

Table 2-4: Comparison between Requirements of Donor/Lenders and Indonesia Regulations for Screening

Item	ADB SPS 2009 : Environmental Safeguards : Policy Principle : 1	Indonesian EIA Regulatory Framework		Gap	Equivalency	Recommendation
		category	Criteria			
Project category	A, B, C, FI ADB screens the project category based on environmental, involuntary resettlement and Indigenous People considerations.	AMDAL, UKL-UPL, SPPL Indonesia policy screens the project category with considering law No. 32/2009.		<ul style="list-style-type: none"> - ADB screens the proposed project based on significant impact on three aspects, i.e. environment, involuntary resettlement and Indigenous People as one unit in deciding a project category. - Indonesia determines the project category based on scale/magnitude of proposed activity defined in MOER No. 05/2012, Appendix I. 	- Partly equivalent for projects that are compulsory AMDAL	- Need to consider social risk for number of affected people by involuntary resettlement.
A	<p><u>Environmental Consideration:</u></p> <p>If the proposed project is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented.</p> <p>If the propose project is located in or near sensitive and valuable ecosystems, (e.g. protected areas, wetlands, wild lands, coral reefs, and habitats of endangered species), or in or near areas with cultural heritage sites (e.g. archaeological, historical sites or existing cultural sites).</p> <p><u>Involuntary Resettlement Consideration:</u></p> <p>If 200 or more persons will be physically displaced from home or</p>	AMDAL	<p>If the proposed project:</p> <ul style="list-style-type: none"> - shall have potential significant impact on the environment; - included as the type of business/activity in the prescribed positive list in Appendix 1 of MOER No 05/2012 (sector and scale of the proposed business/activity plan); and or - is located within or directly bordering with the protected areas (listed in Appendix 3 of MOER No 05/2012); - excluded in the exception lists of Article 3, sub-article (4) point a to f; 	<ul style="list-style-type: none"> - ADB has defined number of person affected for involuntary resettlement, is 200 persons or more and lose 10% or more of their productive or income-generating assets. - Indonesia defines based on scale/magnitude of the proposed activity listed in MOER No. 05/2012, Appendix I & IV. 		

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	lose 10% or more of their productive or income-generating assets.		<ul style="list-style-type: none"> - is not included in the prescribe list of Appendix 1 of MOER No. 05/2012, but the proposed project shall have the significant impact. - shall have negative or adverse significant impact that cannot be reduced or eliminated by available technology. 			
B	<p><u>Environmental Consideration:</u></p> <p>If the proposed project's potential adverse environmental impacts are site-specific, few if any of them are irreversible, and in most cases mitigation measures can be designed more readily than for category A projects. An initial environmental examination (IEE), including an EMP, is required.</p> <p><u>Involuntary Resettlement Consideration:</u></p> <p>If less than 200 persons will be physically displaced from home or lose less than 10% of their productive or income-generating assets</p>	AMDAL		- ADB has defined number of persons who are displaced from home for involuntary resettlement, less than 200 persons or lose less than 10% of their productive or income-generating assets		
C	<p><u>Environmental Consideration:</u></p> <p>If the proposed project is likely to have minimal or no adverse environmental impacts. An EIA or IEE is not required, although</p>	UKL-UPL	- If the proposed project is not listed in MOER No. 5/2012	There is not gap	equivalent	

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		category	Criteria			
	environmental implications need to be reviewed. <u>Involuntary Resettlement Consideration:</u> There is not involuntary resettlement					
FI	If the proposed project involves the investment of ADB funds to or through a financial intermediary. The financial intermediary must apply and maintain an environmental and social management system, unless all of the financial intermediary's business activities have minimal or no environmental impacts or risks.					
		SPPL	- Business/activity that shall not have UKL-UPL and not have significant impact, as well as categorized into micro and small scale business (article 35 of Law No. 32/2009).			
Screenin process	Use REA checklist	Screening process suits with Appendix II of MOER No. 05/2012. Although, the proposed project not requiring AMDAL may be proposed to have AMDAL by using question procedure in Appendix IV of MOER No. 05/2012.		- REA checklist of ADB only mentions activities sector, while Indonesia uses activity list in Appendix I of MOER No. 05/2012 that mentions both activities sectors and magnitude/scale of those activities. In addition, the list has been developed based on scientific consideration (environmental bearing capacity and assimilative	equivalent	

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		category	Criteria			
				capacity) and ecosystem type that has been predicted to have potentially significant impact.		

