INDONESIA REDD-PLUS RBP FOR RESULTS PERIOD 2014 - 2016

Environmental and Social Management Framework

As of 27 October 2019

TABLE OF CONTENTS

Figures

Tables

Annexures

1 EXECUTIVE SUMMARY

The following provides the Environmental and Social Management Framework (**ESMF**) for the REDD+ Results Based Payments (**RBP**) Project proposed by Indonesia to the Green Climate Fund (**GCF**) (hereinafter "the RBP Project"). This is a project to be implemented by the "Implementing Partner" Ministry of Finance (**MoF**), with the technical support of the Ministry of Environment and Forestry (**MoEF**) and the UN Development Programme (**UNDP**) in its role as a GCF Accredited Entity, and alongside multiple national and local governing institutions, civil society representatives and private sector actors who will meaningfully and effectively participate in its further design, implementation and benefits.

The currently outlined outputs and activities, which by design will be further distilled in multi-stakeholder forums, are consistent with Indonesia's REDD+ National Strategy (STRANAS). It is being conducted in a legal and policy environment that, together with the anticipated reforms in application and content (see proposed Output 1, Activity 1.3 below), the Implementing Partner will ensure its consistency with applicable social and environmental safeguards and standards. Its cornerstone is the voluntary participation of stakeholders and community access and participation in forest governance. Rather than imposing conservation and restoration regimes, the project will seek and promote the informed and willing participation of local communities, Villages and Adat communities. Such active participation and capacity building to local actors are the project's greatest safeguard against potential harms and its greatest guarantor for producing measurable and enduring climate change mitigation and improved well-being for Indonesia's people.

As discussed below, the RBP Project has been screened against UNDP's Social and Environmental Standards (**SES**) utilizing UNDP's Social and Environmental Screening Procedure (SESP). This screening has determined that the proposed project includes activities with potential adverse social and environmental risks and impacts. These risks have been identified with a reasonable degree of certainty and will be addressed through application of standard best practice, tailored avoidance and mitigation measures, a project-level grievance mechanism without prejudice to existing national, regional and local grievance mechanisms, and a robust commitment and budget focused on stakeholder engagement, capacity building of forest dependent communities, and participatory impact assessment and monitoring in a context of transparency and accountability. All of this has been detailed in Table 1 (*Risk Matrix*) below and throughout this ESMF in text boxes highlighting and further developing these recommendations and mitigation measures (**R&MM**).

The project rests on a solid foundation of stakeholder engagement as well as prior experiences and lessons learned from related REDD+ activities –such as almost a decade of prior experience with the Social Forestry initiative, as well as relevant lessons learned from Indonesia's Moratorium on halting new licenses over primary natural forest and peat land (Moratorium). Existing implementation mechanisms will be used as deemed appropriate and where they need strengthening or modification to respond to lessons learned, this has been highlighted in the context of the SESP and this ESMF.

Most importantly, at the RBP's inception, a comprehensive and participatory Environmental Social Impact Assessment (**ESIA**) will be conducted. Based on those findings, a series of management plans will be elaborated with stakeholders and as necessary, this ESMF and its constituent SESP will be reviewed in context and as needed, revised. Also, all new avoidance and mitigation measures will be put in place before commencing any activity that has the possibility of causing adverse social or environmental impacts.

The MoF, together with the MoEF, other partners in other government institutions, the UNDP and other stakeholders (i.e. local communities, Villages, Adat communities, Forest Management Units (**FMUs**), NGOs, farming cooperatives, etc.), have demonstrated a commitment to participate effectively to ensure that the project not only avoids and mitigates against adverse impacts, but also positively seizes opportunities to enhance the enjoyment of human rights and realize the full benefits of sustainable resource management and economic development.

2   INTRODUCTION

As noted above, this ESMF has been prepared in support of Indonesia's funding proposal to the GCF for the RBP Project. As this project is supported by UNDP in its role as a GCF Accredited Entity, the project has been screened against UNDP's Social and Environmental Standards (SES) utilizing the UNDP SESP and deemed a Moderate Risk project thereby requiring appropriate avoidance and mitigation measures in place to ensure that all activities are carried out consistently with the SES.

The RBP Project includes a range of activities that have been specified and described to date in three (3) proposed outputs and seven (7) of corresponding activities as based on Indonesia's National REDD+ Strategy (National Strategy) developed based on multi-stakeholder consultations, and the recommendations and lessons learned from multiple government and independent evaluations of the prior period of implementation of the Social Forestry initiative. As already designed, a number of these proposed activities will be conducted throughout the entire nation, while others will be conducted in certain regions to be designated in the future in the context of a multi-stakeholder process. Even where the activities are performed in a specific geography or biome, all progress will have national implications for achieving the objectives of REDD+. Nevertheless, to ensure stakeholder ownership, part of the project purposely envisions future multi-stakeholder analysis and decision-making to identify priority geographic areas of attention and targeted populations and to then tailor the sub-set of activities that will be conducted therein so as to be consistent with the SES. As the RBP is designed and assessed during implementation, additional targets and activities may be developed going forward within each component. As such, the RBP Project cannot be fully assessed at this stage for all potential social and environmental risks and impacts. This ESMF has been prepared in such a way as to set out the principles, rules, guidelines and procedures for screening, assessing, and managing the likely potential social and environmental impacts of those proposed outputs and activities already been defined, as well as yet undefined interventions. It contains measures and plans to avoid, and where avoidance is not possible, to reduce, mitigate and/or offset adverse risks and impacts. The ESMF specifies the most likely applicable social and environmental policies and requirements and how those requirements will be met through procedures for the screening, assessment, approval, mitigation, and the robust monitoring and reporting of social and environmental risks and impacts associated with the activities to be supported.

For the project outputs that have been defined with a reasonable degree of certainty, this ESMF includes as annexures indicative outlines of the management plans required for addressing likely social and environmental impacts and several of the requirements of applicable policies and standards, including the UNDP SES. When the ESIA is completed, the ESIA consultant will finalize these plans and periodically reviewed and adjusted as necessary to accommodate newly defined activities, as well as new circumstances that arise during the life of a project.

3   PROJECT DESCRIPTION

The Government of Indonesia (**GoI**) has formulated the RBP Project with the aim of engaging in several activities aimed at contributing to the implementation of Indonesia's National Strategy by, among other things:

▪ Strengthening the underlying REDD+ framework and enabling environment, particularly as it relates to monitoring and evaluation (**M&E**) (which includes reporting M&E results), including the strengthening, capacity building around, and further operationalizing of the SES-REDD+ and National Forest Monitoring System (**NFMS**), the National Registry System (**SRN**) and the monitoring system for emissions from the land called SIMONELA. Continuous improvement of policy, law and regulations will also be considered and pursued as applicable, as well as the implementation of safeguard capacity and safeguard management plans (including as recommended in the ESMP and a Gender Action Plan).

▪ Supporting the operationalizing of Forest Management Units throughout all provinces, including by strengthening and building their capacities to, among other things, development sustainable forest management plans, as well as support to local community[1] sustainable forest management plans, as well as their access to the benefits of the Social Forestry initiative.

▪ Expanding and enhancing the implementation of the Social Forestry initiative, including through the strengthening of key stages of the process: application, planning, verification, implementation and monitoring.

This project is consistent with, and will contribute to, the achievement of Indonesia's National Strategy and Nationally Determined Contribution (**NDC**) goals along with clear avoidance and mitigation measures. The RBP Project will contribute to reduce gross emissions from the forest and land-use sector by at least 26% by 2020 or 41 percent if international assistance was forthcoming. Indonesia will use its Indonesia's National Forest Reference Emission Level (**FREL**) covering the period 1990 – 2012 as a benchmark.

The emission reductions that Indonesia will achieve by implementing its National Strategy during the GCF project's lifetime (2019-2025) will be assessed in 2020, 2022, 2024 and 2026, through the Biennial Update Reports to the United Nations Framework Convention on Climate Change (**UNFCCC**), with reference to the FREL.

3.1 Overview of the Project

The RBP Project will contribute to create an enabling environment to sustainable development by achieving systemic change at the local, national and hopefully international levels, and by including social, economic and environmental co-benefits into the proposed paradigm shift, such as protection of forests through participatory management, the protection of biodiversity and the rights of indigenous peoples (Indonesia refers instead to "Adat communities") and other collectives, including rights to their ancestral and cultural heritage sites. The project aims to limit and reduce greenhouse gas emissions through the development and implementation of forest management plans with the participation of the relevant Village, local community and Adat community. Such reductions will arise in the context of promoting sustainable Production and effective Protection and Conservation forests of Indonesia, sustainable rights-based development and the responsible management of our natural resources; reducing poverty; improving the livelihoods of those that depend on forest resources (including smallholder farmers, as well as Villages, local communities, and Adat communities); strengthening its Forest Management Units and the capacity of local governments to advance the Social Forestry project and create participatory management plans, continuing through the Social Forestry program to promote non-timber products; implementing and community and Village use and access rights, strengthening Indonesia's systems to monitor social and environmental impacts; and supporting the performance and analysis of regular and participatory impact assessments (environmental, economic, and socio-cultural) that will inform the nation's laws, policies and strategies aimed at fulfilling its REDD+ goals and objectives.

The RBP Project is fully aligned with Indonesia's National Strategy and a host of domestic policies and strategies related to matters ranging from forest management, gender equity, biodiversity, human rights, sustainable development, and more generally, climate change. In Indonesia's Funding Proposal (FP) and its accompanying Environmental and Social Assessment (ESA) and associated ESA annexes (see corresponding annexes of the FP), MoF has provided a substantial description of the baseline environmental and socioeconomic conditions within which the RBP Project will be implemented.

---

[1] At all times when this term is used in this ESMF, including when subsumed under the term "collective", recall that as defined in Indonesia's legal and policy framework, the term may include communities not yet recognized as Adat communities as well as local collectives of migrants and other marginalized minorities and groups, smallholders, etc. (See PLR, Annex A, Criteria C.1. Defining Indigenous Peoples and Members of Local Communities).

3.2 Summary of Activities

The RBP Project will have the following components and activities, as listed and described below.

RBP PROJECT OUTPUTS (O)	ACTIVITIES
O1: Implementation/ Strengthening of REDD+ coordination and implementation	**1.1: Update and further develop the REDD+ architecture**
	1.2: Strengthen capacity for REDD+ implementation
	1.3: Communication, knowledge management & adaptive management
O2: Implementation/ Strengthening of decentralized sustainable forest governance	**2.1 Support the operationalization of KPH, and SFM investments inside & outside KPH** (reforestation, rehabilitation, fire prevention & management, KPH business activities, community livelihood)
	2.2 Support implementation of the Social Forestry programme (licensing and small-scale investments)
Project Management	**Project management**

Output 1: Strengthening REDD+ coordination and implementation and overall REDD+ architecture

This output aims to:

- *Support the continuous updating and further development of the overall REDD+ architecture (Forest Reference Level, National Forest Monitoring System and MRV capacity, Safeguards Information System, etc);*
- *Strengthen the government capacity for REDD+ coordination and implementation at national and subnational levels*

This output will use a conventional up-front financing modality based on cash advances.

Activity 1.1 Update and further develop the REDD+ architecture

As context change and capacity develops over time, the government of Indonesia is committed to continuously update and improve its REDD+ architecture and related reporting to the UNFCCC. This activity will be implemented in synergy with relevant existing or future projects, at national and subnational level.

This activity is foreseen to include:

- *Update and improve the national FREL and allocate it to Provinces, and develop a web-based application system for FREL development and REDD+ Performance calculation at national and sub-national level*
- *Further improve the NFMS*

- *Develop and operationalize a spatial monitoring system for emissions from the land (SIMONELA)*
- *Improve and operationalize the National REDD+ reporting system linked to the SRN, and develop a subnational REDD+ reporting system (local to Provincial)*
- *Update the national REDD+ Implementation Strategy and contribute to updating or developing them at subnational level*
- *Improve and operationalize the SIS at national and subnational level*
- *Review, revise and/or strengthen REDD+ policies*
- *Develop Benefit sharing plans*
- *Contribute to reporting requirements under the UNFCCC (i.e. BUR, SOI, etc)*

Activity 1.2 Strengthen capacity for REDD+ implementation

In parallel to the update and further development of the national architecture for REDD+, this project will support capacity strengthening for implementation of REDD+ at national, provincial and local level in key area, in synergy with relevant existing and future initiatives. This aims to contribute to further deploy REDD+ nationally, further harness the REDD+ potential of relevant domestic and international initiatives to support additional REDD+ results for the next reporting period.

This activity is foreseen to include

- *Build capacity on REDD+ at the provincial level;*
- *Enhance the policy and regulatory frameworks and associated guidelines for key policies and programmes contributing to REDD+ at national and subnational levels (in particular those related to the social forestry programme and forest managements units);*
- *Strengthen the capacity of the BPDLH for REDD-related needs;*
- *Strengthen the capacity to monitor and coordinate REDD+ implementation at the national level;*
- *Support acceleration measures for the Social Forestry programme and FMUs and their link with REDD+;*
- *Implementation of the Stakeholder Consultation Plan, the Gender Action Plan and the Environmental and Social Management Plan for the use of proceeds;*
- *Recruit the Independent Assessor.*

Activity 1.3 Communication, knowledge management & adaptive management

This activity aims to support adequate communication on the implementation of national-scale REDD+ under the UNFCCC, as well as knowledge management and adaptive management for the project as well as REDD+ implementation more generally in Indonesia:

- *Communication strategy on the benefits from REDD+ under the UNFCCC*
- *Knowledge management*
- *Methodological framework for systematic analysis of the contribution from key policies and initiatives to REDD+ and Indonesia's NDC.*

Output 2: Implementation/Strengthening of decentralized sustainable forest governance

This output aims to support the government of Indonesia in advancing its objectives of decentralized sustainable management of forests through the operationalization of Forest Management Units (FMUs), as well as in its complementary objective of devolving access to and management of forest land and resources

to communities in adequate areas. This project will therefore support the implementation and further refinement of the Social Forestry and FMU programmes respectively, looking at opportunities for complementarity and synergies between them whenever possible. This project will support (i) activities related to operationalization of FMUs and licensing of social forestry respectively, and (ii) actual investments supporting sustainable forest management and sustainable livelihoods, both within and outside FMUs. This activity will directly benefit from acceleration activities supported through Activity 1.2, including the guidance developed and enhanced regulatory framework at national and subnational level, as well as from the trained facilitators that will be deployed to support FMUs. This output will use a performance-based payments modality.

Activity 2.1: Support the establishment and operationalization of Forest Management Units (FMUs), as well as SFM investments inside & outside KPH

While FMUs have been established in all provinces of the country, covering nearly the entirety of the forest estate, much remains to be done in terms of operationalizing them. While different FMUs may be at different stages of maturity and with different needs, supporting their operationalization require a set of complementary interventions, likely to include supporting:

- *An assessment of the FMU capacity and capacity building needs (incl. sustainable forestry management system - PHPL);*
- *Awareness raising, capacity building and technical assistance to the FMU staff, provincial and district authorities as well as local communities;*
- *The development of adequate administration, management and monitoring systems;*
- *The creation and/or strengthening (as relevant) of multi-stakeholder platforms to ensure participation in forest management planning processes and other relevant subnational land-use planning processes. This will build as much as possible on existing structures to avoid the fragmentation of support;*
- *The participatory development of long-term and annual sustainable forest management plans;*
- *The development of quality business plans aimed at ensuring the financial viability of the FMU over the long-term;*
- *The development of site design document and Water Utilization Area Maps, in KPHK*
- *The participatory development of community sustainable development plans, supporting sustainable forest management;*

In addition to supporting the operationalization of the FMUs, this project will also support actual investment in key areas, both inside and outside of the FMUs. When inside the FMUs, interventions will be guided as feasible on the various plans developed (Forest Management Plan, Business Plan and Community livelihood Plan), though some "no-regret" actions may also be implemented in parallel to ensure motivation and progress.

The main activities to be supported include:

- *Fire prevention/management*
- *Reforestation*
- *Forest restoration/enhancement*
- *Community livelihood activities*
- *FMU business activities*

Support to local communities may be implemented through the Social Forestry programme (Activity 2.2) when target areas coincide, or in an independent or complementary manner in cases where social forestry is not prioritized at the time on the FMU territory or does not cover the overall population in the FMU.

Activity 2.2 Expand and enhance implementation of the Social Forestry Programme

In moving forward with the social forestry programme, the Government of Indonesia's first priority is to continue to assist adat and non-adat communities, villages, individuals to obtain licenses available through the six different schemes of social forestry, thereby increasing the size of forests under this programme. As such, this output seeks to strengthen key stages of the process: application, planning, verification, implementation and monitoring, through approaches that integrate considerations for the roles and rights of men, women and youths in adat and non-adat communities, villages, cooperatives and other entities.

The second priority is to ensure permit or rights holders are able to improve their livelihoods through the implementation of various management or development plans and therefore contribute to addressing drivers of deforestation and barriers to carbon enhancement

The Ministry of Environment and Forestry introduced Social Forestry Acceleration Working Groups, comprising Ministry officers, NGOs, practitioners at national and provincial levels to support community engagement. To further support these working groups, multi-stakeholder platforms with balanced gender and social group representations, at relevant governance levels, will be established or strengthened to provide inputs on among others, socio-cultural, biophysical, economic contexts, as well as support socialization for the programme.

Support will also be extended to integrate Social Forestry into village and provincial development planning processes because these plans are key for the central government to allocate and distribute funds for development. In the case of the social forestry programme, these funds are needed to facilitate and support the application process, conduct verifications, prepare and implement work plans as well as monitor implementation. Therefore, additional support will be provided to develop the forest management plans, business and annual work plans for the various social forestry schemes. These plans will be further supported by developing and implementing community investments plans including for small and micro community enterprises.

As stated above, customary forests or *Hutan Adat*, is a means to recognize customary territory and accord land and forest resource rights to *adat* communities. This output will support the development of district-level regulations to recognize customary forests, further complemented by establishing multi-stakeholder verification teams that consist of among others, *adat* experts, NGOs including indigenous NGOs, and supported by Ministry of Environment and Forestry officials.

Activities 2.1 and 2.2 shall be implemented ensuring that measures identified in the consultation, ESMP & gender plans have been carried out adequately. They will also be through approaches that integrate considerations for the roles and rights of men, women and youths in adat and non-adat communities, villages, cooperatives and other entities.

Project Management This output will use a conventional up-front financing modality based on cash advances.

4 APPLICABLE LEGAL AND INSTITUTIONAL FRAMEWORK

This section provides a preliminary review of the applicable policy, legal and regulatory (PLR) framework related to the potential risks and benefits of the implementation of the RBP Project-proposed activities. It includes a brief review of applicable national legislation, policies and regulations and applicable international agreements as analyzed against the requirements of the UNDP SES and Cancun Safeguards. Where potential areas are identified for strengthening, or where the PLR's particular application and interpretation may determine the project's capacity to avoid and mitigate adverse impacts (and/or enhance the enjoyment of human rights), these have been highlighted.

Notwithstanding the above, Indonesia's National Strategy safeguards are aligned with the country's current regulatory, legal, policy and institutional framework and contribute to its effective implementation. They also follow UNFCCC safeguard requirements and seek to implement REDD+ within the country's sustainable development process. The national scope of each of the seven Cancun safeguards has been defined by Indonesia and given a national approach through a multi-stakeholder process facilitated by the previous Ministry of Forestry's Centre for Standardisation and Environment (Pustanling). Based on a prior analysis of PLRs, the stakeholders worked together to develop the Safeguards Information System (SIS-REDD+) and the Principles, Criteria, and Indicators (PC&Is) to be used by implementers of REDD+ to collect, process, analyze, and present data and information about how the Cancun safeguards are addressed and respected during the implementation of REDD+ projects and activities, including the RBP project made possible by the GCF.

In line with UNFCCC decisions, Indonesia's SIS-REDD+ is based on implementation and participatory monitoring of policies and measures (PAMs) by the Implementing Partner (MoF) and other Responsible Party or Activity Implementers (i.e. MoEF, FMUs, other Ministries and local governments, Villages) and the tools that will be fostered by it for meeting REDD+ objectives. Indonesia is now working toward building the capacity of REDD+ Responsible parties/Activity Implementers (at the smallest institutional unit (PDIS Tapak)) to play their critical role in the SIS-REDD+ by using a newly developed "Safeguards Implementation Tool and Assessment Procedures for using Safeguards Implementation (**APPS**)." The APPS is a tool to guide REDD+ Activity Implementers in applying the Principles, Criteria and Indicators (PC&Is), asking the right questions and securing the proper evidence and data regarding social and environmental impacts, and then sharing this data through the provincial actors, the District/Provincial (PSIS or PSIS Kab/Prov) that act as clearing houses that collect and verify the information before it is uploaded and shared with the SIS-REDD+ and its online platform. (For more on SIS-REDD+ see Section 8 below).

The Constitution of 1945 and the many laws, decrees, regulations, policies and action plans of Indonesia form an umbrella under which safeguards are addressed and respected. Acknowledging the need for continuing areas of improvement, they collectively provide the current context in which Indonesia strives, to implement a rights-based approach associated with UNFCCC REDD+ safeguards and incorporates environmental variables in production activities, ecosystem management, citizen participation in environmental discussions, and climate change adaptation.

4.1 Environmental and Social Impact Assessments in Indonesia

Indonesia has already accepted its duties and obligations to identify risks, mitigate and avoid them, and address them. Indonesia's existing and emerging initiatives and monitoring systems to assess the social and environmental impacts of its REDD+ projects in implementation must persist and as observed by MoEF itself, continue to be strengthened. For instance, having a national FREL and National Forest Monitoring System (NFMS) allows Indonesia to monitor possible displacement of emissions from deforestation within the national forest area and to focus on ensuring that REDD+ results can be measured, reported and

verified at the national scale, in line with UNFCCC requirements outlined in the Warsaw Framework and related Conference of the Parties (COP) decisions. Indonesia's commitment to improving its assessment of environmental impacts over time is the reason that the RBP Project has as one of its outputs "*Improving forest governance by strengthening the reach and capacity of Forest Management Units*". The FMUs play a key role in bottom-up, participatory monitoring processes. In addition, as mentioned above, Indonesia also has made strides with respect to working with stakeholders to begin developing not just environmental, but social indicators that can be used by monitoring teams and feed into the established SIS-REDD+ to collect and analyse information from multiple sources on how the activities of REDD+ programs and projects are implemented to complement and ensure consistency with the Cancun safeguards.[2]

The applicable PLRs, including national policies and strategies, also provide at varying levels for environmental and social assessments (with particular emphasis on the former). For instance, Law No. 32/2009 concerning Environmental Management and Protection requires a prior Strategic Environmental Assessment to guide regional spatial planning for development and any development program by the private sector to implement proper environmental and social considerations including environmental assessment, management planning and monitoring. The law did not specify a separate requirement for social impact studies until 2017 when MoEF Ministerial Decree 70/2017 on REDD+ Procedures provided for the PC&Is and APPS tools to properly monitor compliance with social and environmental safeguards and report them, after validation, to the SIS-REDD+ platform.

Indonesia's PLRs previously did not provide the *express and detailed requirements* around the systematization of how, when and who will gather, assess, analyse and make accessible social and environmental impacts arising from a REDD+ project's implementation. The emergence of the SIS-REDD+ framework (along with the FREL analysis) provided for in MoEF Decree No. 70 (above) is now the starting point. The new SIS-REDD+ as developed, along with its PC&I and APPS tools will be strengthened, socialized and systematized to fill this gap. Existing law and guidance on environmental and social assessments needs to be adapted to the context of REDD+ projects such as the one being proposed to GCF. This will need to be done in some concrete format with stakeholders, with the requirements and mechanisms articulated and approved by the Project Board in the earliest phases of the project.

---

[2] Links to the SIS design and related SIS documents can be found at: (http://ditjenppi.menlhk.go.id/sisredd/).).

R&MM1: Social and Environmental Monitoring and Evaluation (M&E)

▪ The Project will need to implement robust environmental assessments, analysis and monitoring mechanisms and this should be done per a written protocol that details who, when, where and how this is done.

▪ Building upon that which has been developed within the SIS-REDD+ (the PC&I and APPS tool) and the existing monitoring mechanisms for forest cover and greenhouse emissions, the RBP Project should, following a participatory and transparent process, compile into one document, accessible to the all stakeholders, a clear explanation of the following:

  ▪ The mechanisms, methods and tools to be used to ensure that periodic social and environmental M&E is conducted periodically, transparently and in a participatory manner for all RBP Project activities (including through the mainstreaming into projects and programmes M&E frameworks and related processes);

  ▪ When and by whom the various M&E tasks are to be conducted (responsible parties and timelines);

  ▪ How non-project proponents, implementers and Responsible Parties can get involved in M&E activities (including project beneficiaries like local communities, Villages and Adat communities and other private actors) and access M&E findings and recommendations.

  ▪ How the results of such monitoring and evaluation results are communicated to those responsible for project management who are capable of real-time responses (i.e. project modification) that can avoid harms and improve outputs.

