

## **COMPARISON BETWEEN COUNTRY SAFEGUARD SYSTEMS (CSS) OF INDONESIA AND ADB SAFEGUARD POLICY STATEMENT (SPS) – Environmental Safeguards**

This is a translation and update of the assessment of the ADB's March 2017 Assessment of Indonesia's Country System Safeguards with a focus on Environmental Safeguards, from "Kajian Perbandingan Perlindungan Lingkungan Hidup dan Sosial Antara Sistem Perlindungan Negara Indonesia Dengan Bank Pembangunan Multilateral (Studi atas hasil evaluasi sistem perlindungan negara Indonesia oleh Konsultan Bank Pembangunan Asia" by Lembaga Studi dan Advokasi Masyarakat (ELSAM), Indonesia Legal Resource Center (ILRC), The Ecological Justice, TuK Indonesia, Wahana Lingkungan Hidup Indonesia (WALHI), WALHI Sulawesi Selatan, WALHI Jawa Barat, Yayasan Pusaka, DebtWATCH, The Institute for National and Democratic Studies (INDIES), Ulu Foundation, 2017, 93 pages.

Request for ADB assessment from the Government of Indonesia is for two categories in the ADB Safeguards, which are (1) the Environment; and (2) Involuntary Resettlement. This section will divide the focus on CSS Indonesia into the two issues and compare it with ADB Safeguards.

### **4.1 Environmental Protection**

#### **(I) ADB Environmental Protection Policy**

The Special Evaluation Study/SES on environmental protection performed by Operations Evaluation Department/OED in 2006 concluded that safeguards in the ADB environmental policy are relevant and have been effective in avoiding damaging environmental impacts generated by ADB-financed projects, although the transaction cost has reduced the project processing efficiency.

In order to achieve environmental protection common objectives, the existing ADB policies related to safeguards require meaningful consultation. This requirement indirectly presents the need to have preliminary negotiations and consultation based on prior information with affected people (120 days before making any decision for project with significant impact) – with particular focus on vulnerable groups and women – as well as the community at large within the context of planning for safeguards and continuous consultation during project delivery to identify and assist in addressing potential issues related to safeguards. ADB should be clear in stating that they require the borrowers/clients to carry out meaningful consultation with

affected people and communities in the implementation of three policies related to the safeguards. To implement the policies, meaningful consultation will refer to a process that:

- (i) Starts at an early stage of project preparations and continuously performed during the project cycle;
- (ii) Allocates adequate time slots for disclosing relevant information in a timely manner (120 days for project with significant impact) that can be understood and are directly accessible by affected people;
- (iii) Is performed in a condition that is free from intimidation or coercion;
- (iv) Is inclusive and gender sensitive and align with the needs of the less fortunate and vulnerable groups; and
- (v) Enables integration of relevant views from affected people and other stakeholders in decision-making, for instance project design, mitigation measures, benefit-sharing and development opportunities, and other delivery issues.

ADB environmental protection policy is aimed to ensure sustainable and environmentally-friendly projects and to support integration of considerations concerning the environment and vulnerable communities and women in decision-making. **Scope and triggers:** Environmental protection is triggered when a project is expected to cause environmental risks and impact. The 11 Principles on Environmental Protection below offer further elaboration:

**Policy Principles:**

1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.
2. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issue), and physical cultural resources in the context of the project's area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.
3. Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.
4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.
5. Carry out meaningful consultation with affected people and facilitate their informed

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<p>participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned non-government organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p> <p>6. Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.</p> <p>7. Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p> <p>8. Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.</p> <p>9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p> <p>10. Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.</p> <p>11. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</p>
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## (2) Comparison of Equivalence Assessment on the Environment

The result of equivalence assessment on the environment carried out by ADB consultants in the March 2017 ADB assessment of Indonesia's Country System Safeguard, stated:

*"The assessment for environment showed that CSS Indonesia is fully equivalent with 10 out of 11 Policy Principles (91%) and 40 out of 41 key element (98%) of ADB*

*SPS.” Page 23, para 60, Consultation Draft, March 2017<sup>1</sup>*

However, according to detailed analysis, not only CSS Indonesia for environmental management **NOT EQUIVALENT** with ADB SPS, it has never been implemented well to be considered equivalent with Objectives or Mandatory Principles. Analysis 8 on environmental policy principles, including about the contents of consultation, implementation contents and process, social and environmental impact assessment, environmental and community protection, CSS Indonesia – neither the regulations nor the implementations are equivalent with any ADB principles. As seen in the explanation below:

No.	Objectives and Principles	Equivalence Level		Remarks
		According to ADB	Reality	
	<b>Objectives</b>			
	To ensure the environmental soundness and sustainability of projects and to support the <b>integration of environmental considerations into the project decision-making process.</b>	Equivalent	Not Equivalent	<p><b>EIA standard and practice in Indonesia is substantially weaker than ADB SPS requirements.</b></p> <p>ADB SPS requires a thorough and detail Environmental Impact Assessment that covers not only environmental impact of a project, but also its impact for the affected community.</p> <p>One of the requirements for a project with significant impact is that, the community and the public have the right to receive complete information (EIA draft) on all impacts – direct, indirect, cumulative, etc. - and entitle to <b>provide comments within 120 days before decision is made</b> on a project.</p> <p>There is a requirement to carry out “<b>meaningful public consultation</b>” that is clearly defined in ADB SPS and there is a requirement that impact assessment, <b>should have special focus on vulnerable groups and gender issue.</b></p> <p>“Meaningful” consultation and focus on</p>