Table 2-5: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Environmental Assessment

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 2	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>Environmental assessment comprises of:</p> <ul style="list-style-type: none"> - Type of impacts: including physical, biological, socio economic impacts. These can relate to occupational health and safety; community health and safety; vulnerable groups; gender issues; and impacts on livelihoods and physical cultural resources in an integrated ways. - impact of project site/scope: (i) the primary project site(s) and related facilities; (ii) associated facilities that are not funded as part of the project; (iii) areas and communities potentially affected by cumulative impacts from further planned development of the project; and (iv) areas and communities potentially affected by impacts from unplanned but predictable developments caused by the project that may occur later or at a different location. - Trans boundary impact: such as air pollution, increased use or contamination of international waterways, as well as global impacts, such as emission of greenhouse gasses and impacts on endangered species and habitats. - Social impact assessment: conducts socio-economic survey and census, with appropriate socio-economic baseline data to identify all persons who will be physically and/or economically displaced and to assess the project's socio-economic impacts on them. - Assessment process: Environmental impacts must be determined in consultation with affected people and concerned non-governmental organization (NGOs). 	<p>Environmental assessment experts MOER No. 16/2012, comprising of:</p> <ul style="list-style-type: none"> - Type of impact: including geophysical-chemistry, biology, socio- economy, and public health. - Project site/scope: <ul style="list-style-type: none"> (i) Boundary project (primary activity and its supported facilities); and (ii) Social boundary (area that is on going social interaction). - Trans boundary impact: ecological boundary is the impact can cross other regions or countries through a media, e.g. water and air - Social impact assessment: use MOER No. 16/2012 and Decree of head of Bapedal No. 299/1996 on technical guideline for social aspect assessment and AMDAL compiling. Social component that is analyzed consisting of demography, socio-economy, and cultural social defined as hipotetical significant impacts (DPH). - Assessment process: determination of DPH as TOR-KA has passed public participation process. 	<p>Social assessment is analyzed in AMDAL document referring to MOER No. 16/2012, though excluding socio-economy census, only implementation of socio-economy survey by sampling.</p> <p>Socio-economy census is carried out only for LARP study.</p>	<p>equivalent</p>	<p>There is not recommendation</p>

Table 2-6: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Examine Alternative

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 3	Indonesian Regulations	Gap	Equivalency	Recommendation
ADB safeguard provides opportunity to seek alternative for project location; technology use; design; and implementation of project.	Indonesia regulation sets of alternative, including location, use of equipment for production, capacity, technical specification, facilities of business and/or activity, layout of buildings, time, activity duration, and/or other kinds alternatives.	There is not gap	equivalent	There is not recommendation

Table 2-7: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Environmental Management Plan

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 4	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>Environmental Management Plan (EMP) includes: the proposed mitigation/reduction measures, environmental monitoring and reporting requirement, emergency response procedures, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators.</p> <p>The Table of content in EMP is:</p> <ul style="list-style-type: none"> • Summary of Impacts • Description of Proposed Mitigation Measures • Description of Monitoring Programs and Parameters • Public Consultation Activities • Description of the Responsibilities for Mitigation and Monitoring • Requirements • Preliminary Cost Estimates • Description of the Responsibilities for Reporting and Review • Work Plan • Procurement Plan • Cost Estimates • Project Feedback and Adjustment 	<p>MOER No. 16/2012, Appendix 3, Environmental Management Plan (RKL) contains measures for prevention, controlling and mitigation of significant impact, and develops positive impact through approach of technology, economy, and social. Environmental Monitoring Plan (RPL) is aimed to evaluate compliance level of project proponent on implementation of environmental management.</p> <ul style="list-style-type: none"> • Environmental Management Plan (RKL) shall include: <ul style="list-style-type: none"> ○ Impacts to be managed; ○ Sources of impact; ○ Indicator of management success; ○ Forms of managements; ○ Location of management; ○ Period of management; and ○ Institutions of management. • Environmental Monitoring Plan (RPL) shall consist of: <ul style="list-style-type: none"> ○ Type of data collected; ○ Location of monitoring; ○ Frequency and time for monitoring; ○ Method of data collection; ○ Method of data analysis; and ○ Institutions that monitor, use the result and evaluate activity of monitoring. 	<p>RKL-RPL document is not including capacity development aspect and training measures, cost estimates, as well as project feedback and adjustment.</p>	<p>Partly equivalent</p>	<p>It suggest that RKL-RPL document shall include capacity development aspect and training measures, cost estimates, as well as project feedback and adjustment .</p>

