pemilik tanah legal	Kompensasi tunai diberikan berdasarkan bunga bebas risiko, bunga bank pemerintah
Kehilangan Sumber Daya	RTD atau MATD yang dikategorikan rentan dan terkena dampak serius	<p>Mendapatkan program pemulihan mata pencaharian dalam bentuk program pemberdayaan masyarakat</p> <p>Diperi kesempatan untuk mendapatkan pekerjaan yang terkait dengan proyek</p>

Bagaimana prinsip dan bentuk program pemulihan pendapatan dan mata pencaharian bagi RTD dalam Proyek ini?

RTD yang merupakan bagian dari kelompok rentan dan terkena dampak serius serta kelompok perempuan dan masyarakat adat akan diprioritaskan untuk berpartisipasi dalam kegiatan pemulihan pendapatan ini.

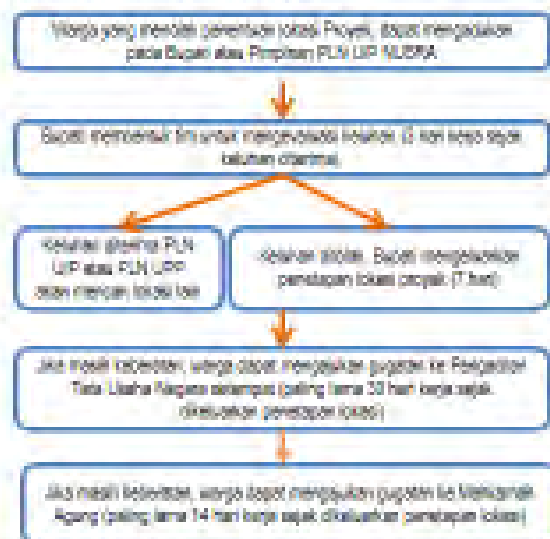
Program pemulihan dan perbaikan pendapatan dan mata pencaharian RTD akan dilaksanakan pada saat proyek berjalan melalui program tanggung jawab sosial perusahaan (CSR PLN UIP) dilaksanakan sesuai dengan kebutuhan, dan kondisi sosial-ekonomi serta budaya penerima program dan masyarakat di Dusun Paset, Desa Uluho serta Desa Niroe.

Memperibungkan sumber mata pencaharian dan pekerjaan utama RTD adalah petani, tersedia tanah garapan pengganti milik Sukir Mireti, serta prioritas Program Pengembangan Terapan Pangan 2015-2019 (untuk Projeas Nisa Tonggong), maka Program pemulihan pendapatan dilakukan berupa paket pengembanaan pasgas yang terdiri dari pelatihan dan penyediaan peralatan pertanian (traktor tangan dan peralatan) untuk penanaman jagung dan kacang berkualitas tinggi. Bentuk dan rincian program akan dilaksanakan lebih lanjut dengan warga.

Bagaimana keluhan/keberatan warga terkait dampak ditengar dan diselesaikan?

Pengaduan dapat disampaikan baik lisan maupun tulisan dengan prosedur sebagai berikut

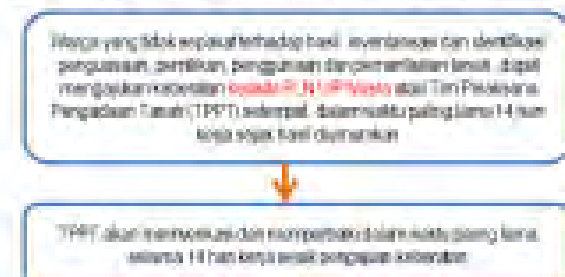
Terkait Penentuan Lokasi Proyek



Terkait dengan Ganti Rugi

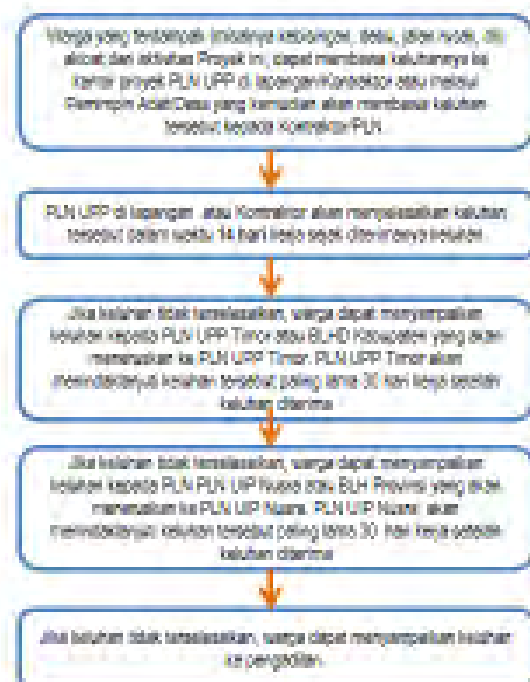


Terkait dengan Hasil Inventarisasi dan Identifikasi



Terkait Aspek Lain dari Proyek Ini

Mekanisme berikut untuk menyelesaikan keluhan terkait dampak lingkungan dan sosial yang timbul saat konstruksi



Bagi Masyarakat Adat, mekanisme pengaduan dapat mengikuti mekanisme pengaduan yang sudah berlaku (jika ada) atau mekanisme yang disediakan oleh pemerintah berdasarkan permintaan masyarakat. Warga terkena dampak dapat membawa keluhan mereka kepada pemimpin desa dan/atau pemimpin adat. Para pemimpin adat/desa akan menyelesaikan keluhan itu dalam waktu 7 hari kerja sejak keluhan diterima. Jika belum selesai, mereka dapat membawa keluhan ke petugas di kantor Proyek.

Bagaimana memantau pelaksanaan pengadaan tanah dan program pemulihan pendapatan ini?

PLN akan memastikan semua kegiatan berkaitan dengan pengadaan tanah, pembayaran kompensasi kepada warga terdampak dan aspek lainnya dapat dilaksanakan secara akurat dan transparan. Maka dari itu, program ini akan dipantau secara internal, mencakup:

- Pembayaran kompensasi untuk semua warga terdampak dalam berbagai kategori, sesuai dengan ketentuan dan peraturan yang berlaku
- Pemberian pelatihan pendapatan program pemberdayaan masyarakat
- Penyampaian informasi kepada masyarakat dan proses konsultasi
- Kepuasan terhadap prosedur pengaduan dan isu yang beredar yang membutuhkan perhatian manajemen
- Prioritas warga terdampak marginal/apel yang ditinggalkan
- Morfologi yang diperoleh dari Proyek

Jadwal Pelaksanaan Dampak Sosial

Kegiatan	Jadwal
<ul style="list-style-type: none"> Pendataan final objek pengadaan tanah dan pihak yang berhalal oleh Tim Pelaksana Pengadaan Tanah 	April 2017
<ul style="list-style-type: none"> Penilaian objek pengadaan tanah oleh pemilik indeptan 	Mei 2017
<ul style="list-style-type: none"> Kecakatan untuk konsultasi Pembayaran konsultasi 	April – Mei 2017 Juni 2017
Finalisasi dokumen RPPMA	Desember 2017
Penyusunan kepada ADB dan Persetujuan terhadap RPPMA Termutakhir	Desember 2017 – Januari 2018
Disposisi RPPMA dan DGR kepada AHA dan stakeholder lain	Januari 2018
Pelaksanaan Program Pemulihan Pendapatan	April – Desember 2018
Pemantauan Internal (perusahaan laporan tahunan)	Selama pelaksanaan proyek

Sapa yang dapat dihubungi berkenaan kegiatan Proyek?

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