<sup>1</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017

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				<p>vulnerable groups and gender are not part of EIA Indonesia requirements and materials; one could establish that the information studied by ADB consultants, as found in Annex 8 to 11, do not meet this requirement.</p> <p>According to ADB Assessment, EIA analysis requirement “is not applicable” to project with financial intermediary.<sup>2</sup> ADB actually requires impact assessment for project with financial intermediary.</p> <p>Indonesian EIA standard is weak. In practice, <b>EIA is not the principal requirement for business permit.</b> Government regulation on Environmental Permit is an enhancement over Government Regulation on EIA, which stipulated that EIA is an assessment on important environmental impact of a planned Business and/or Activity necessary for decision-making process on Business and/or Activity operation.</p> <p>Yet, in reality, business permit is a permit granted to a company after it went through several business stages.<sup>3</sup> In order to “integrate environmental considerations in a decision-making process”, EIA should be able to influence “considerations...in decision-making process” on location of a project with significant impact.</p> <p>In practice, quite often EIA is not carried out before other premise are issued, e.g. location permit and land acquisition permit. Despite</p>
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<sup>2</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, page 7.

<sup>3</sup>For example, Human Rights National Commission (Komnas HAM), “In theory, location permit and EIA require consultation forum for dissemination of information concerning investment plan, land acquisition plan and plan to address land acquisition-related problems, for collection of social and environmental data, as well as for dissemination of the amount of compensation and its alternative. Officially, if one requirement has not been met, the subsequent permit cannot be issued. But the fact is that many companies that do not meet the requirement can still operate.” REPORT ON RESEARCH FINDINGS ON “CORRUPTION AND HUMAN RIGHTS IN FORESTRY SECTOR; A CASE STUDY ON PT. BULUNGAN HIJAU PERKASA OIL PALM PLANTATION,” Fauziah Rasad, S.H., M.Si. and Tito Febismanto, S.E., 2015, Page 6, [https://www.komnasham.go.id/files/1474872712\\$1\\$XFC8\\$.pdf](https://www.komnasham.go.id/files/1474872712$1$XFC8$.pdf); Izin Lokasi PLTA Asahan III Diberikan Tanpa Amdal (Location Permit for Asahan III Hydro Power Generator is granted without EIA), Kompas.com, March 24, 2010; Kerugian Negara dalam Proyek Hambalang Capai Rp 471 Miliar? (the State suffers IDR 471 billion loss in Hambalang Project?), Kompas.com – August 23, 2013; Tempo, Gubernur DIY Tak Tahu Amdal Harus Ada Sebelum Izin Proyek (the Governor of DIY did not know that EIA should be carried out before the issuance of project permit), May 31, 2016; Environmental Investigation Agency, Perizinan Bagi Tindak Kriminal: Betapa perluasan kelapa sawit mendorong penembangan liar di Indonesia (License to Crime: Oil palm expansion embolden illegal logging), December 17, 2014; Rachmat Yasin, Bupati Bogor yang “Akrab” di KPK...(Rachmat Yasin, Former Regent of Bogor, who is “familiar” with KPK...), Kompas.com, May 8, 2014.

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				<p>the fact that both permits actually deprive the community from their rights and roles, and influential in determining environmental impact.</p> <p>Not only EIA has a weak requirement, and lack of requirement on meaningful consultation and particular attention to vulnerable groups and gender, that is not equivalent with ADB requirements. Furthermore EIA is applied only as a formality, and has no leverage on the issuance of location permit, or other permits as well as on environmental and social protection.</p> <p><b>Therefore CSS “Objective” is not equivalent with ADB SPS.</b></p>
1	<b>Policy Principle 1</b>	Full	Not Eq.	
1.1	1. Use a screening process for each proposed project, <b>as early as possible</b> , to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of <b>potential impacts and risks</b> .	Full	No	<p>According to Indonesian National Commission on Human Rights (Komnas HAM) and other sources, the EIA process is not carried out before the issuance of key permits, such as the location permit and the land acquisition permit, therefore not equivalent.</p> <p>Because there is no requirement assess impacts on and risks to women and vulnerable groups before the issuance of the location permit and the land acquisition permit, not equivalent.</p> <p>The issuance of location permit and land acquisition permit deprive the community from their rights and roles (consultation, information access, participation) and are influential in determining the environmental impact of a project</p> <p>Gender issues impact at least 50% of the affected community. ADB-financed projects are “development” projects therefore detailed attention to vulnerable groups is meant to be their primary objective. The failure to analyse and prevent negative impacts on vulnerable groups and women indicate a complete lack of equivalence to ADB SPS</p>

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				<p>requirements and those of other MDBs.</p> <p>Due to the fact that attention to potential risks faced by vulnerable groups and gender issues are not mandatory and are not applied in EIA process, clearly CSS Indonesia is not equivalent with the first ADB Principle (Principle 1).</p> <p>According to ADB Assessment, Indonesia's AMDAL EIA analysis requirement "is not applicable" to financial intermediary projects.<sup>4</sup> By contrast, ADB requires impact assessment for financial intermediary projects. Clearly CSS Indonesia is not equivalent to ADB requirements.</p>
2	<b>Policy Principle 2</b>	Partially	Not Eq.	<p>It is bizarre that ADB consultants decided, for the purposes of this CSS analysis, to divide Principle 2 (and other Principles) into several parts instead of considering each Principle in its entirety.</p> <p>This appears to be one way that the ADB Consultants attempt to falsely claim "equivalence" with small parts of the SPS while obscuring and attempting to ignore the clear and gross lack of equivalence.. For example Principle 2 requires an assessment of <i>all impacts on all parties, with special attention to vulnerable groups and gender issues</i>. Since there is no requirement in Indonesian CSS for specific impact assessment practice on vulnerable groups or gender issue (as already documented by ADB in detail in Annex 8 to 11), it is clear that the Indonesian country system <i>is not equivalent</i> with ADB SPS requirements.</p> <p>It seems that the consultants were splitting the principles in order to attempt to twist the language in order try to establish "equivalence", for instance equivalence with the requirement of making an assessment on "direct" or "indirect impacts," ignoring the fact that there is no requirement (and certainly no meaningful track record or</p>

<sup>4</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, page 7.