Table 2-9: Comparison between Requirements of Donor/Lenders and Indonesia Regulations for Public Participation

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 5	Indonesian Regulations	Gap	Equivalency	Recommendation
<ul style="list-style-type: none"> • Meaningful consultation process shall: <ul style="list-style-type: none"> - begin early in the project preparation stage and throughout the project cycle; - provide timely disclosure of relevant and adequate information, understandable and readily accessible to affected people; - be free of intimidation or coercion; - be gender inclusive, responsive and tailored to the needs of disadvantaged and vulnerable groups; - Enable incorporation of all relevant views of PAP and other stakeholders in decision making stage. • ADB requires public consultation for project category A and B. Public consultation for project category A is implemented two times, i.e. (i) early stage and (ii) draft EIA report stage. 	<ul style="list-style-type: none"> • Within AMDAL process: before the preparation of TOR (KA), within public consultation stage and as representative affected people in AMDAL Review Commission. • Form of public involvement includes announcement, public hearing, and representative affected people in AMDAL Review Commission. • Public announcement is carried out three times (preparation of KA; submission of environmental permit; and after issuance of environmental permit) to obtain written suggestion, opinion and response (SPT); and one time for public consultation. 	<ul style="list-style-type: none"> - Indonesia only carries out public consultation one time, although public surveillance is implemented through representative affected people in ARC. 	equivalent	Provide information to other Donors that more intensive public consultation is conducted for LARP activity and has been set by other regulations.
<ul style="list-style-type: none"> • Borrower/client establish a grievance redress mechanism that the grievance should be addressed promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people without cost and retribution. 	<ul style="list-style-type: none"> • The grievance mechanism does not exist in AMDAL process, though MOER No. 09/2010, sets public complaint related to environmental damage and pollution. 	<ul style="list-style-type: none"> - Handling of grievance/complaint is not explicitly mentioned in AMDAL process, so there is difficulty to communicate it with related institutions. 	Partly equivalent	Includes procedure of grievance redress in RKL-RPL document.

Table 2-10: Comparison between Requirements of Donor/Lenders and Indonesia Regulations for Information Disclosure

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 6	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>ADB requires that the borrower submit the following documents for disclosure on ADB's website:</p> <ul style="list-style-type: none"> • Draft EIA: at least 120 days prior to ADB Board consideration, and/or environmental assessment and review framework before project appraisal, where applicable¹⁹ • Final EIA upon receipt • Supplementary reports, if required during project implementation • Corrective action plan/s (for major non-compliance, if any) prepared during project implementation • Environmental monitoring reports <p>Lengthy and highly technical EIA or IEE reports may not meet the information needs of the affected people, such as the proposed project facilities and activities; project location; project duration; any impacts or risks to affected people; and relevant mitigation measures.</p> <p>Media of information disclosure beside ADB website is brochures, leaflets, or booklets, written in plain language understandable to the affected communities. In areas where some affected persons and stakeholders may be illiterate, non-written communication methods such as verbal presentations in community meetings, radio spots, and pamphlets and signs with pictorial depictions/illustrations may be utilized.</p>	<ul style="list-style-type: none"> • Disclosure information corresponds with MOER No.17/2012 through announcement to public in AMDAL preparation process and request of environmental permit. • Project proponent has to provide information on activities description (type, scale/magnitude, and location); potentially environmental impact (potential for liquid waste, potential emission from stack, potential public unrest, and others); and general concept of impact controlling/mitigation. • Minister of MOEF through head of regency/city environmental office submits announcement of request of environmental permit including some information such as name and address of the applicant; activities type, scale/magnitude and location; and information about where people can obtain AMDAL/UKL-UPL document and/or website address for those documents download. • Media of announcement is written media such as local and national newspaper, brochure, pamphlet, banner; electronic media such as television, social media, sms, radio; and announcement board that easily accessible by the affected people. • The announcement is delivered both written and non-written in clear and understandable 	<p>There is not gap.</p>	<p>equivalent</p>	<p>There is not recommendation</p>

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 6	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>Where appropriate, the full documents may be made available to interested stakeholders in the local language.</p>	<p>language for people, may also use local language in accordance with the activity location. Period of the announcement is 10 working days.</p> <p>People can access document in accordance with mechanism of each institution (MOER No. 27/2012, article 53 para. 2)</p> <p>Law of 14 of 2008 on Public Information, Chapter 1, article 4, says: (1) Everyone has the right to obtain public information in accordance with the provisions of this Act; (2) Everyone has the right:</p> <ul style="list-style-type: none"> a. To See and know Public Information; b. Attend public meetings to obtain public information; c. Obtain copies of public information through an application in accordance with this Act; and/or d. Disseminate public information in accordance with the legislation 			