● What is recommended here is not a duplication of documents and regulations that exist, but rather a compilation *in summary form* of the information above, so that there is a "one-stop" resource that explains to the public who, when and how M&E tasks are performed regarding the social and environmental impacts of the RBP Project, how they can get involved and access those findings and recommendations. This document can then reference other more detailed resources (such as MoEF Regulation No. 70).

4.2 National Legislation, Policies and Regulations

In the context of the review of the PLRs done around Indonesia's Moratorium and Social Forestry initiative (see corresponding annexes to the FP, which includes Annex A of the ESA Report providing the actual PLR Analysis), relevant provisions of the national PLRs were reviewed for their consistency with the UNDP SES and Cancun Safeguards. For further details on each of these PLRs, please see this PLR analysis. Together with the implementation of the measures proposed in this ESMF to improve and strengthen the PLR framework and its interpretation and application (particularly with respect to Adat communities, *social* and environmental monitoring, stakeholder engagement, and law enforcement) the conclusion of this analysis was that Indonesia has a substantial set of underlying PLRs aligned with most of the principles and standards of the UNDP SES and consequently the Cancun Safeguards. Where shortcomings existed, these have been identified as requiring future improvement and was acknowledged that the GoI had already begun to address these areas for improvement. The following is a non-exhaustive but representative list of some of the PLRs reviewed in the PLR Analysis and that may be relevant to the project and its sound implementation. Additional PLRs (not on this list) are included and described in the PLR analysis.

It is strongly recommended that the ESIA consultant review these again in the context of their work, post GCF approval.

NATIONAL PLRS
Constitution of the Republic of Indonesia (1945)
Act 4/2011 on Geospatial information
Presidential Decree 94/2011 on agency for Geospatial Information (Badan Informasi Geospatial/BIG)
Government Regulation 8/2013 on Spatial Mapping Accuracy
Presidential Decree 27/2014 on national geospatial information network
Presidential Decree 9/2016 on accelerating one map policy through use of 1:50 000 scale
MoEF Ministerial Decree 28/2016 on geospatial information network within the MoEF
Presidency Instruction 11/2011 on halting new licenses over natural forest and peat land (Moratorium); which is extended and renewed into Presidency Instruction 6/2013; 8/2015; 6/2017
Ministerial Decree SK.2312/Menhut-VII/IPSDH/2015 (PIPIB)
MoEF Ministerial Decree 46/2015 on Guideline on Post Audit for Timber Forest Product Utilization and Timber Utilization Licenses
MoEF Ministeral Decree 30/2016 on assessment for performance of Sustainable Production Forest Management and Verification of Timber Legality
Government Regulation 1/2016 on establishing Peat Restoration Agency (Badan Restorasi Gambut/BRG) perpres
Government Regulation 71/2014 on protection and management of peat ecosystems
Government Regulation 57/2016 on amendment of government regulation 71/2014
MoEF Ministerial Decree 16/2017 on technical guidelines for peat ecosystem recovery
MoEF Ministerial Decree 17/2017 on amendment of MoEF Ministerial Decree 12/2015 on establishing Industrial Plantation Forest
MoEF Ministerial Decree 83/2016 on Social Forestry
MoEF Ministerial Decree 39/2017 on social forestry within Perhutani (Indonesian Forest Enterprise)
Law 6/2014 on Villages
English translation of each category of license issued through the SF program (includes the partnership agreeements)
Government regulation 104/2015 on procedure for forestland and function alteration
Presidential Decree 88/2017 on completion for conflict over forestland
Ministerial Decree 180/2017 on Indicative map for Land Allocation/Agrarian Reform (Tanah Objek Reforma Agraria)
Ministerial Regulation on Rights Forest, Peraturan Menteri LHK No, P32/Menlhk-Setjen/2015 tentang Hutan Hak *(Rights Forest)*
MoEF Regulation No. 3 of 2015 concerning titled forest.
Presidential Decree (Keppres) No. 111/1999 concerning Development of Isolated Indigenous Community (KAT)
Regulation of the Minister of Land Agency and Spatial Development No. 9/2015 on the Procedures to Establish the Land Communal rights on the MHA Land and Community Living in the Special Area (non-forest estates)
MoEF Regulation No. 21/2019 on Adat Forest and Titled Forest.
Ministry of Home Affairs No. 54/2014
Regulation 62/Menhut-11/2013 further defined the responsibilities and methods for the demarcation of the State Forest Area and for the recognition of land rights of Adat communities
Regulation of the Ministry for Agrarian and Spatial Planning No. 10 of 2016 concerning the registration of Communal Adat Land Rights on Adat Law Community land within the State Forest Area
Minister of Home Affairs Regulation No. 52 of 2014 concerning guidelines for the recognition and protection of Adat law communities.

Presidential Decree No. 186 of 2014 on Social Empowerment of Remote Indigenous Communities (KAT)
PMA/KBPN N.5/1999 on the Guideline for dispute settlement on the problems of customary rights: it is applied only to land that is controlled by government agencies, legal entities or individuals
Regulation No. 9/2015 concerning Procedures for Determination of Communal Land Rights of Indigenous Peoples and Local Communities in Specific Region
Presidential Instruction 11/2015 on enhancing forest and land fire control
MoEF Ministerial Decree 32/2016 on forest and lands fire management
Accordance with mandate of Indonesia National Act No. 32/2009 on Environmental Protection and Management
Government Regulation 46/2017 on Economic Instrument for Environment
MoEF Ministerial Decree 20/2012 on forest carbon management
Presidential Decree 16/2015 on Ministry of Environment and Forestry
MoEF Ministerial Decree 18/2015 on organization and governance
MoEF Ministerial Decree 70/2017 on REDD+ Procedures
MoEF Ministerial Decree 71/2017 on National Registry on Climate Change
MoEF Ministerial Decree 72/2017 on Guideline for MRV of Action and Support
MoEF Ministerial Decree 73/2017 on Guideline for GHG Inventory
MoEF Regulation No. P.22 on Grievance Management Mechanism of Presumptive Pollution and/or Environment Destruction and/or Deforestation and Forest Degradation
MoEF Regulation No. P.84/Menlhk-Setjen/2015 concerning Tenurial Conflict Management within Forest Area (PPTKH)
MoEF based on Decree No. 24/Menhut-II/2015 on the Establishment of a Team for Addressing Environmental and Forestry-Related Grievances
Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development
Law 7/1984 to ratify the Committee on the Elimination of Discrimination against Women (CEDAW)
Ministry of Forestry Regulation 65/2011 on Guidelines of Gender Responsive Planning and Budgeting in the field of Forestry
Forestry Law No. 41/1999
Government Regulation No. 56 (2010) concerning Supervisory Procedure to Eliminate Race and Ethnic Discrimination.
Government Regulation (PP) No. 46 (2016) concerning Guidelines on Implementing Strategic Environmental Assessment
MoEF Regulation No. P.69 of 2019 regarding social and environmental assessments
Government Regulation No 74 (2012) on Public Finance Service (BLU), which regulate the establishment of BLU
Government Regulation No 45 (2013) on Implementation Procedure for Regional Revenue and Expenditure Budget
Presidential Regulation No 16 (2018) on Procurement of Goods and Services
Presidential Regulation No 77 (2018) on Management of Environmental Funds
Article 16 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles
Act Number 32 of 2009 on Environmental Protection and Management
Law 1 of 2104
Law 27 of 2007
Law 39 of 199 on Human Rights
Joint Ministerial Regulations of the Ministry of Home Affairs (Number 79 of 2014), the MoEF (PB.3/MENHUT-II/2014), the Ministry of Public Works (17.PRT/M/2014), and the National Land Agency (8/SKB/X/2014) concerning the resolution of land claims within the State Forest Area.
Constitutional Court case, Dec. MK 45/2011
The decision of Constitutional Court 35/2012 on Customary Law
National Medium-Term Development Plan (RPJMN) of 2015–2019

Indonesia's National REDD+ Strategy
National Medium-Term Development Plan (RPJMN) of 2015–2019
Indonesia Biodiversity Strategy and Action Plan (IBSAP) of 2015-2020

4.3 Applicable International Agreements and Protocols

The PLR Analysis referred to above also demonstrated that Indonesia is a party to a number of international and regional agreements and conventions and has endorsed a number of other relevant international instruments which are related to the environment and human rights, and potentially implicated by the RBP Project. These international agreements and instruments contain the provisions that likely will most impact Indonesia's implementation of its REDD+ programming, and particularly, the RBP Project (i.e. provisions on human rights, resource management, transparency, citizens participation, governance and accountability, conservation and climate change, the rights of Adat communities, minorities, and women).

As noted in the PLR Analysis, unlike many other nations, the Constitution does not provide a hierarchy of laws that includes international treaties merely upon ratification or accession. Per Indonesian Law (see PLR analysis at Annex XIII I of the ESA), international treaties have effect in Indonesia --application nationally— only once they are incorporated into domestic norms via an Indonesia legal instrument (i.e. law, decree). With respect to human rights, Indonesia's REDD+ National Strategy, provides that as a part of conflict resolution related to forest tenure and management, the State and REDD+ implementers are to "[f]ormulate alternative models for natural resource related conflict resolution based on the fulfilment of human rights as stipulated in international human rights conventions and national legal instruments that have adopted human rights principles." Furthermore, Indonesia has committed to complying with the UNFCCC REDD+ safeguard (the 'Cancun Safeguards') establishing that, when implementing REDD+ activities, developing country Parties that aim to be rewarded for their efforts shall promote and support, among others "actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements recognizes that the Cancun Safeguards provide that "actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements."[3] Further, with UNDP supported activities comply with national law and obligations under international law, whichever is the higher standard (hereinafter "Applicable Law")."[4]requires.

While not meant to be an exhaustive list, the following chart provides a list of international agreements to which Indonesia is a party (acceded to or ratified) or for which it has endorsed its terms. Several of their terms are discussed in the PLR Analysis and should be examined again as part of the ESIA and the examination of how Indonesia will implement the RBP in a rights-based manner.

INTERNATIONAL INSTRUMENTS
International Covenant on Civil and Political Rights
International Covenant on Economic, Cultural and Social
International Convention on the Elimination of all Forms of Racial Discrimination
Convention on the Protection and Promotion of Diversity of Cultural Expressions
Convention on the Elimination of Discrimination Against Women
Convention on the Political Rights of Women
Convention on the Rights of the Child
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

---

[3] Decision 1/CP.16, Appendix I.2.a.
[4] UNDP SES, p. 6, par. 3 ("Overarching Policies and Principles").

Convention on the Prevention of Discrimination on the Basis of Race, Religion, or Belief; and Protection of Minorities
Convention for the Safeguarding of Intangible Cultural Heritage
Convention Concerning the Protection of the World Cultural and Natural Heritage
Freedom of Association and Protection of the Right to Organise Convention
International Labour Organization (ILO) Convention No. 169
Convention concerning Forced or Compulsory Labour
Convention on Equal Remuneration Convention
Convention on Abolition of Forced Labour Convention
Convention Concerning Discrimination in Respect of Employment and Occupation
Right to Organise and Collective Bargaining Convention
Convention on the Rights of Persons with Disabilities
Marrakesh Agreement Establishing the World Trade Organization
Convention on the Rights of All Migrant Workers and Members of Their Families
Convention Concerning Minimum Age for Admission to Employment
Universal Declaration of Human Rights
United Nations Declaration on the Rights of Indigenous Peoples *(with clarification on indigenous peoples)*
United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Convention for the Safeguarding of Intangible Cultural Heritage
Convention on Biological Diversity
United Nations Framework Convention on Climate Change - Decision 1/CP.16-
UNESCO Man and Biosphere Program (MAB)
World Heritage Convention
Convention on the International Trade of Endangered Species of Wild Fauna and Flora (CITES
Ramsar Convention (the Convention on Wetlands of International Importance as Waterfowl Habitant)

4.4 UNDP SES

The RBP Project also will comply with UNDP's Social and Environmental Standards (SES), which came into effect in January 2015. The SES underpin UNDP's commitment to mainstream social and environmental sustainability in its Programmes and Projects to support sustainable development. The objectives of the standards are to:

- Strengthen the social and environmental outcomes of Programmes and Projects;

- Avoid adverse impacts to people and the environment;

- Minimize, mitigate, and manage adverse impacts where avoidance is not possible;

- Strengthen UNDP and partner capacities for managing social and environmental risks; and

- Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.

The SES are an integral component of UNDP's quality assurance and risk management approach to programming. This includes the Social and Environmental Screening Procedure (see the completed SESP for the project in Annexure 1 of this ESMF).

Key Elements of UNDP's Social and Environmental Standards (SES)

Overarching Policy	Project-Level Standards	Policy Delivery Process & Accountability
Principle 1: Human Rights **Principle 2:** Gender Equality and Women's Empowerment **Principle 3:** Environmental Sustainability	**Standard 1:** Biodiversity Conservation and Sustainable Natural Resource Management **Standard 2:** Climate Change Mitigation and Adaptation **Standard 3:** Community Health, Safety and Working Conditions **Standard 4:** Cultural Heritage **Standard 5:** Displacement and Resettlement **Standard 6:** Indigenous Peoples **Standard 7:** Pollution Prevention and Resource Efficiency	**Quality Assurance** **Screening and Categorization** **Assessment and Management** **Stakeholder Engagement** and **Response Mechanism** **Access to Information** **Monitoring, Reporting**, and **Compliance review**

The Standards are underpinned by an Accountability Mechanism with two key functions:

- A Stakeholder Response Mechanism (SRM) that ensures individuals, peoples, and communities affected by UNDP projects have access to appropriate procedures for hearing and addressing project-related grievances; and

- A Compliance Review process to respond to claims that UNDP is not in compliance with UNDP's social and environmental policies.

Through the GCF Accreditation Process, the SES are acknowledged to be consistent with the GCF's Environment and Social Standards.

4.5 UNFCCC REDD+ safeguard requirements

The project will also comply with the UNFCCC REDD+ safeguard requirements, referred to as the 'Cancun safeguards'. (COP Decision 1/CP.16). It is considered that Cancun safeguards (except safeguard (f) and (g)) are implicitly captured in the UNDP Social and Environmental Standards and policies and as such, the ESMF, which aims to bring the project in full compliance with the UNDP SES and policies, assures compliance as well with the Cancun Safeguards. To this end, safeguards (f) and (g) have also been captured by the SESP in Annexure 1 and the ESMF Risk Matrix included in Table 1 below.

5   POTENTIAL SOCIAL AND ENVIRONMENTAL IMPACTS AND PROCEDURES FOR ADDRESSING THEM

5.1 Social and Environmental Impacts with Risk Matrix

As a Moderate Risk Project, further impact assessment and management measures will be needed in order to manage risks effectively throughout project implementation. As noted in the FP and emphasised here in this ESMF, the first steps during project inception will be to conduct a comprehensive *environmental and social impact assessment (ESIA)*. This will be carried out by experts and will involve research, consultations, field work, stakeholder engagement and management planning. The ESIA will cover each of the components and activities already defined by the project and where possible anticipate (per stakeholder consultations) additional areas of work (both geographically and thematically). The ESIA will address the project's benefits and risks and be sure to include a gender approach across all ESIA elements. An indicative outline of the intended content of the final ESIA report can be found in Annex 2 of this document. This outline will be modified accordingly before being attached to the Terms of Reference (ToR) for the consultant(s) conducting the assessment.

The preliminary findings and conclusions of this ESMF and SESP (in particular, the Risk Matrix found below in Table1) will be reviewed again based on the findings of the ESIA and lead to the development of an Environmental and Social Management Plan (ESMP) for the defined components of the project. To be affirmed by the findings of the ESIA, this ESMF concludes that the following management plans will be needed: A Stakeholder Engagement Plan, a Gender Action Plan, a Cultural Heritage Management Plan, a Livelihoods Action Plan, an Adat Communities Plan and a Biodiversity Action Plan. Together with stakeholders, the elaboration of these plans will be a task of the ESIA consultants. While a preliminary Gender Assessment and Action Plan has already been completed (annexed to the FP), it too will be reviewed, and modifications suggested as by the ESIA consultants. Where available to date, indicative outlines for several of the other management plans are attached in Annexures 6-10 to this ESMF.

The ESIA consultant will also review the national Feedback and Grievance Redress Mechanism (FGRM) hosted by the MoEF and consider its successes and challenges in all further recommendations around designing a project level grievance redress mechanism (*GRM*). Recommendations on that matter can be found in Section 7.4.

> **R&MM2: Adoption of, and incentives to implement mitigation measures**
>
> ● The ESMF specifies the need for undertaking an ESIA for RBP project activities and the development of an ESMP and associated management plans. UNDP's SESP requires that no activities that may cause adverse social and environmental impacts will proceed until the appropriate assessment has taken place and recommended/associated mitigation and management measures are in place. It is suggested that the ESIA consultants, together with stakeholders, create a list of such possible activities that is available to all stakeholders and respected by the various governance and stakeholder bodies of the project.
>
> ● Additionally, it is recommended that project financial disbursements are adequate and scheduled to incentivise and ensure timely completion of all social and environmental risk measures –including the prompt completion of the ESIA, the elaboration of the proposed ESMP and associated management plans (including the review and possible modification of the preliminarily drafted Gender Action Plan), and the adoption and readiness of all recommended mitigation measures. The extent to which the design and actual implementation of each mitigation measure is a pre-condition to the carrying out of a specific project activity or to the disbursement of payment, this too will be clearly outlined in relevant governance, safeguard plans, and financial instruments.

The table below has built upon the initial conclusions and proposed mitigation measures of the SESP and has further strengthened and supplemented the risk and mitigation measure analysis to ensure a robust framework for identifying, avoiding, mitigating and addressing all potential social and environmental risks.

The mitigation measures proposed below (third column) relate to the Recommendations and Mitigation Measures (R&MMs) appearing in text boxes throughout the ESMF. These are cross-referenced in the Risk Matrix below for ease of application and as such, they should be read with any other proposed measure. (A full listing of the R&MMs is found at Annexure 11, divided by operational thematic areas).

Upon conclusion and prior dissemination of the completed ESIA, this ESMF Risk Matrix below will be reviewed in a meeting of stakeholders and modified accordingly (with Project Board approval) based on the ESIA findings and any additional knowledge about the RBP Project activities and priorities.

To ensure full application of the mitigation measures addressed by this ESMF, each measure appearing in the R&MMs and in the table below will have a visible budget source.

Table 1. Risk matrix	
	The following are Mitigation Measures applicable to all risks assessed below ▪ *All risks identified below* will be further assessed and mitigated by conducting an Environmental and Social Impact Assessment during project inception. This will be carried out by experts in accordance with the ToRs being developed by MoF and the UNDP. (See also R&MM2 "Adoption of, and incentives to implement mitigation measures").

	▪ *All risks identified below* will be substantially mitigated by one or more of the following measures: **(i) multi-stakeholder participation** in project governance, working groups and technical advisory committees (see R&MM3 "Project Board inclusiveness", & R&MM8 "Multi-stakeholder platforms", R&MM9a "Stakeholder Engagement Plan", & R&MM10 "Adat communities and other Collectives in decision-making and advisory bodies"); **(ii) capacity building** workshops and initiatives for all project staff and stakeholders government and non-government alike (see R&MM6a "Properly trained PMU", capacity elements of R&MM6b "Strengthened FMUs", R&MM7 "Safeguards Capacity and Training", R&MM8 "Multi-stakeholder platforms" and capacity elements of R&MM11 "Adat communities and other collectives"); **(iii) heighted stakeholder engagement** (regular exchanges and meetings, communication campaigns, good faith consultations and where applicable, free prior and informed consent (FPIC) as reflected in the Stakeholder Engagement Plan (see R&MM9a "Stakeholder Engagement Plan", R&MM10 "Adat communities and other Collectives in decision-making and advisory bodies" & R&MM11 "Adat communities and other collectives") (recalling broad application of term "local communities" as included in "Collectives" (i.e. migrant communities, smallholder groups, other vulnerable non-Adat communities); **(iv)** the development and implementation of a robust **REDD+ social and environmental impact assessment and monitoring mechanism** (see R&MM1 "Social and Environmental Monitoring and Evaluation (M&E)"; and **(v)** a **substantial budget** to carry out each of these activities. ▪ All risks will be additionally viewed through the lens of the gender equity approach and all mitigation measures implemented with a view to promoting gender equality and women's empowerment consistent with the terms of the *Gender Action Plan* (annexed to the Funding Proposal (**FP**)). ▪ All applicable management plans referenced in the mitigation measures below, will be elaborated consistent with their indicative outlines as annexed (where available), and its content development will be commensurate with the level of risk identified by this ESMF and SESP and/or ESIA. While certain plans have been deemed required thus far, the ESIA will confirm if the conclusions of their risk assessments warrant additional management plans. ▪ All risks of harms would be eligible subject matter for a project-level and national level **Grievance Redress Mechanism (GRM)** made known to potential complainants (see R&MM13 "Project Level Grievance Redress Mechanism" & R&MM14 "Public Awareness of project level GRM and no Prejudice to existing Remedies").	
RISK	**COMMENT**	**MITIGATION MEASURES**
Risk 1: Contradictory or overlapping authority between national, regional and district governments, forest management entities (like FMUs) and communities –whether perceived or due to inconsistent or ambiguous laws and policies, will impede project from securing its goals.	Many have commented that ambiguous or inconsistent laws and regulations; contested and/or concurrent competencies, lack of coordination where dual authorities exist, ad-hoc executions of authority by any and all, have caused conflicts, confusion, delays in services necessary for forest management in Indonesia, and at times inaction (in some cases, authorities do not know	▪ See R&MM6b "**Improved Coordination** between regional, district and other local actors among themselves and with Project staff" and R&M67c "Strengthened FMUs"

	they are responsible for taking an action).	
Risk 2: Project components may result in **disputes among those claiming interests in lands and resources**, including private entities and individuals with business licenses, local communities, Villages and Adat communities, even the Government of Indonesia. Project goals are not met as conflict areas are avoided, despite their value to the forest management goals of the project.	Several of the proposed activities aim to recognize or grant rights of use, access, forest management participation, even property rights corresponding to titling to local communities, Villages and Adat communities; there are issues related to lands that might be considered State Forests under the sovereignty of the State versus Titled forests held by private Adat communities; also small groups of farmers may seek rights over lands claimed by a collective. Further, the Social Forestry indicative map is already understood to likely overlap Adat customary forests (titled and untitled). Applications to the Social Forestry program also will prompt land tenure investigations and may give rise to conflicting tenure claims needing resolution.	▪ Provision of **spaces for capacity building and dialogues** among stakeholders to work through differences, educate each other about their respective concerns and the rights of their fellow stakeholders under Applicable Law.[5] (See further R&MM5, R&MM6 "Safeguards Capacity and Training", & R&MM8 "Multi-stakeholder platforms", R&MM9b "Transparency Working Group", & R&MM10 "Adat communities and other Collectives in decision-making and advisory bodies"). ▪ Adoption of a **project level grievance redress mechanism (GRM)** based on the national FGRM, consistent with UNDP guidance on GRMs, and the well-known "effectiveness criteria" for non-judicial GRMs. (see R&MM14 "Project Level Grievance Redress Mechanism"). Apply the new mechanism in pilot areas and as needed, strengthen, per lessons learned. Ensure that the local mechanism is integrated and connected to the national GRM (including for tracking, consistency, potential escalation, and lessons learned). ▪ **Assess existing legislation that provides for the resolution of land tenure claims** to establish their capacity to resolve complaints, and their accessibility to potential claimants (such as Presidential Decree No. 88). (See related matter in R&MM13 "Project Level Grievance Redress Mechanism"). ▪ **Awareness campaigns around the availability and ways to access the GRM**. (See R&MM14 "Public Awareness of project level GRM and no Prejudice to existing Remedies") ▪ **Increased technical and financial support, empowerment and respect to local dispute resolution mechanisms**; whereby the decisions of the same are respected by the project going forward and matters before those mechanisms can be tracked and reported along with the project-level GRM. (On this matter, see R&MM13 "Project Level Grievance Redress Mechanism"). ▪ **Strengthening and expansion of the Forest Management Units charged with assisting in the resolution of local conflicts** can be further fruitful. (See R&MM6c "Strengthened FMUs"). ▪ As participation in the RBP Project activities is voluntary, any **agreements entered into between participants and the Government will include a mutually agreed dispute resolution provision** that does not prejudice the rights of stakeholders to

---

[5] "Applicable Law" as defined by the UNDP SES means national law and obligations under international law, whichever is the higher standard.