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				<p>practice of assessment of direct/indirect impact, etc. <i>on vulnerable groups or gender issues</i>. ,Thus while there may, indeed be various assessments, since there is no focus on assessing impacts on vulnerable groups or women, clearly CSS Indonesia is not equivalent whatsoever with ADB SPS requirement.</p> <p>Below are examples of ADB’s own findings of this fundamental lack of equivalence with the most basic Safeguards requirements, not only of the ADB, but also of other MDBs and bilateral institutions.</p> <p><b>ADB<sup>5</sup>:</b>“ 28. This assessment found that examination of ANDAL and RKL-RPL <b>frequently focuses more on administrative and substantive requirements rather than substantive environmental impacts.</b>”</p> <p><b>Poor quality Indonesian EIA (ANDAL) lack of risk assessment, data, evidence.</b> Problems include:</p> <p>“Late and <b>poor quality of AMDAL</b> preparation and/or document”...” Lack of specific/technical expertise”...<sup>6</sup></p> <p>“Existing AMDAL guidelines on social aspects assessment are NOT updated and detailed.”<sup>7</sup> (i.e. no requirements to assess vulnerable populations, gender issues.)</p> <p>“Public Consultation and Participation: <b>Representation of women and vulnerable groups is not explicitly required</b> in planning and decision making.”<sup>8</sup></p> <p><b>Accountability/Grievance mechanism:</b> “Procedure for complaint management has <b>not been included</b> in the RKL-RPL document”<sup>9</sup></p> <p><b>“Critical Issue: Protection Area and Biodiversity Conservation:</b> Operational and practical guidance for analyzing biodiversity in AMDAL process”<sup>10</sup></p>
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<sup>5</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, page 11.

<sup>6</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.2

<sup>7</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>8</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>9</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>10</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.3



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				<p>ADB states that obviously there is a need to “Include environmental consideration in planning, design, decision making, and project implementation”<sup>11</sup></p> <p>According to the ADB’s case study results:</p> <p>“The ANDAL was found to lack depth with respect to the following indicators:</p> <p>(i) dam safety and other <b>potential risks are neglected or inadequately assessed;</b></p> <p>(ii) scoping tended to <b>focus on generic impacts as common to all infrastructure</b>, rather than those particular to construction and operation of multi-purpose dams; and</p> <p>(iii) <b>many conclusions lack adequate supporting data and proper scientific evidence (or even convincing argumentation)</b> suggesting an over-reliance on subjective “professional judgment.”<sup>12</sup></p> <p><b>ADB: Appendix 9:</b>”in terms of transparency, the AMDAL study has <b>not made specific efforts to encourage participation of women and vulnerable groups</b>. Similarly, due to the <b>poor scoping</b> the study, did not cover all items to be included including <b>post-operational impacts of the dam</b>.</p> <p><b>Nonetheless, despite these egregious failings and failed assessment process that completely violates ADB and other MDB requirements – no inclusion of women, vulnerable groups, poor scoping, no environmental or social assessment of post operational impacts of the dam - ADB’s consultants rated this assessment as “moderate”<sup>13</sup> in terms of compliance, consistence, depth and relevance!</b></p> <p>These sorts of <b>false and misleading conclusions are found throughout the ADB “assessment”</b>– ie. documentation (much of it hidden in appendices) of egregious failures and violations – hidden and covered up by the use of a skewed rating system or false “summaries” or “conclusions” bearing little relationship to data and evidence (i.e. in this case, <b>claiming “moderate” compliance and relevance despite no attention to the vulnerable, women (50% of those impacted!) or environmental or social</b></p>
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<sup>11</sup> DB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex Table A.6.4

<sup>12</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 6, para 6c.

<sup>13</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 6, para 6c.

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				<p><b>impacts once the dam is operational.</b> It is in this manner, after three years of labor on these “assessments” that the ADB is attempting to certify the Energy and Water (and other ) Sectors in full compliance with ADB Safeguard requirements despite their own evidence to the contrary.</p> <p>In addition, there are many studies and analyses, including those carried out by Indonesia’s National Human Rights Commission as well as by the ADB, itself, which demonstrate a track record of substantial conflicts of interest in the development of environmental and social assessments (AMDAL), ensuring a lack of compliance with ADB safeguard requirements. For example, see Appendices 8-11 of this CSS Assessment – <i>the appendices not initially released prior to the ADB’s fake consultations in Jakarta and Makassar in 2017</i>).</p> <p>ADB: “Authority for Approval of AMDAL: Authority for reviewing KAANDAL and AMDAL based on project location creates problems (e.g., vested interest pronounced in projects whose permits are issued by [local officials] Bupati/Walikota)”<sup>14</sup></p> <p>The ADB identified “<b>general weaknesses in the Indonesian AMDAL system</b>” which included “Basing authority for reviewing KA-ANDAL and ANDAL on project location <b>can subject approvals to local vested interests</b> such as tax revenue and investment flows.”<sup>15</sup></p> <p>ADB: Appendix 9; : “there are no special dedicated units to handle these safeguard activities on a permanent basis. By default, the Program and General Planning Division of the BBWS 3C retains the function of ensuring environmental safeguards. Concurrently, they act as a proponent for projects or activities, including preparation and implementation of AMDAL or UKLUPL, as required. Since this creates a potential conflict of interest, in practice, the AMDAL review process in BBWS 3C is commonly outsourced to consultants or contractors. The limited budget for consultants has implications for the quality of AMDAL outputs.”<sup>16</sup></p> <p>According to the ADB, the governmental body which carries out the majority of the</p>
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<sup>14</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, Table A6.3.