Table 2-11: Comparison between Requirements of Donor/Lenders and Indonesia Regulations for Monitoring & Implementation

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 7	Indonesian Regulations	Gap	Equivalency	Recommendation
<ul style="list-style-type: none"> - Some items are implemented into monitoring such as parameters to be measured, monitoring/measurement methods, sampling locations, frequency of measurements, performance indicators or targets, detection limits, and thresholds limits that signal the need for corrective action - Use of external laboratories or other analytical services that should be certified. - For category project A has to retain qualified and experienced external experts or qualified NGOs to verify its monitoring findings, if necessary, conduct site inspections to review and verify the monitoring reports produced by the borrower/client. - ADB requires the borrower/client to prepare periodic environmental monitoring reports: <ul style="list-style-type: none"> • Quarterly reporting for highly complex and sensitive project; • Semi-annual reporting for category project A; and • Annually reporting for category project B - These monitoring reports and related documents (including comments from external panel and responses by project proponent) are disclosed on ADB website - Corrective actions should be implemented if any find is not appropriated in the RKL-RPL agreement 	<ul style="list-style-type: none"> - Following information shall include into monitoring report: kinds of data collected; monitoring location; frequency and period of monitoring; method of data collection (including equipment and instrument used for data collection); and method of data analysis. - It requires to use accredited environmental laboratory - Periodical reporting minimum in every six month (article 53 of Government Regulation No. 27/2012) - NGOs are not involved in implementation of monitoring. Although, the monitoring can involve third party as environmental supervision consultant and surveillance will be conducted by environmental office staff as well. The community can be actively participated in supervising implementation of environmental management through lodge complaint if any deviation in the implementation conducted by project proponent in their vicinity. 	<p>There is not gap</p>	<p>equivalent</p>	<p>Provide understanding to other Donors that limited budget is one reason in involving third party in implementation of monitoring activity.</p>

Table 2-12: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Content of Protected Area and Biodiversity Conservation

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 8	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>The borrower/client will assess the significance of project impacts and risks on biodiversity and natural resources. The assessment will focus on the major threats to biodiversity, which include destruction of habitat and introduction of invasive alien species, and on the use of natural resources in an unsustainable manner.</p> <p>Activities that are allowed in some habitats with specified requirements such as modified habitats (artificial habitats); natural habitats; critical habitats; and legally protected areas.</p> <ul style="list-style-type: none"> - Modified habitats, Where the natural habitat has apparently been altered, often through the introduction of alien species of plants and animals, such as in agricultural areas. - Natural habitats, In areas of natural habitat, the project will not significantly convert or degrade such habitat, unless no alternatives are available; the overall benefits from the project will substantially outweigh the project costs; and any conversion or degradation is appropriately mitigated. - Critical habitats, No project activity will be implemented in areas of critical habitat5 unless the following requirements are met: 	<p>Government of Indonesia has ratified international regulation on biodiversity through the Law No. 5/1994 on United Nation convention regarding biodiversity, in fact, before issuing the above law, Indonesia has issued the the Law No. 5/1990 on conservation of bio-natural resources and its ecosystem concerning protection for biodiversity. Although, it seems not enough information for biodiversity, eventhough the MOER No. 29/2009 has issued.</p> <p>Classifications of habitats are critical, natural, and modified habitats mentioned in the Law No. 26/2007 on spatial planning. In the MOER No. 05/2012, Appendix III has set 20 kinds of protected area.</p>	<p>Management of biodiversity is compulsory for other Donors as mentioned in ADB SPS Para. 28 about critical habitats. Whereas, biodiversity assessment in Indonesia still less due to lack of information of biodiversity, therefore the assessment is not sufficient, there is not available the guideline of biodiversity assessment as well.</p>	<p>Not equivalent in assessment of biodiversity</p>	<p>Guideline of biodiversity assessment is necessary including strategy and action plan for protection and avoidance lost of endangered species shall be prepared .</p>