		a just and effective remedy. This provision and its relationship with the GRM will be clarified. (see Annexure 11 on considerations for agreement templates). ▪ The project establishes **clear, transparent and objective criteria for prioritizing activities and geographies for pilot activities** to avoid perceptions (or actual acts) of discrimination or arbitrariness and as such, generate further disputes.
Risk 3: **Stakeholders lack the knowledge or capacity to participate effectively in the project**. Some may lack the sustained interest and/or not see the value of the benefits being promised compared to those they may secure through their other forest-related economic endeavors. Well-beings are not improved over time and they either cannot fulfil their responsibilities under licenses and agreements, and even withdraw from the project arrangements, including those promising support for alternative deforestation free economic initiatives.	It has been raised that over time local communities, Villages and Adat communities may see restrictions on their use and access to natural resources or the alternative livelihoods being offered as insufficient. It has also been suggested that as the Social Forestry places an emphasis on accelerating issuance of license, permits and forest partnership agreements, a lack of support on the implementation side may prejudice successful implementation and improved livelihoods. Collectives given access and use rights to resources may not have the resources to effectively and sustainably manage said resources for purposes of conservation, protection or sustainable production (lands covered by the arrangement are not suitable, remote from their village, not accessible during certain seasons, or the larger community membership is not engaged.) Forest Management Units and other local actors that would assist in bringing communities, Villages and Adat communities to the Social Forestry program and then support their applications and implementation of obligations lack the resources and capacity to carry out these supporting roles.	▪ The Stakeholder Engagement Plan (as well as the Adat Communities Plan (ACP), including its protocols on consultation and consent) should ensure that **full discussions are carried out and document as to the expectations of all parties, the benefits and risks**. (See further R&MM9a "Stakeholder Engagement Plan" and R&MM11 "Adat communities and other collectives" providing for an ACP) This is accompanied by **transparency efforts** on the part of the Government. (See further R&MM9b "Transparency Working Group"). ▪ Where alternative livelihoods are offered, prior exchanges should **document the expectations of the relevant stakeholders** on how they define improved well-being and a sustainable livelihood (so that new arrangements related to resource conservation, production or protection are understood in context and fulfil expectations). ▪ **Regular capacity sessions, incentives where possible, and technical support for stakeholders to hold licenses, permits and partnership agreements** to create understanding and acceptance of the conservation objectives and increase their ability to fulfil responsibilities under the various arrangements, and contribute to strengthening relationships along supply chains to ensure their successful participation in any deforestation free commodity market. (See also R&MM7 "Safeguards Capacity and Training"). ▪ **Strengthen and increase the capacity of the Forest Management Units** (see further R&MM6c). ▪ Apply culturally appropriate, diverse in format, wide-reaching **communications campaign** that educates stakeholders about the benefits of and the expectations attached to securing licensing, permits and Forest Partnership Agreements. Also utilizes each stakeholder's preferred formats and modes of disseminating information. (see R&MM12 "Communications Strategy"). ▪ Where **benefits** are being provided to encourage the transition to a new deforestation-free commodity market, these are **distributed equitably** and their competitiveness in the context of other economic opportunities will be reviewed periodically. ▪ Ensure that the **expectations of the parties under the licenses, permits, and Forest**

		Partnership Agreements are made clear in the underlying instruments to avoid surprise or disenchantment in the future. (See Annexure 10 "Considerations for the Elaboration of Social Forestry, Licenses and Partnership Agreements").
Risk 4. **Project activities may adversely impact the rights of Adat communities, as well as the rights of local communities and Villages that are still awaiting recognition of their Adat forests**. These rights can include those to property (ownership, use, control over resources, lands and territories), as well as associated rights such as to be free from discrimination, culture (including cultural heritage), and the right to consultation and FPIC.	Project activities involve no activities that will be imposed on stakeholders. All participation in activities is voluntary. However, the project does contemplate activities to be carried out in and around lands and resources where there may be a high proportion of Adat communities (including local communities and Villages) that have not yet secured recognition as an Adat entity. (From the development of forest management plans to the licensing, permitting and other arrangements provided for by the Social Forestry initiative, as well as the extent to which transitional processes are provided for so as not to prejudice future rights local communities and/or Villages to claim full rights arising from the titling of their Adat forest). Adat lands may overlap those lands under the PIAPs that may be the subject of permitting, licensing and partnership agreements. Restrictions on use of resources can result in infringements of rights. Absence of clear good faith consultation and FPIC procedures (the how, and the when) contribute to possibilities of rights' infringements. *Titling of Adat forests involving the acceptance of forest categorizations (and hence titling where "ownership" is not fully recognized) can prejudice rights recognized for Adat communities per Applicable Law.*	▪ Implement all measures found at R&MM10 "Adat communities and other Collectives in decision-making and advisory bodies" and R&MM11 "Adat communities and other collectives". ▪ Ensure **capacity and expertise of members of the PMU, FMUs and local governments and stakeholders likely to engage communities, Villages and Adat communities**. They should know the rights of these collective under Applicable law (that is, national and international law). (See relevant elements of see R&MM6a "Properly trained PMU", capacity elements of R&MM6c "Strengthened FMUs", R&MM7 "Safeguards Capacity and Training", R&MM8 "Multi-stakeholder platforms" and capacity elements of R&MM11 "Adat communities and other collectives"). ▪ Increase the **participation of these collectives in the governance of the project (i.e. Project Board, as necessary local decision-making forums, where they exist)** so as to make information exchanges and capacity building more effective. (See R&MM10 "Adat communities and other Collectives in decision-making and advisory bodies"). ▪ Establish a **protocol with clear procedures for good faith consultation and FPIC processes.** (R&MM11 "Adat Communities and other collectives"). ▪ Provide that all **grants of interests in lands, as well as land titling is conducted pursuant to transparent and clear procedures and criteria consistent with the rights** of private individuals as well as the rights of Adat communities and other collectives as recognized in Applicable Law. Where national laws do not outline these procedures clearly, work with stakeholders to create such a mechanism consistent with Applicable Law. ▪ With stakeholders, develop a *Stakeholder Engagement Plan* consistent with the UNDP SES and Applicable Law. (see R&MM9a) ▪ With stakeholders, develop an Adat *Communities Plan* consistent with the UNDP SES and Applicable Law (see R&MM11). ▪ See also the mitigation measures associated with UNDP SES Risk 6 (regarding possible cultural heritage and economic displacement risks (R&MM11 Adat communities and other collectives"). ▪ The project will put in place a **mechanism, to ensure non-discrimination and equitable access**

		to any available incentives that may be provided by the RBP Project. ▪ **To advice on matters related to their rights and interests, the project will hire an expert on the rights of Adat communities and collectives**, their rights under Applicable Law (including as relates to property, governance, cultural heritage and FPIC), and how to conduct stakeholder engagement, consultation and consent processes. (See hiring related to PMU, R&MM6a "Properly trained PMU (read with R&MM4 (PMU hiring" and related provisions in R&MM11 "Adat communities and other collectives"). ▪ Ensure that any **Social Forestry agreements and instruments** between MoEF and holders of property rights are based on templates that are first **elaborated in a multi-stakeholder forum for approval by the Project Board**, have terms that are consistent with Applicable Law, and helps to facilitate the work of all actors with assessment, monitoring and reporting requirements. See Annexure 10 for considerations related to these templates. ▪ Institute a **tracking and filing system to verify and document all consultation and consent processes and agreements reached with property rights' holders** (private sector, Adat communities, or others). (See R&MM11 "Adat communities and other collectives" and R&MM5 "Coordination to Ensure UNDP Information Needs", each of which addressed this matter).
Risk 5: **Environmental and especially social impacts of project activities are not sufficiently monitored and reported to prompt real time changes** to project operations, forest management plans, and implementation to improve project results and avoid adverse impacts; also results of assessments and monitoring are not accessible to stakeholders to ensure effective participation and public accountability, or connected to mechanisms to allow sharing across institutions and departments responsible for reporting, accountability, and public communication.	*Until the adoption of MoEF Regulation No. 70 (2017) speaking not just to the FREL, but also safeguard monitoring under the SIS-REDD+ framework, the underlying PLR framework said little about social and environmental impact assessments and systematic monitoring of such impacts* *A lot now rests on strengthening the REDD+ enabling environmental, including the use and awareness of the SIS-REDD+, the PC&Is, and APPS tools among all stakeholders –including those required to monitor and report.* *It is also not clear how such reporting will be effectuate real time changes, be fully made public, nor how responsible parties will know*	▪ **Strengthen existing mechanisms and define new ones as necessary, to regularly gather all social and environmental impacts** (identifying responsibilities of respective actors, and methods of communication and the systematization of indicators and methods used for particular geographies and circumstance. This may include the **mainstreaming of safeguards indicators into the M&E frameworks of the Social Forestry and FMU programmes**, and the strengthening of related tools, processes and agents); ensure the mechanism clearly describes how information is transmitted to the appropriate parties for analysis and incorporation into the SIS for eventual public disclosure, use in the SOI, and to influence project changes. These mechanisms should be articulated transparently and in detailed format in the project operational manuals/guidance and/or protocols. ▪ **Implement all measures recommended at R&MM1: Social and Environmental Monitoring and Evaluation (M&E), R&MM15**: "PC&I Review by ESIA Consultants and Multi-Stakeholder body", R&MM16: "Strengthening the SIS-REDD+" and R&MM7: "Safeguards Capacity and Training" (the latter especially with respect to training of all project staff, especially the PMU and members of the

	what their monitoring and reporting requirements are. *The PC&Is being used for reporting are good, but will need revision to account for new PLR and project realities.*	Project Board on their responsibilities related to monitoring, reporting and assurance. ▪ Provide for the use of **participatory monitoring** – where local natural resource users actively participate in monitoring. Where relevant and with permission, seek to incorporate traditional knowledge and practices in the monitoring systems. (Provided for in R&MM1). ▪ **Define in writing and implement simple mechanisms to transparently demonstrate responses to impact assessments and monitoring**, and to facilitate the making of adjustments to strengthen project implementation to improve outcomes and avoid adverse impacts that may arise during project implementation (through multi-stakeholder bodies and including modification of management plans). (see R&MM1 as mentioned directly above) and R&MM9b "Transparency Working Group")
Risk 6: Natural disasters, forest fires, insect pests, and plants and pathogens, including other climate change risks affect forest conservation and protection efforts, as well as sustainable production initiatives contemplated by the Social Forestry initiative as well as forest management plans designed and implemented at the local level (including with lead involvement of the FMUs).	**Where Community Timber** Plantations and other initiatives in production forests may invite pests or use pesticides (even those permitted by regulations), this may affect forest conservation/protection efforts. Fires plagued Indonesia in 2015 and are a constant reality.	▪ The project will **provide technical assistance** to the communities, Village, parties to the Forest Partnership Agreements that agree to engage in sustainable forest management activities, so as to monitor the survival rate of the sustainable plantations and their adaptation to different ecosystems, as well climate changes that could put their timber-free products (alternative livelihood efforts) at risk. ▪ As necessary, the **project will hire an expert** on such matters. ▪ **Strengthening the Forest Management Units charged with monitoring** for such adverse impacts can be further fruitful. (R&MM6c "Strengthened FMUs"). ▪ Continue to support local community/Village Adat **community-based participation of monitoring for hot spots where risks of fire exist**, and fire prevention/suppression and overall fire management including early warning systems to alert authorities of emerging harms.
Risk 7: **Project activities may place restrictions on existing and future natural resource access and use**. Although the project does not envisage such restrictions resulting in forced displacements, whole or partial economic displacements are possible.	*The project intends no activity to result in physical or economic displacement or unlawful limitations on cultural and traditional practices, or any livelihood activities necessary for the physical or cultural survival of the collectives in question.* *Where local communities, Villages and Adat communities do not fully understand the limitations on their resource use and*	▪ **Design of local forest management plans to be done with the inputs of local communities**, Villages and Adat communities an in a manner that respects their rights. (See related provisions in R&MM11 ""Adat communities and other collectives". ▪ **Traditional practices necessary to preserve the physical and cultural integrity of the respective collective will not be limited, unless agreed to, compensated, and documented** in the relevant instrument (licenses, permits, forest partnership agreements, FPIC agreements connected to the Adat title, etc) in accordance with Applicable Law (See R&MM11 "Adat communities and other collectives" further addressing these matters).

	access, this can further exacerbate harms and grievances. *If the district and or provincial land/forest management plans do not take into account the views of the Adat peoples and local communities, whole or partial economic displacement can result if limitations are imposed without consent or compensation.*	▪ Prior to concluding voluntary Forest Partnership agreements or granting use and access rights through permits and licenses, **discuss, and *document* information about stakeholders cultural heritage sites requiring protection as well as their traditional practices, and traditional livelihoods** dependent on resource use and access, and deem necessary to maintain their subsistence, economic livelihoods and well-being (as applicable law describes). (See Annexure 11 on considerations for agreement templates as related to cultural and traditional practices). ▪ **All conditions and parameters of the project are implemented in good faith** (i.e. all is voluntary, in accordance with the Adat communities and other collectives' forms of decision-making, through their representative institutions, and based on all relevant materials and information previously disclosed to ensure informed decision-making by the community or peoples in question (R&MM11 "Adat communities and other collectives"). ▪ With stakeholders, develop a *Cultural Heritage Management Plan* consistent with the UNDP SES and Applicable Law.[6] ▪ With stakeholders, develop a *Livelihood Action Plan* consistent with the UNDP SES and Applicable Law. If the ESIA determines that the risks go beyond economic displacement, a Resettlement Action Plan also will be drafted to further avoid and manage possibilities of physical displacement. ▪ Include cultural heritage impacts within the context of assessment and monitoring exercises. ▪ Develop new indicators to monitor cultural impacts of the Project if appropriate ones cannot be borrowed from those indicators already developed for the National REDD+ AP.
Risk 8: Pollution Prevention and Harm to Biodiversity Potential that project activities associated with intensification of commodity agriculture for the no-deforestation commodity markets may result in the release of pollutants to the environment with the potential for adverse local, regional, and/or transboundary impacts and adverse impacts on the biodiversity of the area.	The project may drive or introduce the use of pesticides and fertilizers, especially if forest conservation leads to intensification of agricultural practices on already cleared land that could potentially adversely impact the ecosystem, its biodiversity, and the environmental services it provides. This is also the case where Community Timber	▪ The robust assessment and monitoring mechanisms will establish baseline conditions to monitor changes in the ecosystem due to agricultural initiatives supported by this Project. ▪ The ESIA will review Indonesia's applicable policies, laws and regulations related to potential pollution prevention and resource efficiency risks, to ensure they are consistent with UNDP's SES (including pest management requirements) and recommend gap-filling measures where needed. ▪ Any pest and/or vector management activities related to the Project will be based on integrated pest management approaches and aim to reduce reliance on synthetic chemical pesticides.

---

[6] There is currently no UNDP Indicative Outline on Cultural Heritage but the ESIA Consultants can find the appropriate guidance at the following webpage:
https://info.undp.org/sites/bpps/SES_Toolkit/SitePages/Standard%204.aspx.

	Production may have the same adverse impact.	▪ With stakeholders, develop a *Biodiversity Action Plan* consistent with the UNDP SES and Applicable Law. (*As this is a low risk, the final determination regarding the need for this plan and/or its scope can be determined by the findings of the ESIA as it further investigates and assesses risk. While pollution will be avoided and minimized by the Project, in cases where pollution may occur, as determined by the ESIA, this plan will be developed and put in place to ensure that prevention and control practices are in place.)
Risk 9: Displacement of emissions to other sectors or biomes throughout the country,	*The focus on critical areas in Indonesia and the national scope of the project as well, will help to offset any potential for displaced emissions. However, there is always a risk that actions to reduce emissions for deforestation and forest degradation provoke displacement of activities to other critical biomes in Indonesia. Also, project activities could unintentionally stimulate growth in non-forestry sectors (e.g., mining, industrial production) that generate GHG emissions, which could offset progress made by REDD+ activities.*	▪ The Project will need to implement robust environmental assessments, analysis and monitoring mechanisms and this should be done per a written protocol that details who, when, where and how assessments and monitoring is done, the manner in which the results are gathered and analysed, and incorporated into the SIS, shared among government institutions and actors, and linked into management mechanisms and project governance to secure immediate response. (R&MM1 "Social and Environmental Monitoring and Evaluation (M&E)". ▪ The project's focus on strengthening the national forest monitoring system to address degradation will also act as an early warning system. ▪ Displacement of emissions to other sectors, can be offset by the success of the private-public partnerships and successful multi-stakeholder development of an alternative deforestation free commodity market along-side communities, Villages and Adat communities. ▪ When reviewing the PC&Is, establish that they adequately cover displacement of emissions and reversion concerns. If not, amend and add. (See related R&MM15 "PC&I Review by ESIA Consultants and Multi-Stakeholder body").
Risk 10: Reversals (non-permeance of carbon stocks). Risk of reversals is assumed in all REDD+ projects including conservation, sustainable management of forests, and enhancement of C stocks. These risks are related to factors that could result in participant's withdrawal from the voluntary arrangements to participate in forest management.	*Risk could manifest if the project is unable to define and prove alternative sustainable livelihood alternatives for those actors that choose to participate in the Social Forestry program (including its encouraged non-timber products alternative livelihoods efforts or with an understanding of some limitation on their natural resource use rights.* *There is risk that partnership agreements and uses and access allowed by the permits and leases, as well as*	▪ Licenses, permits, Partnership Agreement terms, even conditions associated with a social forestry, including Adat forest must **be clear about what practices that are important to a community can continue, and not continue**, thereby avoiding misunderstandings, disappointment and withdrawal later. (See Annexure 10 "Considerations for the Elaboration of Social Forestry, Licenses and Partnership Agreements"). ▪ **Tailoring forest/land management plans to consider the livelihood needs and practices of the communities and private business license holders**, where applicable for the Partnership Agreements, is key to the contentment of the various parties going forward. Capacity building and support to relevant communities and the local governments and FMUs that participate in such exercises is necessary. See R&MMs related to the FMU and capacity building (R&MM6c "Strengthened FMUs"

	limitations on Adat title lands uses and the scope of developed land management plans will not adequately cover opportunity costs and participants' needs in the long term –especially for achieving the livelihoods and reduction in poverty goals. This risk is equally relevant to cases where beneficiaries may feel locked into lands use without the capacity and resources to access the benefits from those resources nor to adapt their livelihoods and land use practices successfully. *Finally, non-human factors can also contribute to the risk of reversals, notably those linked to climate change pressures (such as natural disasters, extreme flooding, fires, etc.), which could off-set REDD+ efforts.*	and capacity elements provided for in R&MM6a "Properly trained PMU", R&MM7 "Safeguards Capacity and Training", R&MM8 "Multi-stakeholder platforms" and R&MM11 "Adat communities and other collectives" ▪ **Capacity building and resource assistance** is needed to ensure that non-governmental stakeholders can comply with their commitments (avoiding withdrawal from the initiative, grievances, non-compliance with permits, even incidents of communities seeking the assistance of private third party business interests which who are not under obligations and/or are less incentivized to fulfil the terms of license, permits and agreements). (This pairs with the need to look beyond the issuance of licenses, permit, partnership agreements etc. under the Social Forestry initiative, but also to resource continued support on the monitoring and implementation end of such arrangements). ▪ Demonstrating **project flexibility and periodically updating and revising licensing and forest participation agreement**s, as well as forest and land use management plans as necessary will assist the project to adjust to new concerns and realities keeping all involved content with their particular arrangements and committed to sustainable production, forest conservation or protection. ▪ When reviewing the PC&Is, establish that they adequately cover displacement of emissions and reversion concerns. If not, amend and add. (See related R&MM15 "PC&I Review by ESIA Consultants and Multi-Stakeholder body").
Risk 11: Adverse impacts on gender equality and/or the situation of women and girls. The project could potentially reproduce discrimination against women based on gender, especially regarding participation in the design and implementation or access to opportunities and benefits. The Project could potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services.	Given various socio-economic, political and cultural barriers faced by women in Indonesia, there is a risk that the project could inadvertently worsen gender inequalities and discriminate against women, as well as could result in women losing access to forest resources and not receiving equitable benefits of the project. In addition, while the National REDD+ Strategy (STRANAS) does include gender considerations, the SIS-REDD+ currently does not contain any reference to gender, either in its principles, criteria or indicators, or the APPS tool.	The Gender Action Plan (GAP) presented in Annex Xiii (c) of the FP provides details to all the mitigation measures to be taken by the project to address this risk. Listed below is a snapshot of the key actions to be taken: - Undertake a gender responsive ESIA, in which field-based data-collection and consultations will take place in order to conduct a contextualized gender analysis at the local level. This will help to capture huge variety of social norms, traditions, and cultures across Indonesia's regions, which has varying implications for the position of women, their land tenure, and relationship to forest resources. This data will help to inform project design and implementation, and help ascertain if the project's GAP needs to be revised and/or expanded upon to ensure adverse impacts to women and girls is avoided. - Hire a gender consultant/NGO and a safeguards officer with gender expertise to help the MoF and MoEF implement the final GAP - Map and subsequently support social groups within each sub-national level where woman can

		participate and yield power in regard to forest resources
		- Prioritize the development of sub-national government gender-responsive benefit-sharing plans, with the target of having 50% of sub-national governments, who are involved in the project, have a gender-responsive benefit-sharing plan.
		- Include gender indicators and targets in the safeguards information system (SIS-REDD+), wherein 30% of targets and indicators are gender-responsive and sex-disaggregated and 100% of indicators/targets concerning number of people are sex-disaggregated
		- To help address gender inequalities around land tenure, prioritize and provide licenses to female-headed households with the target of achieving a 30% increase in female-headed households with legally recognized documentation of control over forestlands and resources
		- Conduct gender trainings for men and women staff members in FMUs as well as REDD+ and MoEF staff to change their mindsets and also transform the way they plan and implement REDD+ forestry development programs

5.2 Procedures to Address Social and Environmental Impacts

As noted above, the RBP Project has already defined its intended outputs and identified a select group of activities which will contribute to achieving those outputs. As the project develops, it is envisioned that the manner in which these activities are applied will require greater development and prioritization per the advice and deliberations of stakeholder working groups, technical committees, and Project Board discussions. For instance:

▪ Once the strengthened FMUs accelerate the participatory development of forest management plants, the relevant local stakeholders responsible for implementation of those plans (along with the FMU) will work together to prioritize the activities to be implemented in those plans.

▪ As further information is gathered through the One Map process and generation and incorporation of community mapping data about Adat community land ownership within the previously designated indicative maps for the Moratorium and Social Forestry,[7] additional activities may be required to regularize those titles, address overlapping claims, and even, where applicable, address any concerns about the norms and processes for delimiting, demarcating and titling said lands and/or perfecting their registration, and/or compensation for titles issued over lands where the forest categorization may require limitations on use and access to resources.

Considering the above, this ESMF has been drafted with the aim of providing a risk assessment and set of mitigation measures that should capture most if not all of the risks that might accompany the known activities and any decisions around making those activities more precise and distilling them down to their implementation modalities. However, as new activities are fully specified in the future, the SESP will still

---

[7] Available at *http://geoportal.menlhk.go.id/arcgis/apps/webappviewer/index.html?id=004299e9f8f24d2d9aca1365904d18ed* and *http://webgis.dephut.go.id:8080/kemenhut/index.php /id/peta/pippib/61-pippib/330-indicative-moratorium-map-15th-rev*, respectively.

need to be applied to these activities. That is, each new activity will need to run through the risk screening process. If indicated by that screening, the project will need to be updated to determine whether additional risks of social and environmental impacts may arise from these new activities and therefore, need additional assessment and treatment in a management plan. New activities will not proceed until such an assessment has been conducted and, if warranted, appropriate management measures are in place. More specifically, any RBP Project activity as currently proposed or newly defined in the future that may cause adverse social and environmental impacts will not be undertaken until the appropriate assessment has taken place and, if still approved for continued execution with/without modifications, until recommended/associated mitigation and management measures are in place.

Following the assessment, the project would need to be updated and a revised management plan would be submitted to the Project Board (or PAC) for review. (See UNDP SES Guidance on Assessment and Management). Understanding the iterative and ongoing nature of screening, assessments, and management of risks, it will be ensured that at a minimum, the Project Board and the PMU will have the affirmative task to regularly place the issue of management plan review and possible amendments on its agenda.

Where the additional SESP screenings are undertaken and they identify potential social and environmental risks that could be categorized as High Risk, these components will be redesigned to eliminate and/or minimize such risks. Project elements that may still present high risks after redesign will be excluded from the project. The SESP, the ESMF, ESMP and other management plans will also be updated if there are any significant changes in the project's design or context that may materially change its social and environmental risk profile and consequently the avoidance and mitigation measures and action plans to address them.

Also, because of the dynamics of the RBP Project, it is recommended that a reasonable budget is allocated for supplementary ESIA and SESP work that may be required (each tailored narrowly to address only the new activities that cannot be said to already be covered by, and addressed by the existing ESIA, ESMF and various management plans).

To avoid unnecessary additional screenings and assessments, it is recommended that the ESIA ToR require that the selected consultant consider, per stakeholder engagements realized during the ESIA, the likelihood and nature of future activities not yet defined and make reasonable efforts to accommodate their scope in the findings and conclusions of the ESIA. The Consultant's draft of the management and engagement plans should strive, to the extent practicable, to contain sufficient scope and flexibility to safeguard against potential adverse impacts of those activities that might be reasonably anticipated.

For the avoidance of doubt, all iterative social and environmental screenings, additional assessment and reviews of existing risk categorization, management measures and plans, and project operations will follow the detailed procedures, policies and standards provided by the UNDP, particularly those mentioned in Section 4 above. These include the Social and Environmental Standards (SES), the Social and Environmental Screening Procedure and all accompany guidance notes and toolkits related to the implementation and application of the SES, SESP and the performance of Social and Environmental Assessments. Where necessary, they will be appropriately interpreted and accommodated in application to an approved RBP Project.