<sup>15</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, page 7, para 24.

<sup>16</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, Assessment on Water Resources Sector: Karian Multipurpose Dam Project, page 4, para 3.

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				<p>AMDAL is “structurally, institutionally, and functionally ... weak,”<sup>17</sup></p> <p>Case assessment by ADB “With regard to transparency of EIA study, <b>it does not carry out explicit measures to encourage participation of women and vulnerable groups</b>. Due to poor scoping, the assessment does not cover all matters comprehensively (partial scoping).”<sup>18</sup></p> <p>ADB, on Transmission Line case of PLTU 2 Central Java: “<b>The methodology has not been optimally applied in a consistent manner with regard to types of impact assessed. Baseline data on social and economy is weak. Environmental Impact Statement (AMDAL) does not cover concern</b> about “the risks of extra-high and ultra-high voltage” voiced out by people who reside around the project location during the scoping study”<sup>19</sup></p>
2.1	Conduct an environmental assessment for each proposed project.	Full	Not Equivalent	<p>All the points mentioned in Principle 2 above.</p> <p>There is no requirement to carry out impact analysis on vulnerable groups or gender issue, and not carried out in each project assessed by ADB as seen in Annex 8 to 11.</p> <p>Article 4 of Indonesian PP AMDAL requirements states that, if a business and/or activity will be established in an area where there already is an environmental impact analysis, it IS NOT REQUIRED to have another EIA.</p> <p>Article 13 of Indonesian PP on Environmental Permit provides exemptions for three types of business/activity that do not require EIA.</p> <p>In practice, business permit is a permit granted after a company completes several business stages of business. The AMDAL/ EIA has no relation with other permits, such as the location permit and the land acquisition permit.</p>
2.2	Identify potential direct, indirect	Full	Not	Same like all the points above, including in

<sup>17</sup>“10. As the decentralization of AMDAL, MOEF [Ministry of Environment and Forestry] is only mandated for strategic and central level AMDAL (which location crossing over more than one province, and/or crossing over to other countries/ trans-boundary), while provincial district level AMDAL are mandated to province and district environmental agencies. The Provincial environmental agency (Badan Lingkungan Hidup, BLH) is responsible for provincial level AMDAL (crossing over more than one districts), while district BLH is responsible for AMDAL in the one district only.

11. Based on the above assessment, the institutional capacity of provincial or district BLHD can be considered “moderate.” This is because although they comply with the local and national regulations **structurally, institutionally, and functionally they are still weak.**” ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, page 4, para 10,11. NOTE: Yet another “mistranslation” to the benefit of the ADB/client can be found in this part. Original version: “although they comply with the local and national regulations structurally, institutionally, and functionally they are still weak.” Bahasa Indonesia version does not mention the term “institutionally and”, it only says: “structurally these agencies have complied to local and national regulations but functionally they are still weak.” ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 8, page 4, para 10-11.

<sup>18</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, Assessment on Water Resources Sector: Karian Multipurpose Dam Project, page 4, para 5.

<sup>19</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, Assessment on Energy Sector: Transmission line – Central Java, page 11, para 17b.

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	and induced impacts and risks.		Equivalent	<p>Principle 2.</p> <p>Neither found in the Law concerning the Environment nor in the Government Regulation on EIA.</p> <p>There is no requirement to carry out impact analysis on vulnerable groups or gender issue, and not carried out in each project assessed by ADB as seen in Annex 8 to 11. In practice, and according to ADB analysis in Annex 8 to 11, the quality of analysis on physical and biological impact and risk is low.</p> <p>According to ADB analysis, Annex 9 on “indirect impact” and “associated facilities”:</p> <p><b>ADB:</b> Water Sector “Due to the lack of integration with the main AMDAL, environmental assessment <b>for associated facilities (access road and quarry)</b> is inconsistent with prevailing processes and procedures.”<sup>20</sup></p> <p><b>ADB:</b> “(i) Scoping has not included associated activities of river dredging and spatial impacts of “induced development” resulting from the toll road development. (ii) The document does not consider future activities linked with and affected by the toll road (including spatially triggered/induced development in the surrounding). (iii) The document does not clearly describe existing activities which utilize natural resources and affect the local environment, such as other non-road projects that may cause cumulative effects to the environment. (iv) Use of geo-membrane and geotextile technology and disposal of hazardous waste associated with these produces is not discussed in AMDAL.”<sup>21</sup></p>
2.3	Identification of cumulative impact	Full	Not Equivalent	<p>There is no requirement or cumulative impact analysis towards vulnerable groups and gender issue. In practice, as also confirmed by ADB analysis in Annex 8 to 11, quality of impact analysis is low and cumulative analysis is not analyzed.</p> <p>See all the points above, including in Principles 2, 2.1, 2.2;</p>
2.4	Identification of physical and biological impact and risk	Full	Not Equivalent	<p>Although it is mentioned in Law concerning the Environment and PP on EIA, but there is no mandatory requirement or practice about physical and biological impact analysis on vulnerable</p>

<sup>20</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, Assessment on Water Resources Sector: Karian Multipurpose Dam Project, page 5, para 5.