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 8	Indonesian Regulations	Gap	Equivalency	Recommendation
<ul style="list-style-type: none"> • There are no measurable adverse impactson the critical habitat which could impair its high biodiversity value or the ability to function; • The project is not anticipated to lead to a reduction in the population of any recognized endangered or critically endangered species or a loss in area of the habitat concerned; and • Any lesser impacts are mitigatedat least no net loss of biodiversity <p>- Legally protected areas, where some project activities are located within a legally protected area, in addition to the requirement specified in critical habitats, the borrower/client will meet the following requirements:</p> <ul style="list-style-type: none"> • Act in a manner consistent with defined protected area management plans; • Consult protected area sponsors and managers, local communities, and other key stakeholders on the proposed project; and • Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area. <p>Mitigation measures will be designed to achieve at least no net loss of biodiversity. They may include a combination of actions, such as postproject restoration of habitats, offset of losses through the</p>	<p>Utilization of protected area has been regulated in the Presidential Decree (Keppres) No. 32/1990 on management of protected area. Article 37 of the Keppres No. 32/1990 sets that any cultivation activity are forbidden in the protected area, unless the activity does not inhibit function of protection (Para. 1). In natural and cultural preservation area is prohibited for any cultivation activity unless for those relevant to its function and will not modify the existing landscape, land use condition and natural ecosystem (Para. 2). Also the Law No. 21/2014 allows geothermal activity in protected area and conservation area.</p> <p>In the MOER No. 05/2012, proposed activity that is in or directly adjacent with protected area is required to prepare AMDAL document. Although, there is exception for some activities in protected area are not required preparing AMDAL stated in Article 3 Para 4.</p> <p>Mitigation measures for use of protected area is such as rehabilitation and reclamation for former project area</p> <p>Protection measures for invasive alien species can be implemented referring to the Law No. 16/1992 on quarantine of animals, fish and plants, and the law derivatives are Governmental Regulation No. 82/2000 on quarantine of animals and Government</p>			

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 8	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>creation or effective conservation of ecologically comparable areas that are managed for biodiversity while respecting the ongoing use of such biodiversity by Indigenous Peoples or traditional communities, and compensation to direct users of biodiversity.</p> <p>- Invasive alien species, The borrower/client will not intentionally introduce any new alien species (that is, species not currently established in the country or region of the project) unless carried out in accordance with the existing regulatory, unless the introduction is subject to a risk assessment to determine the potential for invasive behavior. The borrower/client will undertake assessment and identify measures to minimize the potential for release.</p> <p>Management and use of renewable natural resources, renewable natural resources will be managed in a sustainable manner. Sustainable resource management is management of the use, development, and protection of resources in a way, or at a rate, that enables people and communities, including Indigenous Peoples, to provide for their current social, economic, and cultural well-being while also sustaining the potential of those resources to meet the reasonably foreseeable needs of future generations.</p>	<p>Regulation No. 14/2002 on quarantine of plants.</p> <p>Conservation measures for natural resources is a effort in preservation of environment (Law No. 32/2009, Article 57, Para. 1, point a).</p>			

Table 2-14: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Content of Pollution Prevention

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 9	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>ADB will follow the standards and approaches laid out in the World Bank's Pollution Prevention and Abatement Handbook</p> <p>The borrower/client will apply pollution prevention and control technologies and practices consistent with international good practice that is implemented in design, construction and operation phases, as reflected in internationally recognized standards such as the World Bank Group's Environment, Health and Safety Guidelines.</p> <ul style="list-style-type: none"> - Pollution prevention, resources preservation and energy efficiency, the borrower/client will avoid, or where avoidance is impossible, will minimize or control the intensity or load of pollutant emission and discharge. In addition the borrower/client will examine and incorporate in its operations resource conservation and energy efficiency measures consistent with the principles of cleaner production. - Waste, the borrower/client will avoid, or where avoidance is not possible, will minimize or control the generation of hazardous and non-hazardous wastes and the release of hazardous materials resulting from project activities. - Limbah: meminimalkan atau mengendalikan timbulnya limbah berbahaya dan tidak berbahaya dan pelepasan bahan berbahaya yang dihasilkan dari kegiatan proyek. 	<p>Pollution prevention and resources efficiency uses the Law No. 32/2009 on Environmental Protection and Management (EPM) and its derivatives scattered in some sectors such as agriculture, industry and health.</p> <p>One of instruments for pollution prevention is environmental quality standard and damage criteria stated in the Law No. 32/2009. Other measures for pollution prevention are prevention and recovery.</p> <p>Implementation of energy efficiency is reflected into the Law No. 30/2007 on energy; Governmental Regulation No. 70/2009 on energy conservation; Presidential Instruction No. 3/2011 on energy and water saving; and regulation of Ministry of Energy and Mineral Resources No. 3/2012 on saving of power utilization.</p> <p>Article 12 of the Governmental Regulation No. 70/2009 mentions that annual use of energy is > 6000 STM (Setara Ton Minyak/equivalent with tons of oil) has to implement energy conservation through energy management.</p> <p>Pollution prevention is also reflected into clean production regulated in MOER No. 31/2009, Article 1, Para. 4, regarding guidance and supervision of environmental management system; ecolabel; cleaner production and environmental based</p>	<p>The energy conservation has not been explicitly stated in Ministry of Environmental Regulation No. 16/2012 for it is mentioned in Government Regulation No. 70/2009 regarding Energy Conservation.</p> <p>In Indonesia, some regulations have been issued for pollution prevention and energy conservation, however, it still need more additional regulations for other environmental quality standards like as sediment quality, Indonesia uses abroad quality standard for sediment.</p>	<p>Partly equivalent</p>	<p>Need socialization of Governmental Regulation No. 70/2009 on energy conservation, especially for energy saving in cleaner production and need to provide the technical guideline.</p> <p>Indonesia will use international standards for some sectors/environmental components that do not have yet quality standard regulation.</p>