6 IMPLEMENTATION AND OPERATION: MANAGEMENT STRUCTURE AND PROJECT DELIVERY

Section C.2.5 of the RBP Project funding proposal (FP) provides the definition of roles and responsibilities of project staff and associated agencies, as well as stakeholders, in the governance and overall administration, design and implementation of project activities, and responsibilities around the application of social and environmental procedures (e.g. screening, assessment, preparation of management plans, monitoring).

That section of the FP also includes a preliminary project organization structure. Below is an adaptation of that structure.

Figure 1: Project Organization Structure
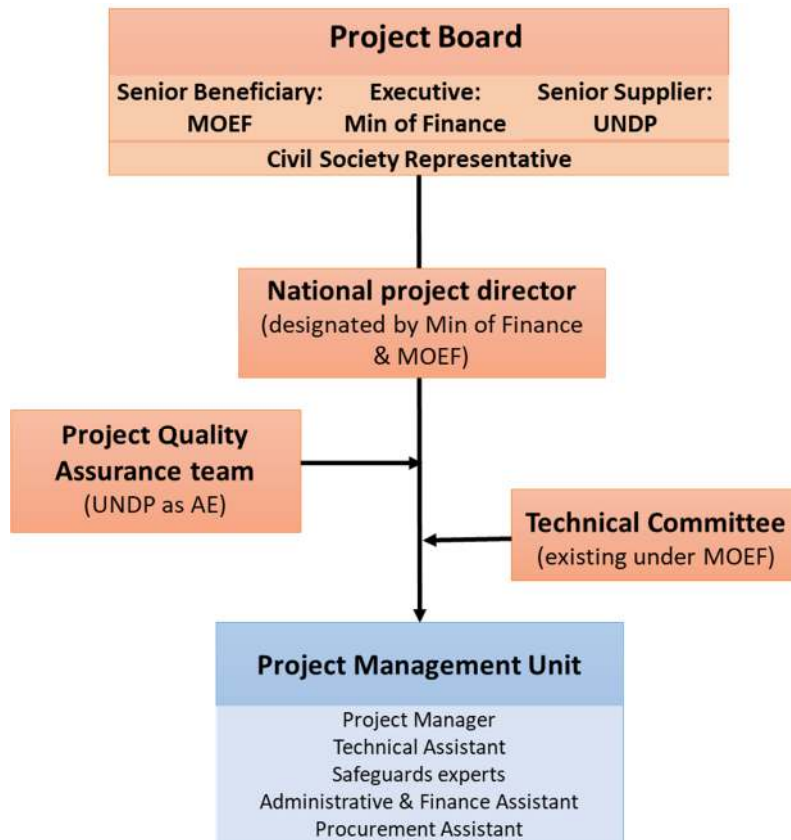
As suggested above, in light of the nature and goals of the National Strategy, the commitments of Indonesia as expressed in its various strategies on issues ranging from gender and biodiversity to sustainable development and forest management, and based on the experience and institutions already supporting existing and ongoing anchor initiatives such as the Moratorium and Social Forestry, the existing REDD+ governance framework is deemed appropriate for the RBP going forward. Enhancements will be put in place to give effect to the importance of multi-stakeholder participation in project governance and the implementation of the mitigation measures and recommendations of the ESMF. The Project will include on top of the existing REDD+ governance: a Management Committee, and Technical Advisory Committees.

The implementation of the RBP Project will therefore follow the national mechanism for governance. The FP further provides for and describes three levels of intended management: Decision-making, Technical Advisory, and Project Management and Implementation.

The roles, mandates, composition, functions and decision-making mechanisms (if applicable) of the Project Board, Project Management Unit and Project Manager, as well as the National Project Director and the UNDP in its Project Assurance capacity are each described further in the FP.

Based on a review of the FP descriptions of these entities, the ESMF additionally recommends the following with respect to the **Project Board.**

R&MM3 Project Board inclusiveness (read with R&MM11).

● Ensure an inclusive Project Board and other governance/advisory bodies (including for example, local (district/regional) decision-making bodies (where they exist), working groups and taskforces).

Consistent with R&MM3 and additional R&MMs 8 and 10 addressing multi-stakeholder inclusiveness, immediately upon the approval of the RBP the Project Board will to be established. Using its existing stakeholder mapping, the Ministry will:

▪ identify the relevant stakeholder sectors, collectives, interest, cultural and regional diversity that must be represented to ensure inclusiveness;

▪ determine an appropriate distribution of seats to ensure effective and equitable decision-making of the board in accordance with the R&MMs;

▪ invite the stakeholders to select their representatives through their own systems --in the case of Adat communities and Villages and local communities this will be through their own customary decision-making processes;

include in the invitation information describing the mandate and role of the Project Board and what will be expected of the representatives sitting on that board so informed selections are made; and

▪ provide to those stakeholders that need it: the financial resources and information needed to facilitate the deliberations and choosing of their representatives.

Once established and convened, the Project Board will draft additional terms of reference (supplementing that provided in the FP) providing for, among other things, a process to replace representatives in the future, and a mechanism to provide financial and technical support to those Project Board participants that will need this assistance to convey information to their constituencies and properly reflect their concerns and decisions to the board.

Also noted in the FP is the fact that the **Project Management Unit** for the RBP will count with sufficient administrative and financial capacity in the form of adequate economic resources and a full complement of qualified staff with the necessary expertise to manage (i) active multi-stakeholder processes, (ii) the intricacies of enhanced governance structures at the local level (including the FMUs and local, traditional governance bodies of Village, local community and Adat Communities), (iii) the land tenure rights and conflict resolution demands of this project, (iv) the full scope of social and environmental standards compliance, (iv) the development and implementation of a new project-level grievance mechanism, and (v) the development and implementation of participatory forest management plans. To this end, each output will be examined and the substantive needs reflected in the ToRs for PMU hiring.

R&MM4: PMU Expertise and Composition

● A ToR will be developed by the hiring of staff needed for the PMU, including the Project Manager and Project Technical Advisors. It is imperative that the final ToR provides for a PMU that counts with a staff that is capable of managing, at a minimum, the five (5) matters listed in the paragraph directly above.

With respect to **Project Assurance** role executed by the UNDP, it is reminded that UNDP's role here ensures appropriate project management milestones are managed and completed in a manner that is consistent with UNDP social and environmental safeguards, standards and policies. Project Assurance must be independent of the PMU function. The ESMF would further add the following:

R&MM5: Coordination to Ensure UNDP Information Needs

● As part of the assurance role, UNDP is responsible for assuring that the project is in compliance with the UNDP standards and policies, including the SES. It is imperative that UNDP has staff that is not only trained in the requirements of the SES, the ESMF measures, and the GCF reporting demands, but also capable of training PMU and other project staff on the same. If additional training is needed, this should be arranged.

● Per the GCF, as the Accredited Entity, UNDP will systematically need to acquire (even if from MoEF) and deliver upon request, all necessary documentary evidence demonstrating that all licenses, permits, partnership agreements and recognitions of Adat lands are done in a manner that respects the rights of local communities, Villages and Adat communities in Indonesia. This could include documentary evidence that:

> (i) good faith consultations and free, prior and informed consent (FPIC) processes, were taken when applicable, including the elaboration of forest management plans, revisions to the indicative maps, and recategorization of the forest areas over which they have access or use rights (i.e. during review of spatial planning every five years);

> (ii) prior due diligence was completed (including screening for the presence of people claiming to be Adat communities and tenure studies) to identify and avoid potential conflicts and overlaps *before* the issuance of Social Forestry licences and permits were issued and Partnership Agreements completed;

> (iii) licenses, permits, Partnership Agreements, forest categorization changes, and additions to the State Forest area have not resulted in the acquisition, restriction or prejudice to the rights of Adat communities to their traditional territories without their free, prior and informed consent (FPIC) and where applicable, an agreement on due compensation;

> (iv) revisions of the respective indicative maps are done in consult with all relevant stakeholders and in a manner that incorporates Adat forests as recognized and as claimed (titles pending);

> (iv) Where applicable, evidence of equitable benefit sharing (distinct from compensation), especially in the context of Social Forestry Partnership Agreements; and that

> (vi) management has taken proper actions to address any adverse environmental and social impacts identified through the project's grievance mechanism (or the national FGRM) and project monitoring

● This means that the UNDP staff person responsible for assurance and safeguards needs to follow closely all land tenure and mapping exercises, land regularization activities (permit, leasing, recognitions), outcomes of consultation and consent processes, and consequently, all agreements reached with landowners and other stakeholders (like farming cooperatives or small businesses). This further will involve ensuring that a mechanism is in place to track and record these agreements and activities, coordinate with FMUs and other local, regional and national government bodies that may have certain responsibilities for securing these deliverables within the context of the Social Forestry initiative and forest management under the oversight of the State.

Lastly, the ESMF emphasizes that the success of the RBP Project and its implementation consistent with applicable standards and safeguards is fundamentally dependent on the capacity of all of those involved in project governance and administration – including the governing institutions at the national and sub-national levels that will play integral roles, such as MoF, MoEF, the Ministry of Agrarian and Spatial Affairs (ATR), the provincial and district governments, and the Forest Management Units (FMUs). This means they must have knowledge about the relevant thematic areas, the skills to engage stakeholders of wide interests and geographies, the technical and financial resources to execute their responsibilities, and also a solid understanding of the project requirements related to safeguards, monitoring, reporting, forest governance jurisdiction, transparency and stakeholder participation.

R&MM6a: Properly trained PMU (read with R&MM5 (PMU hiring) and the R&MM7 (Safeguard training)

● With the help of the experts being hired by the PMU, training and capacity sessions on one or more of the following should be provided to relevant officials early on in the project, and where necessary refreshed or supplemented as the project progresses and new needs are identified: forest governance under applicable law, including matters of jurisdiction of the varying national and subnational levels, how the new project-level GRM works (as well as the national GRM and the UNDP's SRM and SECU); land regularization in Indonesia; rights of Adat communities and other collectives (including minorities and other vulnerable groups under Applicable Law (including rights to property, self-governance and consultation and consent); the monitoring and assessment of *social* (not just environmental) impacts of project activities; and conducting effective stakeholder engagement). Such identification could be discussed in the *Capacity and Training Committee* referenced in the Risk Matrix. See also, R&MM7 (below).

R&MM6b: Improved Coordination between regional, district and other local actors among themselves and with Project staff

● *Overlapping authorities*: Related to good governance and project administration, it has been highlighted that existing PLRs often cause confusion regarding the respective, and often overlapping jurisdictions of these entities, whether related to duties to create and implement land management plans, or to resolve grievances, or even to recognize Adat communities (provincial versus district). These need to be identified clearly and where possible, clarifications made known to all, and or recommendations made to reform and harmonize the laws and practices that cause the confusion in authorities.

● *Provincial/district coordination*: Existing multi-stakeholder forums in each province or district in which the RBP Project will operate need to be assessed and either strengthened or replaced with a more effective mechanisms to ensure that relevant parties have a mechanism to regularly communicate and share information, as well as meet periodically to coordinate efforts and leverage their respective capacities to advance the project's objectives and activities.

●The MoEF should consider designating a Working Group or ad-hoc Advisory Committee (newly formed or currently existing) to review both points above (overlapping authorities and provincial/district coordination) and provide recommendations on ways forward.

6.1. Project Delivery and Administration

First, as a backdrop to understanding the delivery of what a REDD+ project is, it is to be reminded that President Joko Widodo consolidated Indonesia's climate change efforts by combining two leading ministries into the Ministry of Environment and Forestry (MoEF) in October 2014. The government refocused coordination in climate change further by tasking the recently established MoEF to absorb the roles and responsibilities of REDD+ Agency and of REDD+ Agency and National Council for Climate Change (DNPI). MoEF then established the Directorate General of Climate Change to be the focal point in Indonesia and globally, and appointed a senior negotiator for Indonesia in UNFCCC, as Director General. The Forestry Law then establishes a number of directorates under the umbrella of the MoEF allowing for an increased coordination over a broad array of key elements to forest management including: Directorate Generals of the Ministry of Environment and Forestry, including the Directorate General of Forestry Planology and Environmental Administration (DJPKTL); the Directorate General of Climate Change (DJPPI) to be the focal point in Indonesia and globally, the Directorate General of Pollution and Environmental Destruction Prevention (DJPPKL); the Directorate General of Natural Resources and Ecosystem Conservation (DJKSDAE); the Directorate General of Sustainable Production Forest Management (DJPHPL), the Directorate General of Forest and Environmental Law Enforcement (DJPHLHK); Directorate General of Social Forestry and Environmental Partnership (DJPSKL); and the Directorate General of Management of Watersheds and Protection Forests (DJPDASHL). The Secretariat General of the MoEF (Secretariat General of MoEF) and Data and Information Center (Pusdatin) provided coordination support. In addition to the Focal Point (PDJPPI), MoEF appointed a senior negotiator for Indonesia in UNFCCC, as Director General of the REDD+ Division now sitting within the DJPP and responsible for managing the SIS-REDD+ process.[8]

As Implementing Partner, MoF (together with the technical support of the MoEF) is responsible and accountable for managing this project, including the monitoring and evaluation of project interventions, achieving project outcomes, and for the effective use of GCF resources. MoF will also be responsible at the highest level for ensuring that project implementation follows the national policies and standards. The Implementing Partner is responsible for:

● Approving and signing the multiyear workplan,

● Approving and signing the combined delivery report at the end of every quarter; and,

● Signing the financial report or the funding authorization and certificate of expenditures.

In addition, the Implementing Partner may enter into agreements with other organizations or entities, known as "Responsible Parties" (also referred to as "REDD+ Implementers" and sometimes "Activity Implementers" in various documents). These additional implementers may carry out project activities and produce project outputs on behalf of the MoF. Responsible Parties are accountable directly to the Implementing Partner. Given the nature of this project, appropriate responsible parties will be selected and indicated, as per UNDP rules and regulations.

One of these key Responsible Parties includes the Forest Management Units, targeted for expansion and enhancement in Activity 2.1 of the RBP Project. In the effort to improve the status and sustainable management of open access forest areas, and curb illegal activities, Indonesia established the Forest Management Units (Kesatuan Pengelolaan Hutan– KPH; "FMU" in English) in all provinces of the country. FMUs are to be the basis for governing and managing all forest areas and functions at the local level based on forest management plans, and in close consultation and collaboration with all stakeholders, including local government, community groups, local industries or license holders. FMUs are designed to be part of provincial government and to manage forests for their functional purpose (i.e. production, protection and conservation) while contributing to subnational development and community wellbeing.

---

[8] Safeguards Information System for REDD+ in Indonesia: Moving towards an Operational SIS-REDD+ DJPII, MOEF. pp. 11-12. (2016).

FMUs aim to (i) introduce locally based, professional and publicly accountable forest management organizations, responsive to the local context, (ii) ensure the legal demarcation of designated, permanent forest areas while managing potential conflicts and (iii) define territorial units appropriate for efficient management. As such they are expected to improve forest administration and use by aligning participatory forest land use planning with the subnational spatial plans, providing on-site management of forests, and being responsive to local needs, interests and claims.

Unless management has been handed over to private concession holders or local communities, FMUs are responsible to (i) create inventories of forest resources, (ii) develop and implement short- and long-term management plans (including fire prevention) in accordance with forest land status, and (ii) ensure forest law enforcement. Where management has been handed over to third parties, such as Adat communities per the Social Forestry initiative, FMUs monitor and evaluate them, and provide technical assistance and capacity building. FMUs are also authorized to mobilize investments to achieve the objectives of sustainable forest management and establish their own income by selling forest products or environmental services and are encouraged to develop viable business plans based on the sustainable management of the forests they oversee. About 531 FMUs have been officially established nationwide, covering a total area of about 84 million hectares, representing nearly the entirety of the forest estate. With respect to the FMUs, the ESMF recommends the measures detailed in the following:

> **R&MM6c: Strengthened FMUs**
>
> ● The project will design capacity building initiatives targeted at staff in FMUs to ensure strong skills to execute their mandate, including with respect to conflict resolution, the rights of local communities, Villages and Adat communities, and relevant PLRs that affect their exclusive and concurrent competencies with provincial and district governments.
>
> ● The project will allocate sufficient funds to district- and province-wide activities involving FMUs which will strengthen institutional coordination mechanisms and incentive systems and clarify the roles of FMUs with respect to local communities as well as local and provincial governments.
>
> ● Pair FMU strengthening with a communication strategy that increases the visibility and general knowledge about the FMU among local communities and local governments – including the FMU's role, purpose and functions. Women in particular rarely hear about the FMUs. Carefully selected communication processes and tools incorporated into the project will encourage local communities and governments more involved in the project activities.
>
> ● FMUs will have the resources necessary to ensure that forest management plans are developed with full participation and reconciliation of local community, Village and Adat communities and their respective development priorities.

6.2   Administration of Environmental and Social Management Framework

The Implementing Partner, MoF, with the technical support of the MoEF, is ultimately responsible for overseeing the implementation and compliance with the ESMF and shall do this with the assistance of the PMU and the Project Assurance of the UNDP. MoF will oversee the implementation of the ESMF and developed management plans and will be part of any tender documentation.

MoF will be responsible for minor revision or updates of this document and relevant management plans during the course of work and in a manner consistent with UNDP standards and policies. Material changes to the ESMF will be made by the Project Board after consultation with the PMU, relevant UNDP

staff, and as appropriate and/or required by the Applicable Law,[9] SES, and the avoidance and mitigation measures already provided for in the ESMF, key stakeholders not represented in the Project Board.

The UNDP will ensure compliance with the social and environmental safeguards and as part of its Project Assurance function, ensure the good faith implementation and compliance with the ESMF, the ESMP and its corresponding management plans.

The Project National Director will be supported by the Technical Advisory Team Committees and review coherence of project interventions, including as related to risks.

The PMU, under supervision of the UNDP and MoF (with the technical support of MoEF), is responsible on a day-to-day basis for managing and monitoring project risks initially identified and for submitting new risks to the Project Board for consideration and decision on possible actions if required. The PMU also updates the status of these risks by maintaining the project risks log. On a day-to-day basis, the PMU will provide for the completion, implementation and revision of the ESMF, SESP, ESMP and corresponding management plans (the latter by providing advice to the Project Board and seeking approvals and instructions).

The PMU, with the help of the UNDP is accountable for the provision of specialist advice on environmental and social issues and for environmental and social monitoring and reporting (the latter requiring ultimate delivery to the GCF by the UNDP). The PMU sill provide progress reports on the implementation of the ESMF, ESMP and management plans as request by MoF, UNDP and/or the Donor.

The PMU will be responsible for the day-to-day compliance of the ESMF at the specific project site. The PMU will maintain and keep all administrative and social and environmental records which would include a log of complaints and incidents together with records of any measures taken to mitigate the cause of the complaints or incidents (see below sections on incident reporting and on complaints). This should include a direct link with the project level GRM so as to keep abreast of developments and trends being tracked and analyzed by GRM personnel.

All MoF, MoEF and UNDP personnel working on the project have accountability for preventing or minimizing environmental and social impacts.

6.3 Social and environmental procedures, site and activity-specific work plans/instructions

Social and environmental procedures provide a written method describing how the management objectives for a particular project element are to be obtained. They contain the necessary detail to be site or activity-specific and are required to be followed for all construction works. Site and activity-specific work plans and instructions are to be issued consistent with ESMF.

6.4 Social and environmental incident reporting

Any incidents, including non-conformances to the procedures of the ESMF, are to be noted by the site supervisor/designated officer in monthly social and environmental inspections using an Incident Record and the details entered into a register (including nature of incident, parties involved, remediation recommended, completion of remediation, all relevant dates (i.e. date or period of incident, and restart date)). For any incident that causes or has the potential to cause material or significant social and/or environmental harm, the site supervisor/designated officer shall notify the Project Manager as soon as possible. Incidents can also be reported by other stakeholders. In any case, the delivery organisation/contractor must cease work until remediation has been completed as per the approval of the PMU. Where significant harm may have occurred, approval of the Project Board is also required. Incident Records should be shared regularly with the GRM and made available to the public.

For project work sites, a weekly social and environmental checklist (including OHS issues) is to be completed by the relevant site supervisor/designated officer and maintained within a register. A weekly

---

[9] "Applicable Law" as defined by the UNDP SES means national law and obligations under international law, whichever is the higher standard.

social and environmental checklist is to be completed and will include reference to any issues identified in the daily checklists completed by the designated officer(s). The completed checklist is to be forwarded to the Project Manager for review and follow-up if any issues are identified. Such checklists shall be accessible to the public.

6.5   Corrective Actions

Any non-conformances to the ESMF, ESMP and/or respective management plans are to be noted in monthly social and environmental inspections and logged into the register referred to in section 6.4 above. Depending on the severity of the non- conformance, the site supervisor/designated officer may specify a corrective action and promptly notify the Project Manager of the same. The progress of all corrective actions will be tracked by the supervisor/designated officer using the register. Any non-conformances and the issue of corrective actions are to be advised to the Project Manager.

6.6   Review and auditing

The ESMF, ESMP and respective management plans are to be reviewed at least every quarter by UNDP staff and the PMU. The objective of the review is to update the documents, as needed, to reflect knowledge gained during the course of project delivery/construction and to reflect new knowledge and changed community standards (values).

The ESMF and the resulting ESMP and respective management plans also will be reviewed, and amendments made if:

▪ There are relevant changes to social and environmental conditions or generally accepted management practices; or

▪ New or previously unidentified social and environmental risks are identified; or

▪ Information from the project monitoring and surveillance methods indicate that current control measures require amendment to be effective; or

▪ There are changes to environmental legislation that are relevant to the project; or

▪ There is a request made by a relevant regulatory authority.

Any material changes to the project management plans are to be developed in a multi-stakeholder platform. These changes are to be implemented in consultation with the UNDP Staff and PMU as informed by the deliberations of the MdT REDD+. When an update is made, all members of the project governance bodies, as well as site personnel, are to be made aware of the final revision as soon as possible, e.g. through a toolbox meeting or written notification.

6.7   Capacity Building and Training

MoF has the responsibility for ensuring systems are in place so that relevant staff and contractors are aware of the environmental and social requirements for project implementation, including the ESMF.

R&MM7: *Safeguards* **Capacity and Training (read with R&MM6 above)**

●All project staff, especially the PMU, and members of the Project Board will be required to attend an *induction training* that covers: (i) substantive matters relevant to the ESMF requirements, (including health, safety, social, environment and cultural requirements); (ii) explains the responsibilities of all the relevant parties for matters of monitoring, reporting and assurance related to social and environmental impacts and mitigation measures; and (iii) covers the operational mechanisms related to public transparency and accountability as well as those mechanisms to be used for ensuring coordination and information sharing among MoF, MoEF, UNDP and GCF as well as with local governments, private sector actors and other partners with contract responsibilities (defining the who, what, why, where, how).

● As the success of this project relies substantially on the voluntary willingness of Villages, local Communities, and Adat communities to participate meaningfully and effectively, make informed decisions about doing so, and carrying out various responsibilities (reporting, tracking, auditing, monitoring, etc) -- capacity and training for all voluntary partners is essential. The project will establish a multi-stakeholder body charged with assessing the capacity and training needs of such stakeholders (a "Capacity and Training committee"), making recommendations to the PMU and Project Board as necessary, and then developing and implementing capacity building and training exercises, as well as mechanisms to provide technical support to stakeholders. (This can be a function of one of the applicable governance bodies). Such a committee can be instrumental in increasing awareness, understanding and use of the APPs tool.

●To the extent possible, this training should extent to provincial and district government actors, including the FMU staff. This especially true given their role in monitoring impacts of the project to assess how it is addressing and respecting the social and environmental safeguards.

7 STAKEHOLDER ENGAGEMENT, INFORMATION DISCLOSURE AND TRANSPARENCY

7.1 Meaningful and Effective Stakeholder Participation

Indonesia's National REDD+ Strategy which formed the underlying basis for the components and activities to be pursued by the RBP Project was itself developed in a very multi-stakeholder process attempting to be inclusive of all types of beneficiaries (public, private, national, regional, district, local community, CSO and private sector). Three hundred experts representing more than 200 stakeholders participated in seven regional and national REDD+ strategy public consultations. Three drafts emerged from these processes before the final strategy was adopted in 2012. As noted in this ESMF, other processes that were fully participatory were the development of the FRELL, SIS-REDD+ (including the PC&Is and APPS tools) and the NDC process.

In addition to the MoF and MoEF's role, the Social Forestry initiative is a multi-stakeholder dependent initiative, relying on key participation and support from other actors carrying out formal and informal roles to advance the initiative's objectives. These include, for example, local governments that have a role in the application process, private actors that hold interests in the lands and engage in the partnership agreements with local communities, those that conduct research such as universities and environmental and social NGOs. For instance, in 1997, academics organized the Indonesian Communication Forum for

Community Forestry, which contributed to public consultations on SF after the downfall of the Suharto regime. Also participating are investors, donor agencies and NGO that have been vocal within working groups and other advocacy forums to strengthen the Social Forestry legal framework, policies and practices –especially by increasing the participation of local communities in design and implementation and seeking increased reforms related to forest management, recognition of Adat customary institution and land tenure. For example, the upland local communities have been strong leaders in influencing forest policy -their voices magnified through the help of civil society and allied academics. Some IP organizations such as the Aliansi Masyarakat Adat Nusantara (NAMAN) or the Indigenous Peoples' Alliance of the Archipelago (IPAA) which represent over 2300 Adat communities across Indonesia, have both championed the initiative while being some of its strongest critics and change agents.