<sup>21</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, para 11(c)

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			ent	groups and gender issue. In practice, as also confirmed by ADB analysis in Annex 8 to 11, quality of physical and biological impact and risk analysis is low. Detail explanation is available above. See all the points above, including in Principles 2 to 2.3.
2.5	Identification of socio-economic impact (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issue)	Partial	Not Equivalent	Not available in Law concerning the Environment and GR on EIA; No requirement or practice of impact analysis towards vulnerable groups and gender issue. See all the points above, including in Principles 2 to 2.4.
2.6	Identification of physical cultural resources impact	Full	Not Equivalent	No requirement or practice of impact analysis towards vulnerable groups, including indigenous people, and gender issue. See all the points above, including in Principles 2 to 2.5.
2.7	Assess potential transboundary impacts	Full	Not Equivalent	Not available in Law concerning the Environment and PP on EIA. No requirement or practice of impact analysis towards vulnerable groups, including indigenous people, and gender issue. See all the points above, including in Principles 2 to 2.6.
2.8	Assess potential global impacts, including climate change	Full	Not Equivalent	Although it is mentioned in Article 16 e of Law concerning the Environment, but not available in PP on EIA and in practice/ implementation “track record” – for instance, There is no impact analysis on climate change or transboundary impact in EIA’s for oil palm plantations that causes forest/peatland fire with high impact to climate change and transboundary impacts. No requirement or practice of impact analysis towards vulnerable groups, including indigenous people, and gender issue. See all the points above, including in Principles 2 to 2.7.
2.9	Use strategic environmental assessment where appropriate	Full	Not Equivalent	Strategic Environmental Assessment (KLHS) is supposed to be a basis for policy, planning, and/or area program (Article 17 of Law concerning the Environment), yet in practice, for example in the cement case at Kendeng Mountains, KLHS was carried out after the issuance of business permit. Not equivalent in its implementation. See all the points above, including in Principles 2 to 2.7. No requirement or practice of impact analysis towards vulnerable groups, including indigenous people, and gender issue.
3	<b>Policy Principle 3</b>	Full	No	
3.1	Examine alternatives to the project’s location, design, technology, and components and their potential environmental and social	Full	Not Equivalent	Despite the requirement to examine alternative location in GR on EIA, no requirement to analyze “components and potential environmental and social impacts” that particularly affect vulnerable groups, including indigenous people, and gender issue is required in ADB SPS and not carried out

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	<b>impacts</b> ; document the rationale for selecting the particular alternative proposed			in the implementation, including in cases assessed by ADB.  See all the points above, including in Principle 2.
3.2	Consider the no project alternative	Full	Not Equivalent	See explanation in section 3.1 above.
4	<b>Policy Principle 4</b>	Full	Not Equivalent	
4.1	Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management	Full	Not Equivalent	Despite the requirement to avoid negative impact as stated in the Environmental Ministerial Decree No. 2 of 2000 on Guidelines for EIA Document Appraisal, there is no requirement to avoid impact specifically related to vulnerable groups, including indigenous people, and gender issue required in ADB SPS. Its implementation is not equivalent with ADB requirement. See all the points above, including in Principles 2 and 3.
4.2	Prepare an environmental management plan (EMP) that includes mitigation measures to mitigate potential adverse impacts to the level of no significant harm to third parties, and the “polluter pays principle”	Full	Not Equivalent	Mistranslation of the English version is found here (again): “ <i>No significant harm to third parties</i> ”[original English] does not mean “ <i>Not endangering towards third parties,</i> ” [as per ADB consultant’s translation into Indonesian] but “ <i>no significant harm to third parties</i> ”  Although the Environmental Ministerial Decree No. 2 of 2000 on Guidelines for EIA Document Appraisal has a requirement to prepare an EMP,” there is no requirement that “no significant harm to third parties” and no requirement and practice of analysis to specifically reduce the impact towards vulnerable groups, including indigenous people, and gender issue.  Project implementation track record quite often brings “harm to third parties”, in particular the low economic group and 50% of the population, which is women.  See all the points above, including in Principles 2 and 3.
4.3	Incorporate environmental monitoring and reporting requirements in environmental management plan (EMP)	Full	Not Equivalent	See all the points above, including in Principles 2, 3 and 4.  There is no requirement or practice of special

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				monitoring and reporting on impact towards vulnerable groups, including indigenous people, and gender issue.
4.4	Incorporate implementation schedule, cost estimates, and performance indicators in environmental management plan (EMP)	Full	Not Equivalent	<p>See all the points above, including in Principles 2, 3 and 4.</p> <p>There is no requirement or practice of implementation schedule, cost estimates, and performance indicators in EMP that specifically dedicated to avoid impact towards vulnerable groups, including indigenous people, and gender issue.</p>
5	<b>Policy Principle 5</b>	Full	Not Equivalent	<p>There is no requirement or track record of “meaningful consultation” in accordance to definition and requirement of ADB SPS.</p> <p>The definition and requirements of “<b>Meaningful Consultation</b>” according to ADB are:</p> <p>“4. Consultation and Participation</p> <p>19. Borrower/client shall carry out meaningful consultation with affected people and other stakeholders, including civil society, and to facilitate their participation by providing prior information.</p> <p>Meaningful consultation is a process that (i) should start early at the preparation stage and should be carried out continuously in the project cycle;</p> <p>(ii) disclose relevant and appropriate information <b>that can be understood and directly accessible by affected people;</b></p> <p>(iii) conducted in an environment that is <b>free from intimidation or coercion;</b></p> <p>(iv) <b>inclusive and gender sensitive, and adjusted to the needs of less fortunate and vulnerable groups;</b> and</p> <p>(v) (v) Enable integration of <b>relevant views from affected people and other stakeholders</b> in decision-making process, for instance project design, <b>mitigation</b> measures, benefit-sharing and development opportunity, and other <b>delivery issues.</b>”</p> <p>According to ADB in its CSS assessment:</p> <p>“Existing AMDAL guidelines on social aspects assessment are NOT updated and detailed.”<sup>22</sup> (i.e. no requirements to assess vulnerable populations, gender issues.)</p>