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 9	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>- Pesticide use and management, the environmental assessment will ascertain that any pest and/or vector management activities related to the project are based on integrated pest management approaches that entail coordinated use of pest and environmental information. The health and environmental risks associated with pest management should be minimized with support, as needed, to institutional capacity development, to help regulate and monitor the distribution and use of pesticides and enhance the application of integrated pest management. The borrower/client will not use products that fall in World Health Organization Recommended Classification of Pesticides by Hazard Classes Ia (extremely hazardous) and Ib (highly hazardous).</p> <p>Greenhouse gas emission, the borrower/client will, promote the reduction of project-related anthropogenic greenhouse gas emissions in a manner appropriate to the nature and scale of project operations and impacts; quantify direct emissions from the facilities within the physical project boundary and indirect emission associated with the off-site production of power used by the project during the development or operation of projects that are expected to or currently produce significant quantities of greenhouse gases; conduct quantification and monitoring of greenhouse gas emissions annually in accordance with internationally recognized</p>	<p>technology in regions. The concept of cleaner production is pollution prevention; minimize waste; recycle; control of pollution, disposal and treatment, as well as remediation.</p> <ul style="list-style-type: none"> - Pollution prevention and waste, the Law No. 32/2009, Article 20 has mentioned that determination of environmental pollution is measured through environmental quality standard, where quality standard for water, effluent water, sea water, ambient air, emission and others have been specified into governmental regulations and ministerial regulations including regulation for hazardous waste. - Hazardous materials, has been regulated into some regulations regarding hazardous materials - Pesticide use and management, the pesticide is classified into hazardous material. It need consideration in the use of pesticide, the regulation that set pesticide has been issued. - Greenhouse gas emission, the Law No. 32/2009 has regulated commitment to specify and implement policy on global climate changes, and through Clean Development Mechanism (CDM), National Appropriate Mitigation Action (NAMA's) as implemented in National Action Plan on Greenhouse Gas Action Plan that have 			

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 9	Indonesian Regulations	Gap	Equivalency	Recommendation
methodologies; evaluate technically and financially feasible and cost-effective options to reduce or offset project-related greenhouse gas emissions during project design and operation, and pursue appropriate options	<p>been mentioned in the Presidential Regulation No. 61/2011 and 71/2011 about implementation of greenhouse gas inventory. In responding the Presidential Regulation No. 71/2011, Ministry of Environment and Forestry has issued MOER No.15/2013 on measurement, reporting, and verification of climate change mitigation action, which details procedure for report assessment and verification of climate change prevention measures.</p> <p>- Requirement of greenhouse gas effect assessment is not clearly mentioned in the MOER No. 16/2012, nevertheless the GOI has committed to implement prevention acts toward climate change.</p>			

Table 2-15: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Content of Health & Safety