Regarding the process of participation, there are several mechanisms that will allow --at least in the interim -- the effective participation of stakeholders throughout the process of implementing the RBP Project. After stakeholder mapping, these mechanisms were established during the preparations of the STRANAS, as well as the comprehensive development of its SIS-REDD+ and the accompanying PC&I and APPS tool.

Indonesia has developed and promoted three types of spaces for dialogue, these were: the Forestry Observers Forum, National Forestry Council, and the Social Forestry Task Force (SF Taskforce). Each of these will continue to operate during the period of the RBP Project. The Forest Observers Forum is a collaborative decision making stipulated in article 70 of the Forestry Law. The National Forestry Council accommodates the existence of this institution.

Also, in 2016 the **Social Forestry Task Force (SF Taskforce)** was established per Regulation from the Directorate General of Social Forestry and Environmental Partnership of the MoEF (No. P.14(2016). The SF Taskforce is to be a multi-stakeholder entity with members from provincial administrators, NGOs, academics, license holders under the Social Forestry initiatives, journalists, researchers etc. SF Taskforces exist at the provincial level and are considered focal points for Social Forestry implementation at the field level, registering contact persons locally that can work directly with local communities, Villages and Adat communities that are implementing or seeking to implement Social forestry programs. The SF Taskforces have various roles, including: the socialization of the Social Forestry initiative; facilitating community and Village applications for the five categories of Social Forestry benefits; observing the PIAPS (indicative mapping of the Social Forestry area), institutional capacity building, expanding and marketing Social Forestry enterprises, facilitating conflicts related to tenure and Hutan Adat (customary forests) in accordance with existing laws, and following various communication and reporting protocols. To facilitate the multi-stakeholder participation in social forestry, there has also been established a "Social Forestry Working Groups" consisting of NGOs, Local Government, Academics, donors, Local Champions and empowered to accelerate the initiative, socialize it with communities, and assist in the application processes for access, use rights and titles.

> **R&MM8: Multi-stakeholder platforms**
>
> ● In a multi-stakeholder setting, the project will evaluate the appropriateness and effectiveness of the three forums discussed directly above and any other stakeholder platforms and assess, if necessary, how their structures, mandates and resourcing can be further adapted for the RBP Project and where applicable, strengthened. At a minimum, review the ToRs of such platforms to ensure that Indonesia's decentralization in governance is reflected in these forum, reflect the State's commitment to gender equity, and includes a diverse representation of all potential beneficiaries and Activity implementers (local government representatives, NGOs, local communities, Villages, Adat communities, private property interest holders likely to be involved in partnership agreements etc). If gaps exist, address them or consider the creation of an additional project-specific body that can regularly bring multi-stakeholders together to assist and contribute to project implementation, including the design of new activities, mitigation measures, strategies and mechanisms aimed at improving project results and the livelihoods of the Indonesian people.
>
> ● See also "*Capacity and Training-Committee*" established per R&MM7.

In addition, members of any of the three forums discussed above can be broken down into or used to constitute ad-hoc Working Groups and Technical Committees when key issues require additional consideration and expertise. Members of these groups and committees may also invite additional experts to contribute as needed. The groups and committees will endure until the issue they were tasked with discussing has been exhausted. Issues can range from safeguards, the GRMs, to how best to socialize and train on the APPS SIS-REDD+ monitoring tool, and more.

As noted above, the project builds on extensive stakeholder engagement and consultations which will continue throughout project implementation, including in the identification, assessment, and development of management measures for forthcoming project activities. Meaningful, effective and informed stakeholder engagement and participation will continue to be undertaken and will seek to build and maintain over time a constructive relationship with stakeholders. The scale and frequency of the engagements will reflect the nature of the activity, the magnitude of potential risks and adverse impacts, and concerns raised by affected communities.

Without prejudice to the disclosure requirements of all FPIC process required by the RBP project, stakeholders overall will have access to relevant project information in order to understand potential project-related opportunities and risks and to engage in project activity design and implementation. In addition to already having access to the Indicative Map of the Social Forestry Area (PIAPS) and the Indictive Map of Termination of the Granting of new Permits (Moratorium Map), among others required by law and as deemed appropriate, the following information will be made available to the public:

- Stakeholder engagement plans and summary reports of stakeholder consultations;

- Social and environmental screening reports (SESP) with project documentation;

- Draft social and environmental assessments, including any draft management plans over forest areas upon which they depend and/or have been provided rights of use or access, or for which they have Adat community rights (including all forest management plans, protection/conservation area plans);

- Existence of the national and pending project-level GRM and how to access;

▪ Final social and environmental assessments and associated management plans (ESMF, ESMP and associated management plans);

▪ The geospatial data per Indonesia PLRs; and

▪ Any required social and environmental monitoring and verification reports.

This information is to be disclosed in a timely manner, in an accessible place, and in a form and language understandable to affected persons and other stakeholders. These elements of effective disclosure are briefly elaborated below:

Timely disclosure: information on potential project-related social and environmental impacts and mitigation/management measures will be provided in advance of decision-making whenever possible. In all cases, draft and final screenings, assessments and management plans must be disclosed and consulted on prior to implementation of activities that may give rise to potential adverse social and environmental impacts.

Accessible information: Appropriate means of dissemination will need to be considered in consultation with stakeholders. This could include posting on websites, public meetings, local councils or organizations, newsprint, television and radio reporting, flyers, local displays, direct mail.

Appropriate form and language: Information needs to be in a form and language that is readily understandable and tailored to the target stakeholder group.

R&MM9a: Stakeholder Engagement Plan

● Given the nature of the proposed outputs and activities and the likely partners, beneficiaries, and key stakeholders, and based on the findings of this ESMF, the REDD+ past experiences, and the ESIA Report: There will be developed a generally applicable Stakeholder Engagement Plan. An indicative outline for this plan is found at Annexure 9 to this ESMF.

R&MM9b: Transparency Working Group

● Given Indonesia's commitment to transparency and its intrinsic value to the success of REDD+ programming and the RBP project itself, it is recommended that a *multi-stakeholder* Transparency Working Group be created to carry out three tasks:

(a) identify what information is most relevant to ensure the effective and accountable implementation of the RBP and the equitable access to its benefits, (and as relevant, the larger REDD+ programming) (for example: the seven pieces of information listed directly above, the Project Document (PRODOC), national REDD+ strategies and action plans, Social Forestry partnership agreements, licensing and permits issued, the gazetting of State Forest Area boundaries per Constitutional Court Decision MK 45/2011, and notice of planned indicative map revisions;

(b) assess whether that information is or is not readily available, in user friendly ways, to the public (via online links, specific government offices, via a written request per a simple procedure, discretion of those holding the information to provide it (time frames), access for those without internet etc); and

(c) make recommendations to the Project Board within the first six months of the RBP commencement, and every six months thereafter, to improve access (to be considered by the Project Board and use their collective competencies to effectuate change).

This Working Group will work with those involved in the project's Communications Strategy (R&MM 12) to avoid the duplication of efforts and to prioritize public awareness of what information is available and how to access it.

To further facilitate public access to information, the SIS-REDD+ also has established a database to manage data and information on safeguards implementation and created a web-platform to present and display the information on safeguards implementation. The SIS REDD+ online resource is open to the public, however, currently some information is available to all that access the webpage and other information first requires registration as a project proponent (i.e. Implementing or Responsible Party). For instance, any member of the public can access the webpage and view general information on each of the seven safeguards as well as whether activities under those projects listed to date have adhered or not to specific safeguards. As a registered project proponent (and the SIS-REDD+ architects are working assiduously to increase registrations), such individuals and entities will access greater data on each project as well as the necessary information to contribute to project social and environmental monitoring (i.e. APPS tool, PC&Is). As the SIS-REDD+ system continues to develop and be formally applied (it was not used to generate the 2017 Summary of Information), it is expected that the system and online information will be not only more ample, but more accessible to those that are not already project proponents.

Indeed, by collecting more data, the website may eventually be able to provide information in various formats, including in form of more maps, both national and provincial, graphics, and related news and through connections with other existing databases used by different government offices as well as within the civil society and private sector. For instance, as there are already several forestry database and information systems, the REDD+ Division at MoEF is also considering the possibility to connect the SIS-REDD+ web-platform with other forestry instruments that have safeguards elements relevant to REDD+.

As a systematic framework in collecting and presenting information, SIS-REDD+ has the potential to help other frameworks, such as FLEGT and the Information System for Forest Product Management (SI-PUHH), in collecting data and documents. Aside from the web-platform as the main point of access for information on REDD+ safeguards, in places without reliable internet access, District/Provincial government actors (PSIS or PSIS Kab/Prov) also can use other communication channels to reach the public, such as routine publications or announcements at local government offices, sites of worship, academic centres, etc.

Indonesia also is in the process of finalizing the execution of its One Map policy. By decree, this policy gives the Geospatial Information Agency the mandate to work with the Presidential Delivery Unit for Development Monitoring and Oversight and take the lead in developing the single reference map and defines "openness" in the law as "the establishment of GI is intended to be utilized by many parties by providing easy access to the society to obtain GI." The objective of this policy is to create a single 1: 50,000 scale map that can serve as a standard geospatial reference, based on a single standard, a single database, and a single geoportal. The use of one map that various ministries, regional and district governments, and other actors can access will help to increase transparency, and the sharing and comparison of information across multiple users.

7.2 Adat Communities and other Collectives

Central to the success of the project is the voluntary participation of stakeholders –including Adat communities and other Villages and local communities (other collectives) dependent on forest resources and central to their successful management. (Recalling the broad and inclusive nature of the term "local communities").

Agreements with Adat communities are to be reached by the collective in a free, prior and informed manner by the representatives and governing institutions designated by the affected Adat community, and respecting the affected peoples' own decision-making norms, values and customs. Adat communities and other collectives are to be partners and beneficiaries of the project activities. The project recognizes that Adat communities and other collectives have expertise relevant to project outputs and activities, and they are in possession of traditional knowledge and practices that can contribute to the project's success. The improvement of the livelihoods, their equitable access to the benefits of climate change initiatives, the avoidance and resolution of conflicts within their territories, and the reduction of poverty within these populations are national goals as indicated in the National Strategy.

R&MM10: Adat communities and other Collectives in decision-making and advisory bodies (read together with R&MM11)

● To achieve these goals, the meaningful and effective participation of indigenous peoples and other collectives in project governance, design, implementation and decision-making are understood as desirable (i.e. Project Board, as necessary local decision-making forums, where they exist). Building upon the approach taken for the development of the National Strategy, AP, SIS-REDD+, and PC&I and APPS tool, representatives of Adat communities and other collectives* will be in both decision-making and advisory bodies of the Project, including ad hoc working groups and technical committees. These representatives will be those chosen or designated by the collectives in question, and represent to the greatest extent possible, the distinct regions and cultural identities among them. To the extent practical, financial and technical support will be given to the representatives to improve their access to the project opportunities, increase their capacity to participate effectively and where applicable, carry out their respective responsibilities to disseminate information to their constituencies and bring information back to the central governance and advisory bodies.

Local communities, Villages and Adat communities are intended to be the primary beneficiaries of the Social Forestry initiative given the intention to ensure that the granted and recognized rights are meant to ensure their active participation in forest management so as to improve their livelihoods, reduce poverty, and contribute effectively to the nation's REDD+ objectives of sustainable forest management through reduced deforestation and degradation. In the context of the Social Forestry initiative, a successful and rights-based initiative means reliance on a sound indicative map of lands available for permitting, licensing and forest partnership agreements, the voluntary participation of these various collectives, a mechanism to recognize Adat communities and their lands and avoid harms to Adat rights, and the required capacity and project activities to ensure that these collectives can fully access the benefits intended by the project as well as the grievance mechanisms necessary to remedy adverse impacts, and the systematized participatory monitoring of environmental and social impacts that is linked to decisionmakers that can modify the project in real time to not only avoid harms, but also to take advantage of opportunities to magnify the project's intended positive results.

As stated appropriately in the accompanying ESA:

The Social Forestry initiative was and continues to be a bold program that represents a fundamental change in how forest management is conceived in Indonesia and elsewhere in the hemisphere. It recognizes the indispensable and pivotal role that Adat communities and other forest-dependent communities play in the conservation, protection and sustainable development of the world's forests. The initiative had a slow start…[it] was rejuvenated with a call to increase forests under community-based management to 12.7 million hectares between 2015 and 2019...[t]he Government has since sought to address a number of the "weaker links" in the initiative" including "adopting new PLRs to respond to the Constitutional Court's decision regarding customary (Adat) lands."

Indeed, the Government of Indonesia, with the support and advocacy of civil society, recognizes that more needs to be done not just to meet quantitative targets of the initiative, but qualitative ones as well. The success of the initiative will need to be measured not just in how many forests are covered by Adat titles, or permits, licenses, and partnership agreements with local communities and Villages, but in measurable demonstrations that the rights and livelihoods of these local populations have been improved and the integrity and health of the forests under their care has been sustained or enhanced. This is why the strengthening of the Social Forestry initiative has been identified as a cornerstone to the RBP project.

Based on lessons learned thus far, the following text box includes a number of R&MMs to address deficiencies and challenges that have arisen while continue to advance the State's commitment to forest ed with local communities, Villages and Adat communities.

R&MM11: Adat communities and other collectives

● Given the nature of the proposed outputs and activities and the likely partners, beneficiaries, and key stakeholders; and based on the findings of this ESMF, the REDD+ past experiences, and the ESIA Report: There will be developed a generally applicable Adat Communities Peoples Plan. An indicative outline for this plan can be found at Annexure 7 to this ESMF

● Mechanisms and processes are in place to ensure that finalized licenses, permits, and Partnership Agreements, designations of forest categorizations, changes in the State Forest area boundaries and indicative maps, titling of Adat forests, and the development of land use management plans will not result in the acquisition, restriction or prejudice to the rights and interests, lands, resources, territories (whether titled or only claimed) and traditional livelihoods of the Adat communities concerned *without their free, prior and informed consent (FPIC) and just and fair compensation*, this means, at a minimum:

(i) There shall be established a defined due diligence process that will be completed and documented (including screening for Adat communities in the forest area (recognized or not) and performing land tenure studies) to identify and avoid potential conflicts and overlaps with Adat land rights, *before* the issuance of Social Forestry licences and permits were issued and Partnership Agreements confirmed (building upon and strengthening the process that begins with gazetting, applications initiated under MoEF Decree 83 or MoEF Decree 21, or requests for conflict resolution under Presidential Decree No. 88);

(ii) Revisions of the respective indicative maps (Social Forestry and Moratorium maps) are done in consultation with all relevant stakeholders and in a manner that respects and will *not* prejudice Adat lands (those recognized and claimed (pending titles). This should be done in parallel with the transparent and participatory acceleration of the development of the Adat forest indicative map begun by the Directorate for Complaint Handling, Tenurial and Adat Communities under the Directorate General of Social Forestry and Environmental Partnership, including the reconciliation of the indicative maps with mapping already done by NGOs, like AMANAMAN, and communities, and mechanisms to ensure that these Adat customary forests are reflected in any local spatial data/maps to avoid conflicts and facilitate Social Forestry verifications.

(iii) Where applicable, there is written evidence of equitable benefit sharing and due compensation to Adat communities for limitations.

(iv) All licenses, permits and Partnership Agreements will (a) expressly clarify the legal rights and respective responsibilities of the local communities, Villages and Adat communities in question; (b) clearly list any limitations or restrictions on their community's or Village's use and access rights; and (b) contain a standard proviso affirming that the license, permit or agreement does not constitute a waiver or prejudice the rights of communities or Villages to continue to pursue a claim for a full Adat title (templates for these instruments may require formal revision); and

(v) All local forest management plans within or that may affect Adat forests (recognized or claimed) will be developed in conjunction with these communities, respecting their defined development and resource management priorities, and finalized only with their FPIC.

Continued…

R&MM11: Adat communities and other collectives *continued*

…

● (vi) Given Adat communities' human right to own, use and manage the resources within their traditional territories, any forest categorization to be attributed to the Adat lands upon titling must have the FPIC of the Adat community and be accompanied by a description of how they can petition for its change (i.e. in the context of the review of spatial planning every five (5) years.

● (vii) See R&MM13 recommendations related to Presidential Decree 88 (section 7.4 below).

● A RBP project consultation and Free, Prior and Informed Consent (FPIC) Protocol will be developed (preferably derived from a REDD+ FPIC protocol) through a multi-stakeholder process consistent with the requirements of the UNDP SES and hence, Applicable Law. For instance, consistent with UNDP SES, Standard 6, requirement 9, good faith consultation and FPIC process will be triggered for "any matters that may affect the rights and interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods" of the Adat communities concerned.

(i) It will make clear what activities of the project CANNOT be undertaken without good faith consultations and/or FPIC. Specific activities should be listed, as well as a clear statement of the Protocol's alignment with UNDP SES, Standard 6 requirement 9 to guide application to future, unlisted activities, that may arise).

(ii) In light of the Project's reporting obligations (and that of UNDP) vis a vis GCF, the Protocol will establish a method to track and report all consultation and FPIC engagements and the agreements reached, and if needed, provide the supporting documentation to prove that such engagements and agreements were carried out in accordance with the UNDP SES. This will require coordination (including record keeping) among MoEF, UNDP and other actors involved (possibly, local governments, FMUs, private actors involved in partnership agreements etc.).

(iii) Where agreements with the Government and other stakeholders may arise to implement specific project activities requiring consultation and/or FPIC, these third parties, even if not government actors, will respect the protocol referenced above and at all times, it will still be recognized that it is the State's duty and obligation to secure consultation and consent of Adat communities and this duty is not fully delegable. Continued engagement of the State will be required –both in terms of oversight as the duty bearer, monitoring of compliance, and with respect to the provision of sufficient technical and financial support to those expected to implement the consultation and consent responsibilities. (See also R&MM12 below).

● Respect for Adat rights could be increased if the application and verification processes for Adat forest recognition under MoEF Decree No. 21 (see appendices) required some validation that the community representative(s) who sign the application materials are chosen representatives (to be determined based on a description of the community's governance structure and decision-making methods of the community in the application).

R&MM11: Adat communities and other collectives *continued*

…

● The respective laws and processes for local and regional decree (perda) recognitions of Adat communities and the titling of Adat forests will be reviewed either prior to the project or within the first six months of the project by a team of national and international experts on the rights of Adat communities (selected by a multi-stakeholder body) to not only determine their consistency with Applicable Law and their respective capacities to deliver on the Social Forestry target and objectives as well as the States duties and obligations, but also to issue findings and recommendations. Such recommendations will be the subject of new provisions for project activities for the consideration and/or approval by the Project Board.

● Hiring and training are conducted to ensure that relevant PMU, Activity Implementers like FMUs, and GRM/FGRM staff understand the rights of local communities, Villages and Adat communities under Applicable Law and have the capacity and instruction to respect the development and natural resource management priorities of these communities and Villages in their collaborations (i.e application processes and forest management plans).

● New project activities and mechanisms should be designed to stress not just meeting the targets of issuing titles, permits, licenses and Partnership Agreements, but on securing improved livelihoods, reducing poverty and resolving conflict. the need for local communities, Villages and Adat communities to have the capacity (through training and technical and economic support) to (a) apply for the arrangements available under the Social Forestry initiative, (b) convey during negotiations and application processes, and the development of Forest Management Plans, Annual Work Plans and Business Work plans: their expectations in terms of livelihood, cultural needs and development priorities as related to the forest areas in question, (c) fulfil their duties and obligations under the initiative, and (d) leverage the newly acquired or recognized rights to engage in appropriate activities to improve community or Village livelihoods.

● Procedures will be in place to ensure that local Communities, Villages and Adat communities will have direct participation –where applicable leadership—in monitoring activities as related to the assessment of social and environmental impacts within forest areas under their title, license, permit or Partnership Agreement.

7.3 Information, disclosure and transparency

The MoF, with the technical support of the MoEF and the assistance of the UNDP and PMU will develop and release updates on the project on a regular basis to provide interested stakeholders with information on project status. Updates may be via a range of media e.g. print, radio, social media or formal reports. A publicized telephone number will be maintained throughout the project to serve as a point of contact for enquiries, concern, and information on how to present complaints and/or grievances. All publicly available material will be published in Indonesian language and to the extent possible, local language (particularly where material may have a specific effect on a given region or population).

In particular, the RBP Project teams will use a number of mechanisms that proved successful during the implementation of the Social Forestry initiative and FMU strengthening component and activities. These include, among others: 1) information presented on the web pages of the MoEF, the SIS-REDD+ and UN-REDD Programme globally; 2) preparation of informative notes of events and monthly bulletins that were distributed through the web pages or via email; 3) promotion of events and dissemination of information through social media networks (Facebook, Twitter and YouTube); 4) the creation of pamphlets and other question and answer pamphlets; 5) presentations to communities in the various regions of concern by project staff; and 6) workshops for dissemination, information gathering and training.

The target audience for these mechanisms included national and sub-national institutions or organizations linked to REDD-plus, international organizations and actors from countries related to the implementation of REDD-plus, communities, peoples and nationalities, associations and local representatives.

These dissemination mechanisms will allow for the sharing of information and also enabled the establishment of interactive spaces for receiving comments, suggestions and contributions, as well as clarifying doubts or questions. As noted in R&MM12, the project will develop a Communications Strategy to coordinate needed communications with stakeholders. The Communication Strategy will be linked with the project Stakeholder Engagement Plan and Adat Communities Plan.

As noted earlier, all draft and final social and environmental assessments and management plans will be disclosed in a timely, accessible manner, enabling meaningful dialogue and consultations with stakeholders on the potential social and environmental impacts of planned activities.

R&MM12: Communications Strategy

● The project will develop a Communication Strategy. This can be a separate strategy or one that is jointly shared and developed with the Implementation Partner and may build upon and tailor an already existing REDD+ Communication Strategy where appropriate. A multi-stakeholder group will consider the project's communication needs and develop a draft strategy for approval by the Project Board.

● As the effectiveness of most non-governmental stakeholder representatives in the decision-making and advisory bodies, working groups and committees depends on their capacity to convey information to and from their constituents, the Communication Strategy should include mechanisms to assist these representatives in a culturally appropriate manner to share information (i.e. production of minutes, summaries of meetings, and other user-friendly pamphlets or audios tailored to their needs; including the use of communication networks used by their constituents (facebook, whatsapp, postings in schools, churches, etc).

●Coordinate as needed with the Transparency Working Group (R&MM9b).

7.4   Project level grievance redress mechanism

Per the UNDP SES, Moderate to High Risk projects require the availability of a project-level grievance mechanism (GRM). Where needed, UNDP and MoF will strengthen the Implementing Partners' capacities to address project-related grievances. In addition, the UNDP SRM and SECU will be available to project stakeholders as a supplemental means of redress for concerns that have not been resolved through standard project management procedures.

During the design and implementation of any project, a person or group of people may perceive or experience potential harm, directly or indirectly due to the project activities. The grievances that may arise can be related to social issues such as eligibility criteria and entitlements, disruption of services, land tenure conflicts, temporary or permanent loss of livelihoods, impacts overall to human rights, and other social and cultural issues. Grievances may also be related to environmental damage, destruction and pollution that may affect stakeholders living in and around the project area.

Should such a situation arise, there must be a mechanism through which affected parties can resolve such issues with the project personnel in an efficient, unbiased, transparent, timely and cost-effective manner. To achieve this objective, a GRM is required for this project.

At present there is no project level GRM yet established, but while it is being established by a multi-stakeholder, transparent and participatory process, potentially affected stakeholders have access to a national FGRM that was established in 2017 to address environmental pollution or damage as well as forest destruction, as well as related matters.[10] (This mechanism was established on the heels of a prior mechanism that was in place since 2009).[11] Stakeholders also have access to an additional mechanism (referenced in the former) as related specifically to land tenure conflicts. They also have a mechanism established by a Presidential Instruction to specifically address land tenure conflict – particularly applicable to the Social Forestry Initiative component of the RBP Project.[12] Each of these mechanisms are in addition to stakeholder access to UNDP's SRM and SECU grievance processes, and none of these mechanisms preclude stakeholder use of other complaint mechanisms, such as those available domestically (such as arbitration or mediation mechanisms, filing complaints before the national courts, or if applicable, international complaint mechanisms, such as those available at the United Nations).

These mechanisms are described below because they need to be studied for their effectiveness and inform the establish of the project level GRM.