<sup>22</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.3

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				<p>ADB: “Public Consultation and Participation: <b>Representation of women and vulnerable groups is not explicitly required</b> in planning and decision making.”<sup>23</sup></p> <p><b>ADB: Appendix 9:</b>”in terms of transparency, the AMDAL study has <b>not made specific efforts to encourage participation of women and vulnerable groups</b>. Similarly, due to the <b>poor scoping</b> the study, did not cover all items to be included including <b>post-operational impacts of the dam</b>.<sup>24</sup></p> <p>ADB: “Key stakeholders and affected people and/or their representatives were invited and involved in several public consultations. <b>However, more officials attended the meeting than affected people, including women and vulnerable groups..</b>”<sup>25</sup></p> <p>ADB case assessment has proven that community concern is not covered in EIS/EIA process. For example: ADB, the case of Transmission Line PLTU2, Central Java: “<b>The methodology has not been optimally applied in a consistent manner with regard to types of impact assessed. Baseline data on social and economy is weak. EIS (ANDAL) does not address concern about "the risk of extra-high and ultra-high voltage" voiced out by people who reside around the project location during the scoping study</b>”<sup>26</sup></p>
5.1	Carry out meaningful consultation with affected people and facilitate their informed participation	Full	Not Equivalent	<p>See all points above, including in Principles 2 to 5.</p> <p>In ADB SPS, “prior information disclosure” requires disclosure of environmental and social assessment <i>draft</i> to the community – and should focus on input from vulnerable groups and women -- and have the materials consulted and commented within 120 days before any decision made on the project. This does not happen in CSS.</p> <p>According to the ADB: “Public Consultation and Participation: <b>Representation of women and vulnerable groups is not explicitly</b></p>

<sup>23</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>24</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 5, para 6.

<sup>25</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 7, para 9b.

<sup>26</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, Assessment on Energy Sector: Transmission line – Central Java, page 11, para 17b.



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				<p><b>required</b> in planning and decision making.”<sup>27</sup></p> <p>Although, “public consultation” is mentioned normatively in the Ministerial Decree of the Ministry of Environment (MLH) No. 17 of 2012 on Guidelines for Community Involvement in EIA and Environmental Permit process, but it is not conducted in practice.</p> <p>More often, the community just found out about an activity when project implementation has begun, for example a factory is developed or land clearing for PLTU or oil palm plantation or eviction for “urban” project.</p> <p>Information disclosure (announcement) should be conducted for 10 days by technical implementer and quite often it is just in a form of a “short news article” on company’s website, or in a government bulletin or in a newspaper (but many community, including vulnerable groups, do not subscribe to a newspaper).</p> <p>There is no requirement that environmental and social impact assessment draft analysis should be published in a form and language(s) accessible by affected community and the public. (a violation of ADB requirement).</p> <p>There is no requirement that the draft materials have to be published within 120 days prior to any decision on the project. (a violation of ADB requirement).</p> <p>In general, when EIA consultants conduct their study, the community only acts as resource persons; to give response over the assessment by consultants; and only have one representative in EIA commission.</p> <p>EIA Commission is structured in a way that it consist of (i) Head of Commission<sup>28</sup> served by official responsible to control environmental impact at the national, province or district, (ii) Commission Secretary, served by official in charge with EIA and (iii) Members of Commission consist of representative of technical agency related to the sector at hand, sub-national representative, environmental expert, expert in a sector at hand, <b>community representative</b>, environmental organization representative, and other members deemed necessary.</p>
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<sup>27</sup> ADB, Country Safeguards Review (CSS: Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>28</sup>The head of commission is served by the Deputy on National Level EIA Assessment Commission, or the head of BAPEDALDA or other official in charge to control environmental impact at the provincial level for Provincial EIA Assessment Commission, Head of BAPEDALDA or other official in charge to control environmental impact at the regency/district level.