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 10	Indonesian Regulations	Gap	Equivalency	Recommendation
<ul style="list-style-type: none"> - Occupational Health and Safety: the borrower/client will provide workers with a safe and healthy working environment; and apply preventive and protective measures consistent with international good practice, as reflected in internationally recognized standards such as the World Bank Group's Environment, Health and Safety Guidelines. - Community health, the borrower/client will, identify and assess the risks to, and potential impacts on, the safety of affected communities during the design, construction, operation, and decommissioning of the project, and will establish preventive measures and plans to address them in a manner commensurate with the identified risks and impacts. 	<p>Some regulations on occupational health and safety are more concerning on health and safety of workers, such as the Law No. 13/2003 about manpower (Article 89 and 87 in Para. 1); Governmental Regulation No. 50/2012 on application of occupational safety and health management system; Regulation of Minister of Manpower No. 05/MEN/1996 regarding safety and health management system; Regulation of Minister of Public Works regarding guideline of occupational safety and health management system for construction of public works; and Regulation of Minister of Regional Settlement and Infrastructures No. 384/KPTS/M/2004 regarding technical guideline of occupational health and safety for dam construction.</p> <p>Public health aspect in AMDAL document is regulated in Decree Letter of Head of Bappedal No.124/1997 on guideline of public health aspect analysis in preparation of AMDAL document. Also, Decree of Minister of Health No. 876/2001 regarding technical guideline for environmental health impact analysis on Appendix 1 which explains guideline of analysis of environmental health effect. The Law No. 36/2009 on health, has</p>	<p>Regulations on manpower are issued from law to ministerial regulations such as minister of public works. It shows that occupational health and safety is essential. However, occupational health and safety issues are not deeply considered yet in analysis and RKL-RPL document due to it has its own SOP. In actual, occupational health and safety is often incorporated in environmental issues.</p> <p>Public health analysis in AMDAL document referred in MOER No. 16/2012, Appendix II (preparation of AMDAL document) is limited on public health levels.</p> <p>Two regulation references in public health aspect analysis are Decree of Head of Bappedal No. 124/1997 on guideline of public health aspect analysis in AMDAL document preparation, and Decree of Minister of Health No. 876/2001 on technical guideline of environmental health impact analysis.</p>	<p>Partly equivalent</p>	<ul style="list-style-type: none"> - Need international standard references for occupational health and safety if those are not regulated in Indonesian regulations - In addition MOER No. 16/2012, the followings two regulations need to be recognized as references on public health impact analysis in preparation of AMDAL document such as Decree of Head of Bappedal No. 124/1997 and Decree of Minister of Health No. 876/2001 - Add analysis on effect of public health from outside workers including STI and HIV.

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 10	Indonesian Regulations	Gap	Equivalency	Recommendation
	<p>explained environmental health in Article 162 and 163 in chapter XI, in addition Article 164-166 chapter XII explains on occupational safety and health.</p> <p>In general, health study has been focused on change of public health levels toward existence of project. However, health factor which is transmitted by workers from outside to community including potential of infection of HIV is not analyzed.</p>			

Table 2-16: Comparison between Requirements of Donor/Lenders and Indonesia Regulations on Content of Physical Cultural Resources

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 11	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>ADB requires the borrower/client:</p> <ul style="list-style-type: none"> - to avoid significant damage to physical cultural resources; - consult with affected communities who use, or have used them within living memory, for long-standing cultural proposes - Consultation will also involve relevant national or local regulatory agencies that are entrusted with protecting physical cultural resources. <p>When the project is likely to have adverse impacts on physical cultural resources, the borrower/client is required to identify appropriate measures for avoiding or mitigating these impacts as part of the environmental planning process. These measures may range from avoidance to full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost.</p> <p>“Chance finds” procedures will be included in the EMP. Chance finds shall not be disturbed until an assessment by a competent specialist is made and actions consistent with these requirements are identified.</p>	<ul style="list-style-type: none"> - The Law No. 11/2010 and its amendment the Law No. 5/1992 sets definition, criteria, procedure, and mechanism of physical cultural resources. - MOER No. 16/2012 does not explicitly mention on analysis of physical cultural resources, though another regulation Decree Letter of Head of Bappedal No. 299/1996 regulates detail of physical cultural resources analysis through technical guideline of social aspect analysis in AMDAL document preparation. 	<p>Main regulation in AMDAL document preparation is MOER No. 16/2012. However, some regulations can be used as references such as the Law No. 11/2010 on physical cultural resources; and Decree Letter of Head of Bappedal No. 299/1996 on technical guideline of social aspect analysis in AMDAL document preparation.</p> <p>However, other Donors asks detail information on existence of physical cultural resources which local, national, international recognized in surrounding proposed project location.</p> <p>Donor request to detail information of physical cultural resources at the local, national and international around the project . And in the management shall be stated as “chance finds” for determination of location and scope of physical cultural resources.</p> <p>There is prohibition for displacement unless the requirements have been specified.</p>	<p>Partly equivalent</p>	<p>The Law No. 11/2010, MOER No. 16/2012 and Decree Letter of Head of Bappedal No. 299/1996, need to be incorporated in analysis of physical cultural resources</p> <p>Existence of “chance finds” shall be considered to be hipotetical significant impact that will be further assessed in RKL document.</p>