- The National FGRM

Though already receiving grievances, th national FRGM mechanism was given an online presence in 2017 (see http://pengaduan.menlhk.go.id). Also,MoEF Regulation P.22 (a 2017 promulgation replacing an earlier version of the law from 2010)expressly provides for the establishment of a complaint mechanism overseen by the MoEF. The Regulation says that "for protection and management of the environment and forests, everyone has the right and role to make complaints as a result of alleged pollution and / or environmental damage and / or forest destruction". The regulation defines "environmental pollution", "forest destruction" and "environmental damage" all in terms that trace the harm to an act of humans. (Art. 1) The regulation commits to establish a mechanism that is "fast", "simple", "accountable", "participatory" and "transparent". (Art. 4) More specifically, the complaints covered by the regulation consist of:

---

[10] See MoEF Reg. P.22 / MENLHK / SETJEN / SET.1 (March 2017) on Procedures for Management of Complaints for Pollution and / or Environment Damage and / or Forest Damage.
[11] Regulation of the Minister of Environment Number 9 of 2010 concerning Procedures for Complaints and Handling of Complaints due to Alleged Pollution and / or Environmental Damage.
[12] Presidential Decree No. 88 (2017) on the Resolution of Control over Lands in Forest Area.

a. businesses and / or activities that do not have or are not in accordance with permits in the environmental and / or forestry sector;

b. environmental pollution and / or damage;

c. forest destruction;

d. B3 waste management which is not in accordance with the provisions of the legislation;

e. illegal logging;

f. forest and land burning;

g. forest encroachment;

h. poaching, distribution and trade in illegal plants and animals;

i. tenure conflicts in forest areas;

j. utilization of genetic resources and traditional knowledge; and / or

k. other businesses and / or activities that are in conflict with the laws and regulations in the field of environment, forestry, or conservation of living natural resources and their ecosystems. (Art. 5)

The regulation envisions that several actors would be responsible for receiving and managing complaints including: "a. Ministry; b. Environmental and / or forestry institutions at the provincial level; c. Environmental agencies at the district / city level; and d. Forest Management Unit." (Art. 6).

The national FGRM has a direct attention to environmental harms, but this indirectly would address social harms resulting from environmental damage, degradation and destruction and those arising from tenure conflicts and appropriation of traditional knowledge. The tenure conflicts, per the regulation, are forwarded to "the Responsible Agency shall forward the complaint to the forest area tenure conflict management team within a period of no later than 5 (five) working days after the complaint is declared complete" (Art. 14). Presumably this is a reference to the authorities of the Team for Acceleration of Resolution of Control over Land in Forest Rea (PPTKH Acceleration Team), the PPTKH Implementation Team, and the TKH Inventory and Verification Team of Control over Land in Forest Areas. Each of these are established by Presidential Decree No. 88 (2017) on the Resolution of Control over Lands in Forest Area (see below) and perform their work in accordance with the guidance and procedures outlined by said regulation.

The regulation defines the complaint jurisdiction of each of these entities. Some of the jurisdictions overlap and competency may arise because a lower entity was "not managed in accordance with statutory provisions." (Art. 7) For instance, if the "Responsible Agency does not manage the complaint within 10 (ten) working days after the complaint is declared complete, the complainant can submit the complaint to the Responsible Agency at a higher government level."

The Director General forms the Complaints Secretariat at MoEF to implement the mechanism established by this regulation, while each of the other entities named within other ministries or provincial and local levels establish "Complaint Posts" (Art. 8). Per the regulations, the national FGRM system is very accessible with complaints being filed in many ways, through formal application in writing, emails, social media, phone calls, in person, etc. (Art. 10). The elements of a complete complaint (substance requirements) are provided in the regulation (identity of complainant, type/source of harm, perceived impact, desired result, etc.). (Art. 10). If the individual, entity or group filing the complaint has difficulty in submitting it (for example, if unable to write), the Complaint Officer is supposed to assist the complainant. (Art. 12(2)) There is a tracking system as complainant is given a complaint register number. (Art. 13(3)).

A process of reviewing the complaint is pursued to establish that it is in the right agency, if not, it is forwarded to the Responsible Party with the appropriate authority to resolve the complaint. (Arts. 17-18). A "verification" process is then begun where documents are confirmed, requested and sometimes a field visit is conducted, after which a "result report" is drafted. If another field inspection is needed, the results are "set forth in the Minutes of Complaint Verification" (Art. 19-20). Qualified investigators for each

Responsible Party are in charge of the Verification, as named in the regulation. (Art. 21) and in accordance with a procedure laid out in the regulation (Arts. 22-24). The regulation lists the actions that can be recommended if a violation is established, including criminal law enforcement, administrative sanctions, out of court settlement between the parties, etc. (Art. 24)

Each Responsible Agency must develop a "complaint information system" (Art. 27) to ensure that the Complainant has access to the status of their complaint, including "a. the development or status of complaints management; b. complaint report; and c. follow up on the results of complaints." "In order to protect the complainant, the Responsible Agency is required to keep the information related to the complainant confidential." (Art. 28). Resolution of the Complaint is to take place within 30 days of receipt of the Complaint. (Art. 26).

This national FRGM hosted by the MoEF is further made effective by a national FGRM website available at http://pengaduan.menlhk.go.id/. The webpage has been accessed by over 63,000 persons. Potential complainants can download a complaint form and submit it in the same place and the public can see the number of complaints received and resolved in a given year since records began in 2017. The type of complaint is also categorized.

▪ The Land Tenure GRM

Per Presidential Decree 88, as noted above there is also a specific mechanism to address land tenure conflicts (the "Land Tenure GRM"). Complaints can be brought by various parties (including an "individual, institution, social/religious institution, [or] Adat community [recognized as such by regional regulation and with control over the land] who holds control over and utilizes a plot of land in the forest area" (Art. 1 and 6). Control over forest land means land being controlled or used for "a. housing; b. public facilities and/or social facilities; c. arable land; and/or d. forest managed by an Adat community." (Art. 5). Articles 1, 5 and 6 can present problems for Adat communities that have lost control over their land (possibly because of a prior intrusion or concession for example, or where they have not been formally recognized as an Adat community by a regional/local Perda. An application for dispute resolution can be forwarded by the MoEF once it is determined to be a land tenure dispute. Presumably, requests for dispute resolution can also go directly to the forest area tenure conflict management team. Indeed, the Presidential Instruction establishes a Team for Acceleration of Resolution of Control over Land in Forest Area (PPTKH Acceleration Team), a PPTKH Implementation Team, and a TKH Inventory and Verification Team of Control over Land in Forest Areas. These teams work together to set up the Land Tenure GRM, receive, review, track, investigate, and make recommendations for resolution of all grievances (in accordance with a procedure established by the presidential instruction).

The claims under this Land Tenure GRM are largely categorized and dealt with differently depending on whether the party alleges control and utilization before or after the forests in question were categorized and the options/solutions available to the three teams depend on a number of factors, including whether the forest is a production, conservation or protection area, the overall forest size of the province in question, the type of control or use by the party. Overall, if an Adat community shows control and utilization before the forest was categorized and designated, the remedy is excising it from the forest area borders (no longer a State Forest to be allocated or managed by the State). (Art. 7). In a cases where a party only shows control or utilization after the forest has been designated, the remedies would be one of the following, depending on the full circumstances "a. taking the plot of land outside the forest area by changing the forest area borders; b. exchanging forest areas; c. giving access to forest management through the social forestry program; or d. conducting resettlement." (see Art. 8(1), and more generally Arts. 8-13).

The PTKH Acceleration Team is a multi-stakeholder body and it largely exercises its authority under Article 16 of the instruction to "involve, cooperate with, and/or coordinate with ministries/ institutions, regional governments, academicians, and/or stakeholders". This team is also required to "periodically submits reports and developments of the implementation of resolution of control over land in forest area to the President once every 6 (six) months or when needed."

From the time period of declaring the application/request for dispute resolution complete, the Inventory and Verification team must share its findings and recommendations to the relevant Governor which then has 7 days to issue is decision and share it with the MoEF for confirmation or rejection. The Land Tenure GRM presidential instruction does not preface how long MoEF has to make its final decision. (Arts. 22-23). Only decisions that involve a change in the forest area borders are expressly mentioned in the instruction as being appealable by the claimant/party. This is done within 30 days of the decision being announced by the Governor. The MoEF has full discretion to accept or reject the party's objection to the decision. If a forest area border is changed, like in the case of a claim from an Adat community, this is "a basis for the issuance of land title certificate". (Art. 28).

Once a land title is issued pursuant to this land tenure dispute resolution mechanism, that party cannot abandon the land, convert their title within 10 years, or change the function of the land (that is, the categorization of the forest covered by the title). (Art. 29). There is an exception, however, in which the Land Tenure GRM appears to provide for a change in utilization if determined to be for "strategic national development in the field of infrastructure, energy, food, and defense and security." (Art. 30(2). Most interestingly, while the resolution process is being conducted (from inventory of the control and utilization alleged to issuance of a certificate of title): "a. the people do not conduct new occupation of land and/or any action that may disturb the implementation of Resolution of Control over Land in Forest Area. b. Government institutions do not conduct expulsion, capture, closure of access to land, and/or any action that may disturb the implementation of Resolution of Control over Land in Forest Area. Depending on the practice in application, arguably, this would act as a protective measure over Adat lands that are only claimed but not yet resolved with Adat titles.

Implementation of this dispute resolution process is charged onto the State income and expense budget, regional income and expense budgets, or other sources per statutory or regulatory provisions. (Art. 33).

▪ Other GRMs

One recalls that per the 2009 Law on Public Services (No. 25), all government agencies needed to have a GRM. This is one of the reasons we see that in 2009 the then Ministry of Environment adopted Regulation No. 9 of 2010 concerning Procedures for Complaints and Handling of Complaints due to Alleged Pollution and / or Environmental Damage. It is also to be noted that at the core of the national FGRM is a process by which specific complaints are redirected to the GRMs of the relevant Responsible Parties (other government entities, as well as the FMUs). This means each of these entities would also need to have their own GRMs. For instance, the Ministry of Finance GRM, has a mechanism which requires cases to be received and closed within 30 days. The Ministry of Finance has an "Application WISE – Whistle-blowing Application" and is currently planning to have another GRM for the Environment Fund, and more generally for information sharing. Once complaints are received, they are transferred to an Internal Auditor (IA) who will assign the case to the relevant departments for review. If an on-site investigation is needed, it is conducted. If it is a fraud complaint related to a unit in the Ministry of Finance, the relevant unit is sealed while the investigation is conducted. The IA is given a full report of the department's findings and recommendations. This is a highly prioritized process, with the IA following up with the complainant regarding their satisfaction with the resolution provided. IAs also conduct training and workshops to fulfil the objectives of the GRM.

While the Ministry of Finance GRM is quite developed, the level of sophistication, effectiveness, resources and integration with the national FRGM, where applicable, may differ across national, regional and local GRMs. All, however, form the part of the GRM system available to stakeholders of REDD+ activities, including those of the RBP Project. For this reason, this ESMF recommends the following:

R&MM13: Project Level Grievance Redress Mechanism

● This ESMF recommends that the MoF take the lead on organizing an multi-stakeholder initiative to develop and adopt a <u>project level</u> GRM that can address both social and environmental impacts (i.e. including, but as necessary, going beyond those matters addressed by MoF Regulation No. 22 and even Presidential Decree 88). This mechanism shall be:

(i) consistent with the UNDP Supplemental Guidance: Grievance Redress the Mechanism for further information on designing and evaluating grievance redress mechanisms (See GRM ToR found at Annexure 4 of this ESMF;

(iii) in conformity with the "effectiveness criteria"*"(●) developed by the UN Guiding Principles on Business and Human Rights and since widely accepted as necessary elements to a successful non-judicial GRM such as the required REDD+ project-level GRM.

(iii) informed by the review of a multi-stakeholder technical GRM Working Group mandated to deliver a report to the MoF in which the experts of this group review the existing national FGRM, Land Tenure GRM, and to the greatest extent possible --at least a sampling of other national, provincial and local GRMs-- all to establish their sophistication, effectiveness*,(●), human, technical, and financial resources, existing integration or capacity to be integrated into the national FRGM.

(iv) elaborated to consider the role that can be carried out by or in conjunction with local, traditional dispute resolution mechanisms of the Villages, local communities and Adat communities.

● If the national FRGM is deemed to satisfy sub-section (iii) above, the project level GRM discussed herein does not need to be separate and apart from the FRGM (a new invention), but rather designed to complement the national FRGM and work with it to ensure access at the project level for project level grievances.

● Separately, the multi-stakeholder technical GRM Working Group should also examine how Article 30 of Presidential Decree 88 has been applied in practice to protect the existence (integrity), value, use, and future enjoyment of rights over the forests in question while the land tenure dispute is being resolved. This body will make recommendations to the MoF as to if and how the provision can be used to avoid irreparable harms to people and the environment, and in particular prejudice to the rights of Adat communities awaiting land recognition.

● Also, Presidential Decree No. 88 (2017) should be considered for reform to address the limitations that follow from accessibility only attaching to recognized Adat communities that can prove control over their lands before the forest categorizations were designated -despite what might have been prior incursions and trespasses by third party actors exploiting their resources.

● Ensure that the relevant teams of the Land Tenure GRMs (Team for Acceleration of Resolution of Control over Land in Forest Rea (PPTKH Acceleration Team), the PPTKH Implementation Team, and the TKH Inventory and Verification Team of Control over Land in Forest Areas) as established by Presidential Decree 88 are adequately resourced with experienced, trained staff and sufficient resources to assist applicants in the process and conduct their respective roles to process efficiently and in a rights-based manner, the applications for the settlement of land tenure disputes that come before it.

Consistent with the above, among other things, the project level GRM when adopted should:

a. *be a legitimate process that allows for trust to be built between stakeholder groups and assures stakeholders that their concerns will be assessed in a fair and transparent manner;*
b. *allow simple and streamlined access to the GRM for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;*
c. *provide clear and known procedures for each stage of the Project level grievance redress mechanism process, and provides clarity on the types of outcomes available to individuals and groups;*
d. *ensure equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a concern, complaints and/or grievances;*
e. *be rights based (i.e. mechanisms and outcomes are consistent with human rights recognized by applicable law);*
f. *to provide a transparent approach, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it; and*
g. *enable continuous learning and improvements to the GRM. Through continued assessment, the learnings may reduce potential complaints and grievances.*

The GRM will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. The GRM will not prejudice or impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

Information about the GRM and how to make a complaint and/or grievance must be communicated during the stakeholder engagement process and placed at prominent places for the information of the key stakeholders.

It is preferred that all complaints and/or grievances regarding social and environmental issues can be received either orally (to the field staff), by phone, in complaints box or in writing to the designated agency (MoEF or other). A key part of the project level grievance redress mechanism is the requirement for the GRM lead to maintain a register of complaints and/or grievances received at the respective project site offices. At a minimum (see ToR in the Annexure), the following information will be recorded:

a. time, date and nature of enquiry, concern, complaints and/or grievances;

b. type of communication (e.g. telephone, letter, personal contact);

c. name, contact address and contact number;

d. response and review undertaken as a result of the enquiry, concern, complaints and/or grievances; and

e. actions taken and name of the person taking action.

Once adopted, the GRM could be tested in one or more pilot areas where grievances exist, and based on lessons learned, modified accordingly. Regardless, the GRM should include a provision requiring its review and amendment, as needed, at least immediately after its first year of operation, and every two years thereafter. Most important, the project-level GRM needs to be socialized so that all stakeholders and potential complainants know of its existence and how it can be accessed.

> **R&MM14: Public Awareness of project level GRM and no Prejudice to existing Remedies**
>
> ● It is most important that the GRM is developed with stakeholders so that ownership is shared, credibility in the system starts from the beginning, and all are vested in its existence, accessibility, and the public awareness campaign around its existence. Upon completion, those in charge of communications should promptly design and implement such a campaign. Indeed, the RBP Project must provide for a sufficient budget for the design and implementation of the GRM, as well as the communication initiatives around it.
>
> ● The finalized GRM will need to clarify that it does not prejudice the rights of aggrieved parties to use any other dispute resolution mechanisms available to him/her and specify how it operates alongside of the dispute resolution mechanisms found in other RBP project-related contracts, such as the Social Forestry Partnership Agreements.

7.5 UNDP SRM and SECU

In addition to the project level and national GRMs, complainants have the option to access UNDP's Accountability Mechanism, with both compliance and grievance functions. The Social and Environmental Compliance Unit (SECU) investigates allegations that UNDP's Standards, screening procedure or other UNDP social and environmental commitments are not being implemented adequately, and that harm may result to people or the environment. SECU is housed in the Office of Audit and Investigations and managed by a Lead Compliance Officer. A compliance review is available to any community or individual with concerns about the impacts of a UNDP programme or project. The SECU is mandated to independently and impartially investigate valid requests from locally impacted people, and to report its findings and recommendations publicly.

The Stakeholder Response Mechanism (SRM) also offers locally affected people an opportunity to work with other stakeholders to resolve concerns, complaints and/or grievances about the social and environmental impacts of a UNDP project. The SRM is intended to supplement the proactive stakeholder engagement that is required of UNDP and MoF throughout the project cycle. Communities and individuals may request a Stakeholder Response Mechanism process when they have used standard channels for project management and quality assurance and are not satisfied with the response (in this case the PL-GRM). When a valid SRM request is submitted, UNDP focal points at country, regional and headquarters levels will work with concerned stakeholders and Implementing Partners to address and resolve the concerns. Visit www.undp.org/secu-srm for more details. The relevant form is attached at the end of the ESMF.

8   IMPLEMENTATION, MONITORING, AND EVALUATION OF ESMF

8.1   M&E of Safeguards

To receive payments for the results of the emissions reductions, the impacts of the implementation of the related REDD+ activities must be measurable, reported and verified. The monitoring and evaluation (**M&E**) for the RBP project as against the SES and hence, Cancun Safeguards, follow this same presence. The social and environmental impacts of the RBP project activities must also be demonstrated in measurable terms, reported and verified. This is made clear in MoEF Regulation No. P.70 (2017) as are the specific procedures and tools to be used to monitor and assess how the RBP Project addressed

and respected the applicable social and environmental safeguards. Consistent with Regulation No. 70, in addition to providing the specific procedures, methods and tools for related to the Monitoring, Reporting and Verification (**MRV**) of emissions for greenhouse gases (i.e. application of the FREL), the RBP project safeguard for M&E will be based on a set of performance Principles, Criteria and Indicators (**PC&Is**) already developed in 2011 through a comprehensive and extensive multi-stakeholder process for REDD+ programming and activities.[13] These PC&Is will be a starting point and used in conjunction with the APPs tool discussed above (see section 4.0) –providing examples of documents and proof of implementation for each PC&I.[14] See further R&MMs below:

**R&MM15: PC&I Review by ESIA Consultants and Multi-Stakeholder body**

● The ESIA consultants should be asked to independently review the existing PC&Is and in light of their findings (which included an examination of this ESMF and its mitigation measures), recommend any reform or additions to the existing PC&Is to ensure M&E and reporting process that comprehensively demonstrates how Indonesia has respected and addressed applicable social and environmental safeguards.

● The Project Board should assign to one of the multi-stakeholder bodies referenced in this ESMF to review the PC&Is again and suggest any reforms or additions, particularly given that new legislation and policy has been adopted that may inform changes, and now that the RBP Project outputs and activities are known, allowing for more precise indicators if necessary. Such a review would take into account the recommendations of the ESIA (including any changes to the ESMF).

As noted above, Indonesia has also established its Safeguards Information System (**SIS-REDD+**) which depends on the collection, transmission, analysis, and validation of information from the sub-national to the national level on how safeguards are managed and addressed during the implementation of REDD+ activities such as the Social Forestry initiative. The institutional structure of SIS-REDD+ consists of data and information management bodies (*PSIS/Pengelola Sistem informasi Safeguards*) from different levels (from site level (activity implementors at the field level, then sub national (district to provincial), and then to the national level). According to Indonesia's latest Statement of Information (**SOI**) to the UNFCCC, each PSIS has a defined responsibility for managing safeguards data and information as gathered from REDD+ implementers at the most local to regional to national level. These PSIS also have responsibilities to transparency, including providing information to the public, establishing communication channels with stakeholders so that information dissemination is facilitated, and assisting in the resolution of grievances. The information, once validated, is presented in a public online-platform. ((http://sisredd.dephut.go.id/redd/)). On the online platform, these other REDD+ implementors (defined by MoEF Regulation No. 70 (2017) as including "(i) provincial government, (iii) district government, (iii) non-governmental institutions, (iv) community groups, and (v) incorporated non-profit organizations") and information providers at all government levels can register on the website and access forms and checklists (the APPS template) aligned with the multi-stakeholder agreed PC&Is (discussed above) for monitoring and assessing activities for safeguard compliance. PSIS at the relevant level will verify the documents and only verified information is then uploaded on the SIS-REDD+ web-platform.

---

[13] Attached at Annex III.A to MoEF Regulation P.70 (2017).
[14] The APPs tool is provided and described at Annex IIII.B of MoEF Regulation P.70 (2017).

The <u>Figure 3</u> below depicts the *SIS-REDD+ institutional structure and flow of information.*
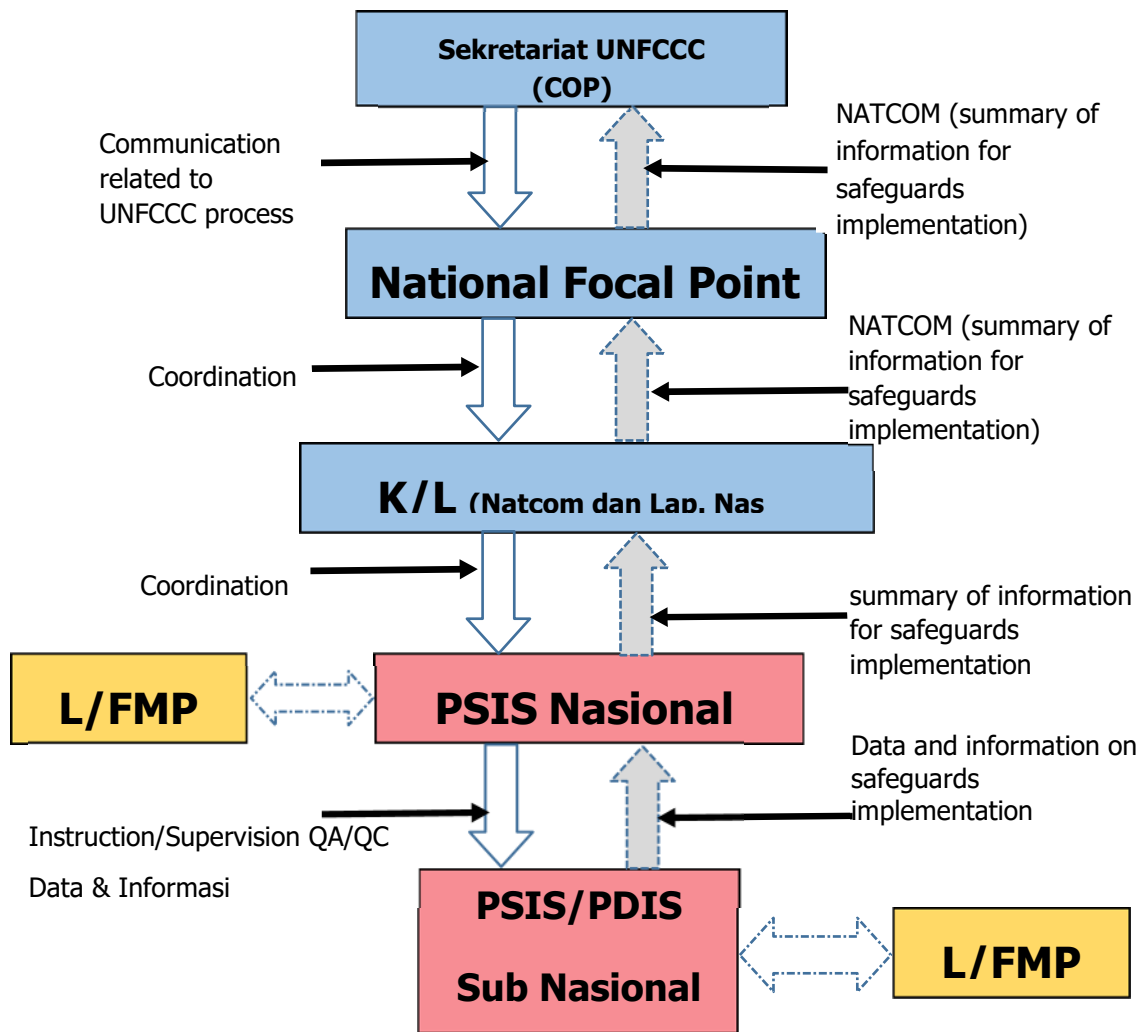
The SIS-REDD+ system is far more advanced than many of the SIS--REDD+ systems still to be developed or emerging in other nations. It plays an essential role in the monitoring and evaluation of social and environmental impacts, alongside of existing monitoring mechanisms –particularly for environmental impacts related to forest cover and emission reductions. The following are some R&MMs that have emerged based on the information available to date and discussions with stakeholders. Some are already in consideration and development.

R&MM16: Strengthening of SIS-REDD+

● Continue to work to make the material available on the SIS-REDD+ as transparent as possible, ensuring that "project proponents" and other members of public have the same access to information, except in the narrow and exceptional circumstances where there is a pre-determined justified reason for limiting access.

● Ensure that the RBP Project and all subsequent REDD+ activities have sufficient budget lines to increase training and capacity of project proponents on how to use the PC&Is and APPS tool, and more generally to increase their understanding of their respective monitoring and validation roles, and use of the SIS-REDD+ system.