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				<p>“Community representative” is decided by the government instead of the community. Community representative in EIA Commission may give his/her response to the EIS/EIA (ANDAL/AMDAL) Terms of Reference document within 30 (thirty) days and EIA documents within 75 (seventy-five) days. ADB requires 120 days for meaningful public comment through “meaningful consultation” process, but CSS Indonesia has no arrangement for the community to participate directly. In EIA Commission decision-making, one man has one vote.</p> <p>As for Environmental Permit, the regulation recognizes three community groups, of (i) those who are affected; (ii) environmental observers; and/or; (iii) those who are influenced by any decision in EIA process.</p> <p>Recommendation, opinion and response should be submitted within 10 (ten) days (Ministerial Decree No. 17 of 2012) for project with significant impact, and 3 (three) days for less significant impact.</p> <p>These recommendations can only be submitted through representative of affected community and/or community organization members of EIA Commission.</p> <p>According to Law on the Environment (Article 33 paragraph 3) there should be a time slot of 30 (thirty) working days since the first announcement for the community who are entitled and have interest to give their recommendation, opinion, and response on planned business and/or activity.</p> <p>Consultation is more than a mere dissemination of a business and/or activity, and not just how to obtain information on impact and development risk, and not equivalent with ADB requirement.</p> <p>From EIA Commission composition and time slot to submit our response, one could conclude:</p> <p>(1) The community cannot participate directly in EIA assessment, but have to go through their representative;</p> <p>(2) The community representative represents government interest, instead of the community, since he/she is appointed by the government and not elected by the community themselves; and</p> <p>(3) The community will never win any</p>
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				decision-making because its representative only has one vote compare to other members of the Commission.
5.2	Ensure women's participation in consultation	Full	Not Equivalent	<p>See all points above, including in Principles 2 to 5.</p> <p>ADB: "Public Consultation and Participation: <b>Representation of women and vulnerable groups is not explicitly required</b> in planning and decision making."<sup>29</sup></p> <p><b>As observed by the ADB's own assessment team in field studies:</b></p> <p><b>ADB: Appendix 9:</b>"in terms of transparency, the AMDAL study has <b>not made specific efforts to encourage participation of women and vulnerable groups.</b>"<sup>30</sup></p> <p>ADB: "Key stakeholders and affected people and/or their representatives were invited and involved in several public consultations. <b>However, more officials attended the meeting than affected people, including women and vulnerable groups.</b>"<sup>31</sup></p>
5.3	Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment	Full	No	<p>Look at all points above, including in Principles 2 to 5 for Explanation.</p> <p>"Meaningful consultation" is not a requirement or implemented (Track Record) according to ADB SPS definition and requirements.</p> <p>ADB: "Public Consultation and Participation: <b>Representation of women and vulnerable groups is not explicitly required</b> in planning and decision making."<sup>32</sup></p> <p><b>ADB: Appendix 9:</b>"in terms of transparency, the AMDAL study has <b>not made specific efforts to encourage participation of women and vulnerable groups.</b> Similarly, due to the <b>poor scoping</b> the study, did not cover all items to be included including <b>post-operational impacts of the dam.</b>"<sup>33</sup></p> <p>ADB: "Key stakeholders and affected</p>

<sup>29</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>30</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 5, para 6.

<sup>31</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 7, para 9b.

<sup>32</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex Table A.6.3

<sup>33</sup> ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 5, para 6.

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				<p>people and/or their representatives were invited and involved in several public consultations. <b>However, more officials attended the meeting than affected people, including women and vulnerable groups..</b><sup>34</sup></p> <p>And also, according to Ministerial Decree No. 15 of 2012, “public consultation” (not equivalent to ADB requirement) is carried out prior, during or after business and/or activity plan announcement, simultaneously or after the announcement of business and/or activity plan (Ministerial Decree No. 17 of 2012).</p> <p>Public consultation does not have to be carried out after business/activity operation.</p>
5.4	Establish a grievance redress mechanism to receive and facilitate resolution of the affected people’s concerns and grievances	Full	Not Equivalent	<p>Available mechanism is by filing a lawsuit through the Administrative Court (PTUN).</p> <p>According to Transparency International, in 2016, Indonesia was at rank 37/100, where 100 means “clean” and where 37/100 means large scale corruption exist in public sector, “endemic corruption in a country's public sector”.<sup>35</sup> It means the “rule of law” is not functioning.</p>
6	<b>Policy Principle 6</b>	Full	Not Equivalent	
6.1	<p>Disclose a draft environmental assessment (including the EMP) in a <b>timely manner</b>, before project appraisal, in <b>an accessible place and in a form and language(s) understandable to affected people</b> and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders</p>	Full	Not Equivalent	<p>According to ADB, disclose a <i>draft</i> environmental and social assessment in a “timely manner” means that for a project with significant impact, it should be published (in language(s) and location accessible by the public) 120 days before any decision is made on the project and there should be “meaningful consultation” on the draft materials.</p> <p>This requirement is not available in Indonesian legislation.</p> <p>In Law concerning the Environment there is a requirement that “community involvement should be based on transparent and complete disclosure of information prior to the commencement of the activity.” (Article 26) and Article 68 “Any person who conduct a business and/or activity shall: provide relevant information related to environmental protection and management in a correct, open, and timely manner;”<sup>36</sup></p>

<sup>34</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 7, para 9b.

<sup>35</sup>Transparency International, [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016)

<sup>36</sup>“Environmental information as stated in this article can be in a form of data, explanation, or other information related to environmental protection and management, which by its nature and purpose is open for public, for instance EIA analysis and report, evaluation report on environmental monitoring, either monitoring of compliance or changes in environmental quality and spatial planning.” ELUCIDATION ON LAW OF THE REPUBLIC OF INDONESIA NUMBER 32 OF 2009 CONCERNING ENVIRONMENTAL PROTECTION AND MANAGEMENT, Article 65, no. 2.

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				<p>But the said articles do not require for <i>draft environmental and social assessment</i> to be released for the public to comment.</p> <p>From the track record/implementation, materials are quite often posted on the company's website, or in internal bulletin or the office of a government office, or in newspaper (but not in villages where the project is going to be implemented, for instance). And the definition of "timeliness" in CSS, is far different from ADB requirement (120 days for project with significant impact) and does not meet ADB requirement.</p> <p>There is a requirement to publish request for environmental permit, provision of Environmental Monitoring Report-Environmental Management Report (UKL-UPL) document and EIS (ANDAL) in the Ministerial Decree No. 17 of 2012</p> <p>Duration of publication concerning environmental permit is 5 days only and any input (recommendation, opinion and response) should be submitted within 10 days after the publication.</p> <p>Duration of publication concerning Environmental Monitoring Report/Environmental Management Report (UKL/UPL) is 2 days only and any input (recommendation, opinion and response) should be submitted within 3 days after the publication.</p> <p>In practice, however, this relatively low requirement is still not enforced, and simply uploading the document on a website does not mean that it can be accessed by all people.</p>
6.2	Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders	Full	Not Equivalent	<p>Unclear, there is only a requirement to publish the environmental permit granted.</p> <p>Look at the points in Principle 6.1 – also applies for 6.2.</p>
7	<b>Policy Principle 7</b>	Full	Not Equivalent	<p>Social impact towards the community is not monitored. In order to monitor social and economic impact, a "baseline data on social economic" is needed and to monitor impact towards vulnerable community and gender issue, there should be a baseline data on vulnerable community and gender issue.</p> <p>Yet, since there is no requirement to assess impact towards vulnerable community or gender issue, there is no requirement to collect the baseline data. Without baseline data, one cannot monitor impact towards vulnerable community and gender issue.</p> <p>As seen in ADB assessment, for example: in a case study on Transmission Line PLTU2, Central Java: "The methodology has not been optimally applied in a consistent manner with regard to</p>