ADB SPS 2009 : Environmental Safeguards : Policy Principle : 11	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>The project will not remove any physical cultural resources unless the following conditions are met:</p> <ul style="list-style-type: none"> (i) No alternatives to removal are available; (ii) The overall benefits of the project substantially outweigh the anticipated cultural heritage loss from removal; (iii) Any removal is conducted in accordance with relevant provisions of national and/or local laws, regulations, and protected area management plans and national obligations under international laws, and employs the best available techniques. 				

ADB Framework	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>diligence and review involves field visits as well as desk review.</p> <ul style="list-style-type: none"> • Through such due diligence and review, ADB will confirm that: <ol style="list-style-type: none"> 1) All key potential social and environmental impacts and risks of a project are identified; 2) Effective measures to avoid, minimize, mitigate, or compensate for the adverse impacts are incorporated into the safeguard plans and project design; 3) The borrower/client understands ADB's safeguard policy principles and requirements as laid out in Safeguard Requirements 1–4 in Safeguard Policy Statement and has the necessary commitment and capacity to manage social and environmental impacts and/or risks adequately; 4) The role of third parties is appropriately defined in the safeguard plans; and 5) Consultations with affected people are conducted in accordance with ADB's requirements. • Additional assessment and/or improvement in the safeguard plans may be required in case EIA/IEE submitted to ADB does not satisfy ADB's safeguard requirements. When the borrower/client has inadequate capacity to carry out safeguard plans for a proposed project, capacity building component (s) will be incorporated into the project. 	<p>chaired by echelon II in provincial environmental office and regency/city ARC is led by echelon II in regency/city environmental office.</p> <ul style="list-style-type: none"> • ARC is assisted by a technical team and secretariat in review implementation. Member of technical team consists of experts such as: <ul style="list-style-type: none"> - Experts from various technical institution whose in charge with related activity; - Experts on environment from environmental institution; and - Experts on the field which related with activity plan and environment impact of the plan activity. • ARC reviews AMDAL document based on some tests such as: • KPA assess a document of AMDAL based on several test, as follows: <ul style="list-style-type: none"> - Project test; - Document quality test which cover consistency test, relevancy test, mandatory test, profundity test; and - Review on environment feasibility and propriety of the business plan and/or activity based on the review result which is attached on the ANDAL and RKL-RPL and the environment feasibility criteria. 			

Table 2-20: Comparison between Requirements of Donor/Lenders and Indonesian Regulations for Stipulation and Determination of the Environmental Feasibility

ADB Framework	Indonesian Regulations	Gap	Equivalency	Recommendation
<p>- Other Donors consider feasibility based on either environmental or financial factors. As for environmental non-feasibility, the mitigation measures will be taken with use of updated advanced technology</p>	<ul style="list-style-type: none"> • Minister/Governor/Regent/Mayor decides environmental feasibility in accordance with MOER No. 08/2013. • Environmental feasibility criteria are: <ul style="list-style-type: none"> - Compatibility to spatial planning; - Policy in environmental safeguard and management as well as natural resources; - Defense and security interests; - Accurately assumption on impact scale and characteristic; - Holistic evaluation result toward the entire impact; - Capability of proponent and/or related parties that responsible to cope with negative significant impact; - Plan of activity that shall not interfere the community/social values; 	<p>Environmental feasibility decision does not consider cost of environmental management and monitoring. However, consideration of project proponent capacity is necessary for controlling arisen significant impacts from the proposed activity using technology, social and institutional approaches.</p>	<p>Partly equivalent</p>	<p>Basically, consideration of other Donor has been accommodated in MOER No. 08/2013.</p> <p>Environmental management and monitoring cost should be included in appendix of RKL-RPL to ensure project proponent capacity in management and monitoring plan.</p>

ADB Framework	Indonesian Regulations	<i>Gap</i>	Equivalency	Recommendation
	<ul style="list-style-type: none"> - Plan of activity that shall not interfere the ecological entities; - Plan of activity that shall not interfere activities around project location; and - Plan of activity that shall not exceed the environment bearing capacities 			