● As necessary, increase the use of memoranda of understanding and other agreement tools between the MoEF and relevant private and public institutions to be able to link the SIS-REDD+ tool to these other institutions' maps, online-database and relevant resources.

R&MM15 above is the last Recommendations and Mitigation Measures text box of this ESMF. For ease of operationalize and implementing these measures, in **Annex 11 there is provided a full compilation and listing of the R&MMs divided by the following seven key operational themes**:

1. Environmental and Social Impact Assessment
2. Governance
3. Stakeholder engagement/Meaningful and Effective Participation of Stakeholders (including consultation and consent processes)
4. Grievance Redress Mechanisms
5. Rights of Adat Communities and other Collectives
6. Monitoring and Reporting
7. Climate Change Vulnerability, Displacement of Emissions and Reversion of Achievements

Below, the reader will also find a summary of the measures that the Government of Indonesia is taking to ensure that the ESMF Requirements (including the R&MMs) are implemented properly and in a timely and effective manner, especially where RBP and the commencement of certain activities may depend on their completion and implementation.

Table 2 (below) Further provides a summary of specific measures related to implementation of the ESMF requirements.

Table 2. Summary of ESMF Implementation Activities

Monitoring Activity	Purpose	Frequency	Expected Action	Roles and Responsibilities
Development of Environmental and Social Impact Assessment (ESIA)	Carried out and drafted in a participatory and gender responsive manner, in-depth analysis of potential social and environmental	Quarters two and three of programme implementation	Risks and potential impacts are assessed according to the site of implementation and the modality, with support of external consultants and	MoF with the support of UNDP will launch the ESIA process. A group of consultants will lead the process and garner the expertise needed. Stakeholders will

	impacts, as well as identification / validation of mitigation measures linked to projects activities.		participation of project team and stakeholders; management actions are identified and incorporated into project implementation strategies.	review the terms of reference and validate the findings. The Consultants and the team will ensure that relevant changes and updates are made to the ESMF in accordance with the ESIA findings and again validated by stakeholders.
Development of Management plans	Carried out by ESIA consultants.	Quarters two and three of the programme implementation	Develop ESMP and associated management plans in consultation with stakeholders and based on findings of ESIA.	On behalf of MoF, the PMU will initiate, UNDP will oversee for consistency with UNDP SES. Stakeholders will be asked to effectively engage with project support.
Track progress of ESMF implementation	Application of mitigation measures, as well as any required changes to ESMF, including site-specific plans as required by applicable SES, will be monitored through a participatory process, and with results reported to Project Board on bi-annual basis (recall material changes to ESMF and project plans need Project Board approval).	Quarterly, or in the frequency required for each measure.	Slower than expected progress will be addressed by project management.	Collection of data will be ascribed to various stakeholder groups and the PMU. The project management unit, and particularly the safeguards and gender officer, and other thematic specialists/experts within the PMU will integrate the mitigation measures into the overall monitoring and reporting framework of the project.
Implementation of mitigation measures and monitoring of potential impacts identified in ESIA,	Permanent and participatory implementation and monitoring of social and environmental impacts and mitigation measures, in accordance with Environmental and Social Management Framework and the subsequently	Continuous	Implementation of ESMF; participatory monitoring of ESIA findings and the mitigation measures of management plans (i.e. identifying and aligning indicators, monitoring potential impacts and risks); integration of ESMF	The PMU will be responsible for the implementation of the mitigation measures in conjunction with stakeholders in various parts of the project, these include Villages, local communities, Adat communities,

	developed ESMP and management plans (to be updated as necessary based on ESIA findings)		into project implementation strategies	other private sector actors engaged in Partnership Agreements, national and sub-national government actors, FMUs, etc. Reporting to the UNFCCC will be done by Directorate General of Climate Change (Direktorat Jenderal Pengendalian Perubahan Iklim/Ditjen PPI) of the MoEF and reporting on consistency with safeguards to GCF will be done by the UNDP.
Learning	Knowledge, good practices and lessons learned regarding social and environmental risk management will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.	MoF with the PMU with the communications officer, and the learning units of the project, including sub-national and local partners. The GRM which tracks grievances and forecast risks and areas of concern will also play a role.
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance. Project Board oversight and instruction expected.	UNDP.
Review and adapt activities and	Internal review of data and evidence from all monitoring actions to inform decision	At least annually	Performance data, risks, lessons and quality will be discussed by the	MoF, MoEF, UNDP, the Project Board and PMU each have

approach as necessary	making. There will be elaboration of a detailed and clear mechanism regarding the collection of social and environmental impacts, the gathering and analysing of such data, sharing across institutions and with stakeholders, and responding timely to the need for project changes.		PMU, UNDP and Project board and used to make course corrections.	responsibilities in whole or part for this.
Project Report	As part of progress report to be presented to the Project Board and key stakeholders, analysis, updating and recommendations for risk management will be included.	Annually, and at the end of the project (final report)		PMU
Project Review (Project Board)	The project's governance mechanism (i.e., project board) will hold regular project reviews during which an updated analysis of risks and recommended risk mitigation measures will be discussed based on reports provided by the PMU.	At least annually	Any risks and/ or impacts that are not adequately addressed by national mechanisms or project team will be discussed in Project Board. Instructions and recommendations will be made.	Project Board and PMU. (UNDP as Project Assurance entity).
REDD+ Specific				
System of Information on Safeguards SIS	Feed into and strengthen developing SIS (mechanisms for how REDD+ safeguards are addressed and respected during project implementation, in order to comply with the requirement of the Warsaw framework on REDD+).	Continuously	The information on how REDD+ safeguards are addressed and respected during project implementation will be available online, and it will be aligned with the protocols the project will develop around information gathered by social and environmental	Described above and detailed in "Safeguards Information System for REDD+ in Indonesia: Moving towards and Operational SIS-REDD+ (2016) published by the Directorate General and describing the role of both sub-national and national actors, involving a

			assessments and monitoring.	system of monitoring from the field to national levels, with Responsible Parties (Activity Implementers) using the APPS tool to monitor impacts, convey that information to district/regional entities that verify and then upload to the SIS-REDD+ online platform.
Summary of Information to the UNFCCC on how safeguards are addressed and respected	Summarize for the UNFCCC, how the REDD+ safeguards have been and are being addressed and respected during project implementation	Prepare a second Summary of information (SoI) as part of the National Communication every 4 years; encouraged to submit the SoI more frequently (every 2 years) directly to the UNFCCC REDD+ platform.	Elaboration of the summary of information, once every 4 years, in the National Communication. Direct submission of the Summary of Information to the UNFCCC REDD+ platform on more frequent basis (every 2 years) is encouraged.	Directorate General of MoEF at the National Level with support of the PMU and UNDP as required.

9   BUDGET FOR ESMF IMPLEMENTATION

A budget has been prepared for the implementation of the ESMF as follows:

Item	Cost
Development of ESIA, ESMP and management plans	350,000
Stakeholder Engagement, Consultations and Capacity building	600,000
Establishment of the Project level grievance redress mechanism and associated capacity building activities	250,000
Implementation, monitoring and evaluation of ESMP and management plans, including ensuring links to and strengthening the SIS	1,500,0000
Safeguards staff on project team (min 2 people)	590,400
Total	**3,290,400**

Annexures

Annexure 1. UNDP SESP for the RBP Project

Annexure 2. Indicative Outline for ESIA Report

Annexure 3. Indicative Outline for ESMP

Annexure 4. Sample ToR for Project-level Grievance Redress Mechanism

Annexure 5. Guidance for Submitting a Request to UNDP SECU and/or SRM

Annexure 6. Indicative Outline for Biodiversity Action Plan

Annexure 7. Indicative Outline for Adat Communities Plan

Annexure 8. Indicative Outline for Livelihood Action Plan

Annexure 9. Guidance and Indicative Outline on Stakeholder Engagement Plan

Annexure 10: Considerations for the Elaboration of Social Forestry Permits and Licenses

Annexure 11: Recommendations and Mitigation Measures divided by Key Operational Theme

Annexure 1. UNDP SESP for the RBP Project

Project Information

Project Information	
• *Project Title*	**Indonesia REDD-plus RBP for results period 2014-2016**
• *Project Number*	**N/A**
• *Location (Global/Region/Country)*	**Indonesia**

Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?
Briefly describe in the space below how the Project mainstreams the human-rights based approach
The project is being conducted in the context of a substantial legal and policy framework that strives to protect, promote and respect human rights constitutionally, via numerous international agreements and instruments to which Indonesia is a party, and a host of national laws relevant to resource management, conservation, sustainable economic development, and the enjoyment of fundamental rights and freedoms. The RBP Project proposes activities seek not just to avoid deforestation and forest degradation, but also to improve the well-being of those who live in and depend on the nation's forests, as well as reduce poverty and land tenure conflicts Because the proposed RBP activities envision activities that could adversely affect local communities, Villages and indigenous peoples (Indonesia refers instead to "Adat communities"), the overall project risk has been rated as Moderate. The project design and intended implementation, however, is fundamentally based on voluntary participation of stakeholders (public and private), increased coordination and cooperation between all levels of government involved in forest land management at the national, provincial and district level (government and other). A key objective of the RBP Project is to strengthen existing REDD+ architecture and promote avoided deforestation and carbon enhancement by supporting FMUs and SF. In doing so, the project plans to work with local communities, Villages and Adat communities to affirm their use and access rights to forest resources and ensuring for them a more prominent, often leadership role, in forest management. The voluntary nature of the RBP Project activities, the multi-stakeholder participation in the project design, the project's applicable legal and policy framework, and the mitigation measures already in place and those to be added in accordance with the ESMF – all will work together to ensure not only that risks of human rights impacts are minimal, but also that opportunities to advance the enjoyment of these rights will be seized.
Briefly describe in the space below how the Project is likely to improve gender equality and women's empowerment
In the context of the RBP Project, Indonesia is committed to promoting gender equality, the empowerment of women, and reducing gender disparities and inequalities in climate funding and overall access to and control over resources and development benefits. Responding to a growing recognition that more affirmative and special

measures could be taken to mainstream the gender focus in REDD+ programming, a Gender Action Plan was conducted which examined the proposed RBP activities in the context of the GCF's policy on Gender, Principle 2 of UNDP's SES (Gender Equality and Women's Empowerment), the Indonesia's Presidential Instruction No. 92000 on Gender Mainstreaming in National Development, and the provisions related to gender in Indonesia's National Medium-Term Development Plan (RPJMN) of 2015-2019. The RBP Project will implement the Presidential Instruction and RPJMN gender equity requirements and recommendations, including mitigation measures and affirmative activities aimed at increasing female participation in, and equitable access to: training, capacity building, technical assistance and resources, and social and economic benefits and opportunities comparable to men.

Briefly describe in the space below how the Project mainstreams environmental sustainability

Environmental sustainability is mainstreamed into the project through: protection of forest areas subject to a Moratorium on exploitation and Social Forestry licencing to local populations that have proven capable of conserving and protecting forests resources; ecosystems and biodiversity; building capacity and cooperation among national, provincial and district actors (private and public) to work together in the development and implementation of land management plans, improvement of law enforcement, resolution of land tenure conflicts and disputes regarding overlapping jurisdictions and authorities, and the definition and promotion of sustainable forest management economic alternatives (i.e. tourism and deforestation free commodity markets); long-term engagements with natural resource users beyond issuance of permits, licenses and forest partnership agreements so as to improve their capacity to equitably benefit from the forest resources in a way that improves their livelihoods and well-beings while also avoiding forest destruction

Part B. Identifying and Managing Social and Environmental Risks

QUESTION 2: What are the Potential Social and Environmental Risks? *Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any "Yes" responses). If no risks have been identified in Attachment 1 then note "No Risks Identified" and skip to Question 4 and Select "Low Risk". Questions 5 and 6 not required for Low Risk Projects.*			QUESTION 3: What is the level of significance of the potential social and environmental risks? *Note: Respond to Questions 4 and 5 below before proceeding to Question 6*	QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?
Risk Description	***Impact and Probability (1-5)***	***Significance (Low, Moderate, High)***	***Comments***	***Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.***

● REFER TO THE MORE COMPREHENSIVE ASSESSMENT DONE AT TABLE 1 OF THE ESMF IN RESPONSE TO QUESTIONS 2, 3, AND 6.

QUESTION 4: What is the overall Project risk categorization?

Select one (see SESP for guidance)		Comments
Low Risk	☐	
Moderate Risk	X	The proposed program includes activities with potential adverse social and environmental risks and impacts. Overall the risks can be identified with a reasonable degree of certainty, and can be addressed through application of standard best practice, mitigation measures, stakeholder engagement, capacity building, and robust assessment and monitoring mechanisms implemented during Project implementation.
High Risk	☐	

QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?

Check all that apply		Comments
Principle 1: Human Rights	X	See above
Principle 2: Gender Equality and Women's Empowerment	X	" "
1. Biodiversity Conservation and Natural Resource Management	X	" "
2. Climate Change Mitigation and Adaptation	☐	

	3. *Community Health, Safety and Working Conditions*	☐	
	4. *Cultural Heritage*	**X**	" "
	5. *Displacement and Resettlement*	**X**	" "
	6. *Indigenous Peoples*	**X**	" "
	7. *Pollution Prevention and Resource Efficiency*	**X**	

Final Sign Off

Signature	Date	Description
QA Assessor		UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have "checked" to ensure that the SESP is adequately conducted.
QA Approver		UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have "cleared" the SESP prior to submittal to the PAC.
PAC Chair		UNDP chair of the PAC. In some cases, PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

SESP Attachment 1. Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental <u>Risks</u>	
Principles 1: Human Rights	**Answer (Yes/No)**
1. Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	**Yes**
2. Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? [15]	**Yes**
3. Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	**No**
4. Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	**Yes**
5. Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	**Yes**
6. Is there a risk that rights-holders do not have the capacity to claim their rights?	**Yes**
7. Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	**No**
8. Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	**Yes**
Principle 2: Gender Equality and Women's Empowerment	
1. Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	**Yes**
2. Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	**Yes**
3. Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	**No**
4. Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services? *For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being*	**Yes**

---

[15] Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below	
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management	
1.1 Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services? *For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes*	**Yes**
1.2 Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	**Yes**
1.3 Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	**Yes**
1.4 Would Project activities pose risks to endangered species?	**No**
1.5 Would the Project pose a risk of introducing invasive alien species?	**No**
1.6 Does the Project involve harvesting of natural forests, plantation development, or reforestation?	**Yes**
1.7 Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	**No**
1.8 Does the Project involve significant extraction, diversion or containment of surface or ground water? *For example, construction of dams, reservoirs, river basin developments, groundwater extraction*	**No**
1.9 Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	**No**
1.10 Would the Project generate potential adverse transboundary or global environmental concerns?	**No**
1.11 Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area? *For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.*	**No**
Standard 2: Climate Change Mitigation and Adaptation	
2.1 Will the proposed Project result in significant[16] greenhouse gas emissions or may exacerbate climate change?	**No**

---

[16] In regards to CO_2, 'significant emissions' corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	**Yes**
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? *For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding*	**No**
Standard 3: Community Health, Safety and Working Conditions		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	**No**
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	**No**
3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	**No**
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	**No**
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	**No**
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	**No**
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	**No**
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?	**No**
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	**No**
Standard 4: Cultural Heritage		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	**Yes**
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	**Yes**
Standard 5: Displacement and Resettlement		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	**Yes**
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	**Yes**

5.3	Is there a risk that the Project would lead to forced evictions?[17]	**No**
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community-based property rights/customary rights to land, territories and/or resources?	**Yes**
Standard 6: Indigenous Peoples		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	**Yes**
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	**Yes**
6.3	Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)? *If the answer to the screening question 6.3 is "yes" the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk.*	**Yes**
6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	**Yes**
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	**Yes**
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	**Yes**
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	**Yes**
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	**Yes**
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	**Yes**
Standard 7: Pollution Prevention and Resource Efficiency		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	**No**
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	**No**
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs? *For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol*	**No**

---

[17] Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	**Yes**
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	**No**

While it is considered that Cancun safeguards (f) and (g) are implicitly captured in the UNDP Social and Environmental Standards and Policies (See Demonstrating Consistency: UNDP Social and Environmental Standards and Policies and UNFCCC Cancun Safeguards, 1 June 2016), it is important to consider these Cancun safeguards separately in the SESP and ESMP because they: 1) are not explicitly referenced in the UNDP standards; 2) are unique, assumed risks for forest and land use; and 3) should be reflected separately in the national reporting of the SIS/SOI.

Cancun safeguard (f) – Address the risk of reversals	
• *Does the scope of the project include conservation, sustainable management of forests, and/or enhancement activities?*	Yes
• *Are C stocks conserved, enhanced, managed through the project activities likely to be vulnerable to: climate change (e.g., more frequent drought, flooding, Wildfire? Institutional failure?*	Yes
Cancun safeguard (g) – Reduce displacement of emissions	
• *Is the scale of the project subnational?*	No
• *Does the scope of the project include less than all 5 REDD+ activities?*	No
• *Are any project activities likely to result in displacement of land-use change at the local level? Within national borders?*	No

Annexure 2. Indicative Outline for ESIA Report

Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information.

An ESIA report should include the following major elements (not necessarily in the following order):

(1) Executive summary: Concisely discusses significant findings and recommended actions.

(2) Legal and institutional framework: Summarizes the analysis of the legal and institutional framework for the project, within which the social and environmental assessment is carried out, including (a) the country's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under UNDP's SES; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners. Compares the existing social and environmental framework and applicable requirements of UNDP's SES (and those of other donors/development partners) and identifies any potential gaps that will need to be addressed.

(3) Project description: Concisely describes the proposed project and its geographic, social, environmental, and temporal context, including any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project's primary supply chain. Includes a map of sufficient detail, showing the project site and the area that may be affected by the project's direct, indirect, and cumulative impacts. (i.e. area of influence).

(4) Baseline data: Summarizes the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions; assesses the scope of the area to be studied and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences; and takes into account current and proposed development activities within the project area but not directly connected to the project.

(5) Social and environmental risks and impacts: Predicts and takes into account all relevant social and environmental risks and impacts of the project, including those related to UNDP's SES (Overarching Policy and Principles and Project-level Standards). These will include, but are not limited to, the following:

(a) Environmental risks and impacts, including: any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats, biodiversity, and ecosystems; those related to climate change and other transboundary or global impacts; those related to community health and safety; those related to pollution and discharges of waste; those related to the use of living natural resources, such as fisheries and forests; and those related to other applicable standards.[18]

(b) Social risks and impacts, including: any project-related threats to human rights of affected communities and individuals; threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; risks of gender discrimination; risks that adverse project impacts fall disproportionately on disadvantaged or marginalized groups; any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or marginalized groups; negative economic and social impacts relating to physical displacement (i.e. relocation or loss of shelter) or economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land or resource acquisition or restrictions on land use or access to resources; impacts on the health, safety and well-being of workers and project-affected communities; and risks to cultural heritage.

---

[18] For example, the Environmental, Health, and Safety Guidelines (EHSGs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSGs contain information on industry- specific risks and impacts and the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable cost. Available at www.ifc.org/ehsguidelines.

Through a participatory process, the Report shall include a list of any activity that may cause adverse social and environmental impacts and therefore, should not proceed until assessments and adoption of appropriate mitigation and management measures are completed. This list can include activities already assessed but for which mitigation and management measures are not yet established, as well as descriptions of new kinds of activities (or categories of activities) that have not yet been reviewed by this ESIA nor subject to mitigation measures. **(6) Analysis of alternatives:** systematically compares feasible alternatives to the proposed project site, technology, design, and operation – including the "without project" situation – in terms of their potential social and environmental impacts; assesses the alternatives' feasibility of mitigating the adverse social and environmental impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; the institutional, training, and monitoring requirements for the alternative mitigation measures; for each of the alternatives, quantifies the social and environmental impacts to the extent possible, and attaches economic values where feasible. Sets out the basis for selecting the particular project design.

(7) Mitigation Measures: Inclusion or summary of (with attachment of full) Environmental and Social Management Plan (ESMP) (see indicative outline of ESMP below.) The ESMP identifies mitigation measures required to address identified social and environmental risks and impacts, as well as measures related to monitoring, capacity development, stakeholder engagement, and implementation action plan.

(8) Management Plans: Inclusion of at least the following management plans drafted in a participatory manner: a Stakeholder Engagement Plan, a Gender Action Plan, a Cultural Heritage Management Plan, a Livelihoods Action Plan, an Adat Communities Plan and a Biodiversity Action Plan. Inclusion of any additional management plans that are determined to be necessary through the ESIA process.

(9) Conclusions and Recommendations: Succinctly describes conclusion drawn from the assessment and provides recommendations.

(10) Appendices: (i) List of the individuals or organisations that prepared or contributed to the social and environmental assessment; (ii) References – setting out the written materials both published and unpublished, that have been used; (iii) Record of meetings, consultations and surveys with stakeholders, including those with affected people and local NGOs. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected groups and local NGOs, summarizes key concerns and how these concerns addressed in project design and mitigation measures; (iv) Tables presenting the relevant data referred to or summarized in the main text; (v) Attachment of management plans; (vi) List of associated reports or plans.

Annexure 3: Indicative Outline for ESMP

Below is an indicative outline for the development of an ESMP once project activities have been fully specified and assessed. A number of elements of the SMF feed directly into the ESMP. Please refer to the UNDP SES Guidance Note on Assessment and Management for additional information. The following Annexure on Key Environmental and Social Indicators and Management Measures is an integral part of the ESMP but is provided separately for ease of use.

An ESMP may be prepared as part of the Environmental and Social Impact Assessment (ESIA) or as a stand-alone document.[19] The content of the ESMP should address the following sections:

(1) Mitigation: Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (b) describes – with technical details – each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c) estimates any potential social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, Adat communities).

(2) Monitoring: Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

(3) Capacity development and training: To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

(4) Engagement and Management Plans: Provides additional management plans as indicated by the SESP and ESMF and confirmed by the ESIA. These stakeholder engagement and management plans are described in the UNDP SES and indicative outlines of a number of these are annexed to the ESMF received by Consultant.

(5) Implementation action plan (schedule and cost estimates): For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of

---

[19] This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions, including all developed key environmental and social indicators and management measures.

funds for implementing the ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

Annexure 4. Sample ToR for Project-level Grievance Redress Mechanism

Below is a sample Terms of Reference (ToR) for the creation of a project-level grievance redress mechanism (GRM). See also the UNDP Supplemental Guidance: Grievance Redress Mechanism for further information on designing and evaluating grievance redress mechanisms. The newly drafted GRM developed with stakeholders in the context of the PROAmazonia programme funded by GCF and GEF and titled "*REDD + proposes the Complaints and Dispute Resolution Mechanism for REDD +*", will be revised, strengthened, and adopted based on this annex which also addresses the "effectiveness criteria".[20]

Sample Terms of Reference: Project-level Grievance Redress Mechanism

I. Mandate

The mandate of the GRM will be to:

(i) receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively "*Grievance*") alleging actual or potential harm to affected person(s) (the "*Claimant(s)*") arising from Project;

(ii) assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies and commissions, CSOs and NGOs, and other natural resource users (collectively, the "*Stakeholders*") in the context of the REDD+ Project;

(iii) Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

II. Functions

The functions of the GRM will be to:

(iv) Receive, Log and Track all Grievances received;

(v) Provide regular status updates on Grievances to Claimants, Policy Board (PB) members and other relevant Stakeholders, as applicable;

(vi) Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution;

(vii) Process and propose solutions and ways forward related to specific Grievances within a period not to exceed sixty (60) days from receipt of the Grievance;

(viii) Identify growing trends in Grievances and recommend possible measures to avoid the same;

(ix) Receive and service requests for, and suggest the use of, mediation or facilitation;

(x) Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings and outcomes);

---

[20] Principle 31 of the UN Guiding Principles on Business and Human Rights *available at* https://en.wikipedia.org/wiki/United_Nations_Guiding_ Principles_on_ Business_and_Human_Rights).

(xi)   Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process;

(xii)   Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed;

(xiii)   Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM;

(xiv)   Monitor follow up to Grievance resolutions, as appropriate.

III. Composition

The GRM will be composed of:

[Name of Implementing Partner] as the Secretariat and either:

(a) A standing GRM Sub-Committee [made up of x, y, z PB members]; and/or

(b) Ad hoc GRM Task Teams in response to specific requests for grievance

The GRM Sub-Committee will be balanced in composition (government and non-government) and should not include any PB members with a direct interest or role in the grievance/dispute.

IV. [Name of Implementing Partner]

In its role as GRM Secretariat, [Name of Implementing Partner] will perform the following core functions:

- Publicize the existence of the GRM and the procedure for using it;

- Receive and log requests for dispute resolution;

- Acknowledge receipt to the requestor;

- Determine eligibility;

- Forward eligible requests to the PB for review and action, and

- Track and document efforts at grievance/dispute resolution and their outcomes.

V. Project Board

The Project Board would perform the following core functions:

GRM Sub-Committee and/or GRM Task Team will:

- Take direct action to resolve the grievance/dispute (e.g. bring the relevant parties together to discuss and resolve the issue themselves with oversight by the PB);

- Request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the PB took an appropriate administrative action to deal with a complaint;

- Refer the grievance/dispute to independent mediation, while maintaining oversight; or

- Determine that the request was outside the scope and mandate of the PB and refer it elsewhere (e.g. Ministry of Justice and Police or to the courts).