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				types of impact assessed. <b>Baseline data on social and economy is weak.</b> <sup>37</sup>
7.1	Implement the EMP and monitor its effectiveness	Full	Not Equivalent	For details, see the points in Principle 7 above.  Normatively, there is a requirement but not enforced. There is no special monitoring on vulnerable groups or gender issue.
7.2	Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports	Full	Not Equivalent	For details, see the points in Principle 7 above.  Normatively, there is a requirement but not enforced. There is no special monitoring on vulnerable groups or gender issue.
8	<b>Policy Principle 8</b>	Full	Not Equivalent	Critical habitat in Indonesia is not protected. For example, look at: “Indonesia Now Has the Highest Rate of Deforestation in the World”; “Indonesia Overtakes Brazil for Worst Deforestation Title”; “Despite moratorium, Indonesia now has world’s highest deforestation rate”. <sup>38</sup>
8.1	Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated	Full	Not Equivalent	Although there are few legal instruments with requirements for the protection of critical habitat, for example GR No. 6 of 2007 on Forest Governance and Formulation of Forest Management Plan and Forest Utilization, implementation track record clearly shows that forest area and critical habitat in Indonesia are continuously destroyed.
8.2	If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area	Full	Not Equivalent	Although there are few legal instruments with requirements for the protection of critical habitat, for example PPNo. 6 of 2007 on Forest Governance and Formulation of Forest Management Plan and Forest Utilization, implementation track record clearly shows that forest area and critical habitat in Indonesia are continuously destroyed.
8.3	In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources	Full	Not Equivalent	Although there are few legal instruments with requirements for the protection of critical habitat, for example GR No. 6 of 2007 on Forest Governance and Formulation of Forest Management Plan and Forest Utilization, implementation track record clearly shows that forest area and critical habitat in Indonesia are continuously destroyed.
8.4	Use a precautionary approach to the use, development, and management	Full	Not Equivalent	Implementation track record clearly shows that forest area and critical habitat in Indonesia are

<sup>37</sup>ADB, Country Safeguards Review (CSS): Draft Final Report Indonesia, March 2017, Annex 9, page 10, para 17.

<sup>38</sup>Time Magazine, July 01, 2014; <http://mashable.com/2014/06/29/indonesia-worst-deforestation/#RI0UXy7r7mqB>; <https://news.mongabay.com/2014/06/despite-moratorium-indonesia-now-has-worlds-highest-deforestation-rate/>.

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	of renewable natural resources		nt	continuously destroyed.
9	<b>Policy Principle 9</b>	Full	-	NO TIME FOR ANALYSIS - Track Record of steam power generator (PLTU), pulp & paper industry, expansion plan for steam power generator, etc. show significant pollution problem throughout the country in wide range of sectors – including energy, water, etc.
9.1	Apply pollution prevention and control technologies and practices consistent with international good practices	Full	-	NO TIME FOR ANALYSIS - Track Record of steam power generator (PLTU), pulp & paper industry, expansion plan for steam power generator, etc. have very significant pollution problem
9.2	Adopt cleaner production processes and good energy efficiency practices	Full	-	-
9.3	Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges	Full	-	NO TIME FOR ANALYSIS - Track Record of steam power generator (PLTU), pulp & paper industry, expansion plan for steam power generator, etc. have very significant pollution problem
9.4	When avoidance is not possible, minimize or control direct and indirect greenhouse gases emissions	Full	-	NO TIME FOR ANALYSIS - Track Record of steam power generator (PLTU), pulp & paper industry, expansion plan for steam power generator, etc. have very significant pollution problem
9.5	When avoidance is not possible, minimize or control, waste generation	Full	-	NO TIME FOR ANALYSIS – this does not seem to be occurring – visit a cement factory, pulp mill, coal power plant;
	When avoidance is not possible, minimize or control, release of hazardous materials from their production, transportation, handling, and storage	Full	-	NO TIME FOR ANALYSIS
9.6	Avoid the use of hazardous materials subject to international bans or phaseouts	Full	-	NO TIME FOR ANALYSIS
9.7	Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides	Full	-	NO TIME FOR ANALYSIS
10	<b>Policy Principle 10</b>	Full	-	NO TIME FOR ANALYSIS
10.1	Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease	Full	-	NO TIME FOR ANALYSIS
10.2	Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities	Full	-	NO TIME FOR ANALYSIS
11	<b>Policy Principle 11</b>	Full	-	NO TIME FOR ANALYSIS but there are many problems related to cultural resources areas important to Indigenous People
11.1	Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys	Full	-	NO TIME FOR ANALYSIS but there is tremendous documentation of significant impact on cultural resources areas important to Indigenous People
11.2	Provide for the use of “chance find”	Full	-	

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	procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.			
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Based on the comparison of with "Table A.3.1: Summary of Environmental Safeguard Equivalence Assessment", the CSS for Environmental Management and Protection at policy level IS NOT EQUIVALENT to the ADB environmental policies principles