VI. Communicating a Grievance

(i)   Who can Submit a Grievance?

A Grievance can be sent by any individual or group of individuals that believes it has been or will be harmed by the Project.

If a Grievance is to be lodged by a different individual or organization on behalf of those said to be affected, the Claimant must identify the individual and/or people on behalf of who the Grievance is submitted and provide written confirmation by the individual and/or people represented that they are giving the Claimant the authority to present the Grievance on their behalf. The GRM will take reasonable steps to verify this authority.

(ii)   How is the Grievance Communicated?

The GRM shall maintain a flexible approach with respect to receiving Grievances considering known local constraints with respect to communications and access to resources for some Stakeholders. A Grievance can be transmitted to the GRM by any means available (i.e. by email, letter, phone call, meeting, SMS, etc.). The contact information is the following:

[Implementing Partner to add address, phone number, fax, etc.]

To facilitate communications with and between the GRM and potential Claimants, the GRM will receive support from the PB members' institutions, District Commissioners, [local actors and others?]

(iii)   What information should be included in a Grievance?

The Grievance should include the following information:

(a)   the name of the individual or individuals making the Complaint (the "Claimant");

(b)   a means for contacting the Claimant (email, phone, address, other);

(c)   if the submission is on behalf of those alleging a potential or actual harm, the identity of those on whose behalf the Grievance is made, and written confirmation by those represented of the Claimant's authority to lodge the Grievance on their behalf;

(d)   the description of the potential or actual harm;

(e)   Claimant's statement of the risk of harm or actual harm (description of the risk/harm and those affected, names of the individual(s) or institutions responsible for the risk/harm, the location(s) and date(s) of harmful activity);

(f)   what has been done by Claimant thus far to resolve the matter;

(g)   whether the Claimant wishes that their identity is kept confidential; and

(h)   the specific help requested from the GRM.

VII. Logging, Acknowledgment, and Tracking

All Grievances and reports of conflict will be received, assigned a tracking number, acknowledged to Claimant, recorded electronically, and subject to periodic updates to the Claimant as well as the office file.

Within one (1) week from the receipt of a Grievance, the GRM will send a *written* acknowledgement to Claimant of the Grievance received with the assigned tracking number.[21]

Each Grievance file will contain, at a minimum:

  i.   the date of the request as received;

  ii.   the date the written acknowledgment was sent (and oral acknowledgment if also done);

  iii. the dates and nature of all other communications or meetings with the Claimant and other relevant Stakeholders;

  iv.   any requests, offers of, or engagements of a Mediator or Facilitator;

  v.   the date and records related to the proposed solution/way forward;

  vi.   the acceptance or objections of the Claimant (or other Stakeholders);

  vii. the proposed next steps if objections arose;

  viii. the alternative solution if renewed dialogues were pursued;

  ix.   notes regarding implementation; and

  x.   any conclusions and recommendations arising from monitoring and follow up.

IX. Maintaining Communication and Status Updates

Files for each Grievance will be available for review by the Claimant and other Stakeholders involved in the Grievance, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Claimant if previously requested.

The GRM will provide periodic updates to the Claimant regarding the status and current actions to resolve the Grievance. Not including the acknowledgment of receipt of the Grievance, such updates will occur within reasonable intervals (not greater than every thirty (30) days).

X. Investigation and Consensus Building

Within one (1) week of receiving a Grievance, [Implementing Partner] will notify the PB and any other relevant institutions of the receipt of the Grievance.

The PB will identify [Need to develop a specific procedure for doing this] a specific team of individuals drawn from the PB and/or their respective institutions to develop a response to the Grievance. The names of these individuals will be made available to the Claimant.

The designated PB members [hereafter called Task Team] will promptly engage the Claimant and any other relevant Stakeholders deemed appropriate, to gather all necessary information regarding the Grievance.

Through the PB members, the GRM will have the authority to request from relevant Government institutions any information (documents or otherwise) relevant to resolving the Grievance and avoiding future Grievances of the same nature.

As necessary, the Task Team will convene one or more meetings with relevant individuals and institutions in [national capital], or elsewhere in [name of country] as needed.

---

[21] Oral acknowledgments can be used for expediency (and also recorded), but must be followed by a written acknowledgment.

The objective of all investigative activities is to develop a thorough understanding of the issues and concerns raised in the Grievance and facilitate consensus around a proposed solution and way forward.

The PB members will procure the cooperation of their respective staff with the investigation.

At any point during the investigation, the Task Team may determine that an onsite field investigation is necessary to properly understand the Grievance and develop an effective proposed solution and way forward.

XI. Seeking Advisory Opinion and/or Technical Assistance

At any point after receiving a Grievance and through to implementation of the proposed solution and way forward, the Task Team may seek the technical assistance and/or an advisory opinion from any entity or individual in [country] or internationally which may reasonably be believed to be of assistance.

XII. Making Proposed Actions and Solutions Public and Overseeing Implementation

The Task Team will communicate to the Claimant one or more proposed actions or resolutions and clearly articulate the reasons and basis for proposed way forward.

If the Claimant does not accept the resolution, the Task Team will engage with the Claimant to provide alternative options.

If the Claimant accepts the proposed solution and way forward, the GRM will continue to monitor the implementation directly and through the receipt of communications from the Claimant and other relevant parties. As necessary, the GRM may solicit information from the relevant parties and initiate renewed dialogue where appropriate.

XII. Monitoring and Evaluation

Bi-annually, the GRM will make available to the public, a report describing the work of the GRM, listing the number and nature of the Grievances received and processed in the past six months, a date and description of the Grievances received, resolutions, referrals and ongoing efforts at resolution, and status of implementation of ongoing resolutions. The level of detail provided about any individual Grievance will depend on the sensitivity of the issues and Stakeholder concerns about confidentiality, while providing appropriate transparency about the activities of the GRM. The report will also highlight key trends in emerging conflicts, Grievances, and dispute resolution, and make recommendations regarding:

(i)   measures that can be taken by the Government to avoid future harms and Grievances; and

(ii)   improvements to the GRM that would enhance its effectiveness, accessibility, predictability, transparency, legitimacy, credibility, and capacity.

XIII. Mediation

For the option of independent mediation, mediators on the roster/panel should have at least the following qualifications:

- professional experience and expertise in impartial mediation;
- knowledge of [project type and activities in the country] and the region, including an understanding of Adat communities' culture and practices and those of other vulnerable groups and minorities;
- [national and local language, as appropriate] proficiency;
- availability in principle for assignments of up to 20 days; and

- willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

If mediation succeeded in resolving the dispute or grievance, the outcome would be documented by [Implementing Partner] and reviewed by the Task Team. If it were unsuccessful, stakeholders would have the option to return to the Task Team for assistance.

XIV. Without Prejudice

The existence and use of this GRM is without prejudice to any existing rights under any other complaint mechanisms that an individual or group of individuals may otherwise have access to under national or international law or the rules and regulations of other institutions, agencies or commissions.

Annexure 5. Guidance for Submitting a Request to UNDP SECU and/or SRM

Guidance for Submitting a Request to the Social and Environmental Compliance Unit (SECU) and/or the Stakeholder Response Mechanism (SRM)

Purpose of this form

- **If you use this form, please put your answers in bold writing to distinguish text**
- **The use of this form is recommended, but not required. It can also serve as a guide when drafting a request.**

This form is intended to assist in:

(1) Submitting a request when you believe UNDP is not complying with its social or environmental policies or commitments and you believe you are being harmed as a result. This request could initiate a 'compliance review', which is an independent investigation conducted by the Social and Environmental Compliance Unit (SECU), within UNDP's Office of Audit and Investigations, to determine if UNDP policies or commitments have been violated and to identify measures to address these violations. SECU would interact with you during the compliance review to determine the facts of the situation. You would be kept informed about the results of the compliance review.

and/or

(2) Submitting a request for UNDP "Stakeholder Response" when you believe a UNDP project is having or may have an adverse social or environmental impact on you and you would like to initiate a process that brings together affected communities and other stakeholders (e.g., government representatives, UNDP, etc.) to jointly address your concerns. This Stakeholder Response process would be led by the UNDP Country Office or facilitated through UNDP headquarters. UNDP staff would communicate and interact with you as part of the response, both for fact-finding and for developing solutions. Other project stakeholders may also be involved if needed.

Please note that if you have not already tried to resolve your concern by communicating directly with the government representatives and UNDP staff responsible for this project, you should do so before making a request to UNDP's Stakeholder Response Mechanism.

Confidentiality   If you choose the Compliance Review process, you may keep your identity confidential (known only to the Compliance Review team). If you choose the Stakeholder Response Mechanism, you can choose to keep your identity confidential during the initial eligibility screening and assessment of your case. If your request is eligible and the assessment indicates that a response is appropriate, UNDP staff will discuss the proposed response with you, and will also discuss whether and how to maintain confidentiality of your identity.

Guidance

When submitting a request please provide as much information as possible. If you accidentally email an incomplete form, or have additional information you would like to provide, simply send a follow-up email explaining any changes.

Information about You

Are you…

1. A person affected by a UNDP-supported project?

Mark "X" next to the answer that applies to you: Yes: No:

2. An authorized representative of an affected person or group?

Mark "X" next to the answer that applies to you: Yes: No:

If you are an authorized representative, please provide the names of all the people whom you are representing, and documentation of their authorization for you to act on their behalf, by <u>*attaching one or more files to this form*</u>.

3. First name:

4. Last name:

5. Any other identifying information:

6. Mailing address:

7. Email address:

8. Telephone Number (with country code):

9. Your address/location:

10. Nearest city or town:

11. Any additional instructions on how to contact you:

12. Country:

What you are seeking from UNDP: Compliance Review and/or Stakeholder Response

You have four options:

*   Submit a request for a Compliance Review;

*   Submit a request for a Stakeholder Response;

*   Submit a request for both a Compliance Review and a Stakeholder Response;

*   State that you are unsure whether you would like Compliance Review or Stakeholder Response and that you desire both entities to review your case.

13. Are you concerned that UNDP's failure to meet a UNDP social and/or environmental policy or commitment is harming, or could harm, you or your community? Mark "X" next to the answer that applies to you: Yes: No:

14. Would you like your name(s) to remain confidential throughout the Compliance Review process?

Mark "X" next to the answer that applies to you: Yes: No:

If confidentiality is requested, please state why:

15. Would you like to work with other stakeholders, e.g., the government, UNDP, etc. to jointly resolve a concern about social or environmental impacts or risks you believe you are experiencing because of a UNDP project?

Mark "X" next to the answer that applies to you: Yes: No:

16. Would you like your name(s) to remain confidential during the initial assessment of your request for a response?

Mark "X" next to the answer that applies to you: Yes: No:

If confidentiality is requested, please state why:

17. Requests for Stakeholder Response will be handled through UNDP Country Offices unless you indicate that you would like your request to be handled through UNDP Headquarters. Would you like UNDP Headquarters to handle your request?

Mark "X" next to the answer that applies to you: Yes: No:

If you have indicated yes, please indicate why your request should be handled through UNDP Headquarters:

18. Are you seeking both Compliance Review and Stakeholder Response?

Mark "X" next to the answer that applies to you: Yes: No:

19. Are you <u>unsure</u> whether you would like to request a Compliance Review or a Stakeholder Response?
Mark "X" next to the answer that applies to you: Yes: No:

Information about the UNDP Project you are concerned about, and the nature of your concern:

20. Which UNDP-supported project are you concerned about? (if known):

21. Project name (if known):

22. Please provide a short description of your concerns about the project. If you have concerns about UNDP's failure to comply with its social or environmental policies and commitments, and can identify these policies and commitments, please do (not required). Please describe, as well, the types of environmental and social impacts that may occur, or have occurred, as a result. If more space is required, please attach any documents. You may write in any language you choose

-
-
-
-
23. Have you discussed your concerns with the government representatives and UNDP staff responsible for this project? Non-governmental organisations?

Mark "X" next to the answer that applies to you: Yes: No:

If you answered yes, please provide the name(s) of those you have discussed your concerns with

Name of Officials You have Already Contacted Regarding this Issue:

First Name	Last Name	Title/Affiliation	Estimated Date of Contact	Response from the Individual

24.   Are there other individuals or groups that are adversely affected by the project?

Mark "X" next to the answer that applies to you: Yes: No:

25.   Please provide the names and/or description of other individuals or groups that support the request:

First Name   Last Name   Title/Affiliation   Contact Information

Please attach to your email any documents you wish to send to SECU and/or the SRM. If all of your attachments do not fit in one email, please feel free to send multiple emails.

<u>Submission and Support</u>

To submit your request, or if you need assistance please email: <u>project.concerns@undp.org</u>

Annexure 6. Indicative Outline for Biodiversity Action Plan

Elements of Biodiversity Action Plan

Please refer to the [UNDP SES Guidance Note: Standard 1: Biodiversity Conservation and Sustainable Natural Recourse Management](#) for additional information.

Where biodiversity values of importance to conservation are associated with a project or its area of influence, the preparation of a Biodiversity Action Plan (BAP) or Biodiversity Management Plan (BMP) provides a useful means to focus a project's mitigation and management strategy. For project activities in critical habitats and protected areas, Standard 1 notes that a BAP needs to be in place. For projects solely designed to strengthen biodiversity and maintain or restore ecosystems in areas of critical habitat, the project document itself would constitute such a plan. Biodiversity plans are highly encouraged when also operating in natural habitats (or in modified habitats with biodiversity values of importance to conservation).

Targeted biodiversity-related mitigation and management measures may be integrated into more general Environmental and Social Management Plans (ESMPs) or related plans. However, a BAP or BMP provides focused attention to actions in ecologically critical areas. A BAP/BMP may be included as part of a broader ESMP.

As noted in the Section 2.1 of this guidance note, National Biodiversity Strategies and Action Plans (NBSAP) are the primary instruments for implementing the Convention on Biological Diversity at the national level. A BAP/BMP is a more targeted instrument for enhancing and conserving biodiversity and ecosystem services in particular habitats, demonstrated on an appropriate geographic scale. A BAP/BMP should seek to achieve net gains to the biodiversity values for which the critical habitat was designated. A BAP/BMP is highly context specific.

There is no one widely recognized, cross-sectoral framework for the development of a BAP/BMP. Typically, a BAP will be undertaken to address significant gaps in information for undertaking biodiversity-related actions (such as insufficient baseline data or understanding of key biodiversity values) whereas a BMP would be developed where adequate information is available for developing appropriate actions.

General elements of a BAP/BMP include the following:

(1) Description of biodiversity context: Identifies national and/or regional biodiversity context; location of projects site/s; relevant physiography; general description of relevant ecosystems, habitats, flora, fauna; priority biodiversity features and components of elevated significance.

(2) Objectives and targets biodiversity actions and mitigation: Identifies measures and actions to enhance and conserve biodiversity and/or in accordance with the mitigation hierarchy avoid, minimize, mitigate, potentially significant adverse social and environmental impacts to acceptable levels. Describes – with technical details – each biodiversity-related action/mitigation measure, including the type of issue/impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, implementation descriptions and operating procedures, as appropriate; takes into account, and is consistent with, other relevant mitigation plans (e.g. Adat communities, economic displacement).

(3) Implementation action plan (schedule and cost estimates): Outlines an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and the capital and recurrent cost estimates and sources of funds for implementing the BAP/BMP. Describes institutional arrangements, identifying which party is responsible for carrying out the actions/mitigation and monitoring measures.

(4) Stakeholder Engagement: Outlines plan to engage in meaningful, effective and informed consultations with relevant stakeholders, including locally affected groups. Includes information on (a) means used to

inform and involve affected people and description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

(5) Monitoring and reporting: Identifies monitoring objectives and specifies the type of monitoring, with linkages to the biodiversity actions and mitigation measures. Describes parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions. Establishes reporting schedule and format

Annexure 7. Indicative Outline for Adat Communities Plan

Please refer to the UNDP SES Guidance Note: Standard 6: Indigenous Peoples for additional information.

If the proposed Project may affect the rights, lands, resources or territories of Adat communities, an "Adat communities Plan" (**ACP**) needs to be elaborated and included in the Project documentation. The **ACP** is to be elaborated and implemented in a manner consistent with the UNDP Social and Environmental Standards and have a level of detail proportional to the complexity of the nature and scale of the proposed Project and its potential impacts on Adat communities and their lands, resources and territories. With the effective and meaningful participation of the affected peoples, the **ACP** shall be elaborated and contain provisions addressing, at a minimum, the substantive aspects of the following outline:

A. Executive Summary of the ACP: Concisely describes the critical facts, significant findings, and recommended actions

B. Description of the Project: General description of the project, the project area, and components/activities that may lead to impacts on Adat communities

C. Description of Adat communities: A description of affected community(ies) and their locations, including:

  i. description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers, etc.);

  ii. description of the resources, lands and territories to be affected and the affected communities' connections/ relationship with those resources, lands, and territories; and

  iii. an identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntary isolated communities, women and girls, the disabled and elderly, others).

D. Summary of Substantive Rights and Legal Framework: A description of the substantive rights of Adat communities and the applicable legal framework, including:

  i. An analysis of applicable domestic and international laws affirming and protecting the rights of Adat communities (include general assessment of government implementation of the same).

  ii. Analysis as to whether the Project involves activities that are contingent on establishing legally recognized rights to lands, resources, or territories that Adat communities have traditionally owned, occupied or otherwise used or acquired. Where such contingency exists (see Standard 6 Guidance Note, sections 6 & 7), include:

    a. identification of the steps and associated timetable for achieving legal recognition of such ownership, occupation, or usage with the support of the relevant authority, including the manner in which delimitation, demarcation, and titling shall respect the customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected communities, with legal recognition granted to titles with the full, free prior and informed consent of the Adat communities; and

    b. list of the activities that are prohibited until the delimitation, demarcation and titling is completed.

  iii. Analysis whether the Project involves activities that are contingent on the recognition of the juridical personality of the affected Adat communities. Where such contingency exists (see Standard 6 Guidance Note, section 7):

    a. identification of the steps and associated timetables for achieving such recognition with the support of the relevant authority, with the full and effective participation and consent of affected Adat communities; and

    b. list of the activities that are prohibited until the recognition is achieved.

E.   Summary of Social and Environmental Assessment and Mitigation Measures

  i.   A summary of the findings and recommendations of the required prior social and environmental impact studies (e.g. limited assessment, ESIA, SESA, as applicable) – specifically those related to Adat communities, their rights, lands, resources and territories. This should include the manner in which the affected Adat communities participated in such study and their views on the participation mechanisms, the findings and recommendations.

  ii.   Where potential risks and adverse impacts to Adat communities, their lands, resources and territories are identified, the details and associated timelines for the planned measures to avoid, minimize, mitigate, or compensate for these adverse effects. Identification of special measures to promote and protect the rights and interests of the Adat communities including compliance with the affected peoples' internal norms and customs.

  iii.   If the Project will result in the relocation of indigenous peoples from their lands and territories, a description of the consultation and FPIC process leading to the resulting agreement on relocation and just and fair compensation, including the possibility of return.

  iv.   A description of measures to protect traditional knowledge and cultural heritage in the event that the Project will result in the documentation and/or use and appropriation of such knowledge and heritage of the Adat communities and the steps to ensure FPIC before doing so.

F.   Participation, Consultation, and FPIC Processes

  i.   A summary of results of the culturally appropriate consultation and, where required, FPIC processes undertaken with the affected communities which led to the Adat communities' support for the Project.

  ii.   A description of the mechanisms to conduct iterative consultation and consent processes throughout implementation of the Project. Identify particular Project activities and circumstances that shall require consultation and FPIC (consistent with section 4 of the Standard 6 Guidance Note).

G.   Appropriate Benefits: An identification of the measures to be taken to ensure that Adat communities receive equitable social and economic benefits that are culturally appropriate, including a description of the consultation and consent processes that lead to the determined benefit sharing arrangements.

H.   Capacity support

  i.   Description of Project activities aimed at increasing capacity within the government and/or the affected Adat communities, and facilitating exchanges, awareness, and cooperation between the two.

  ii.   Description of measures to support social, legal, technical capabilities of Adat communities' organizations in the project area to enable them to better represent the affected Adat communities more effectively

  iii.   Where appropriate and requested, description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of Adat communities.

I.   Grievance Redress: A description of the procedures available to address grievances brought by the affected Adat communities arising from Project implementation, including the remedies available, how the grievance mechanisms take into account Adat communities' peoples' customary laws and dispute resolution processes, as well as the effective capacity of Adat communities under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.

J.   Monitoring, Reporting, Evaluation

  i.   Mechanisms and benchmarks appropriate to the Project for transparent, participatory joint monitoring, evaluating, and reporting, including a description of how the affected Adat communities are involved.

ii. Define the mechanisms put in place to allow for periodic review and revision of the **ACP** in the event that new Project circumstances warrant modifications developed through consultation and consent processes with the affected Adat communities.

K. Institutional Arrangements: Describes institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the **ACP**, including participatory mechanisms of affected Adat communities. Describes role of independent, impartial entities to audit, conduct social and environmental assessments as required, and/or to conduct oversight of the project.

L. Budget and Financing: An appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Note: The **ACPP** will be implemented as part of Project implementation. However, in no case shall Project activities that may adversely affect Adat communities – including the existence, value, use or enjoyment of their lands, resources or territories – take place before the corresponding activities in the **ACP** are implemented. The relationship between the implementation of specific **ACP** measures and the permitted commencement of distinct Project activities shall be detailed within the **ACP** to allow for transparent benchmarks and accountability.

Where other Project documents already develop and address issues listed in the above sections, citation to the relevant document(s) shall suffice.

Annexure 8. Indicative Outline for Livelihood Action Plan

Please refer to the UNDP SES Guidance Note: Standard 5: Displacement and Resettlement for additional information.

A Livelihood Action Plan (RAP) details the **procedures** and **actions** that will be undertaken in order to ensure that the capacity, production levels, and standards of living of economically displaced people are improved or at least restored, and that displaced people are compensated adequately. This plan must be developed after it has been determined, following the process outlined in Standard 5, that displacement is unavoidable. The LAP reflects the commitment made by the Implementing Partner and UNDP to affected people and communities to meet obligations arising from economic displacement.

1. Introduction

    -   Briefly describe the project and associated facilities (if any)

    -   Describe project components requiring economic displacement; land acquisition and resettlement; give overall estimates of land and/or resources to which access has been restricted

    -   Provide explanation of how economic displacement is necessary to achieve the project objectives, how the project is in the 'public interest' and how displacement is proportional to project outcomes

2. Minimizing Displacement

    -   Describe the justification for the displacement

    -   Describe efforts and measures to minimize displacement, and expected outcomes of these efforts and measures

    -   Describe how requirements of the UNDP SES Indigenous Peoples Standard have been addressed if Adat communities are displaced.

3. Census and Socioeconomic Surveys

    -   Provide results of the census, assets inventories, natural resource assessments, and socioeconomic surveys and briefly describe how these were performed, i.e., techniques used, individuals interviewed, etc.

    -   Identify all people and communities potentially affected by displacement activities and potential impacts to each

4. Legal Framework

    -   Describe all relevant international, national, local, and community laws and customs that apply to displacement activities, with particular attention to laws and customs relating to tenure rights

    -   Describe how free, prior, informed consent was obtained for displacement of Adat communities, if applicable

    -   Describe project-specific mechanisms to address conflicts

    -   Describe entitlement/compensation policies for each type of impact

    -   Describe method of valuation used for affected structures, land, trees, and other assets

    -   Prepare entitlement matrix, which includes budget and timeframe for payment of entitlements

5. Displacement-related Property

    -   Describe how affected people have been involved in a participatory process to identify replacement property when they have lost access to property to which they have legitimate rights. Describe the advantages and disadvantages of the properties, including the property chosen.

- Describe how affected people whose livelihoods are urban-based have been involved in a participatory process to identify livelihood replacement and support opportunities.

- Describe how affected people whose livelihoods are land-based have been involved in a participatory process to identify lands they can access, including lands with productive potential, locational advantages, and other factors at least equivalent to that being lost.

- Describe how affected people whose livelihoods are natural resource-based have been involved in a participatory process to identify resources they can access with equivalent livelihood-earning potential and accessibility.

- Describe how affected people whose access to legally designated parks and protected areas has been restricted have been involved in identifying and choosing measures to mitigate impacts.

- Describe the feasibility studies conducted to determine the suitability of chosen lands and/or natural resources described above, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.

- Give calculations relating to land and resource availability

- Describe, as relevant, mechanisms for: 1) procuring, 2) developing and 3) allotting displacement property, including the awarding of title or use rights to allotted lands and/or resources. Indicate to whom titles and use rights will be allocated, including by gender.

- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs

- If circumstances made it difficult to provide land or resources as described above, provide evidence of mutual agreement with affected people/communities on alternative measures.

6. Income Restoration

- Are compensation entitlements sufficient to restore and/or improve livelihoods and income streams for each category of impact? Attach independent review of opportunities to restore and improve incomes/livelihoods. What additional economic rehabilitation measures are necessary?

- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects

- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration

- How do these strategies vary with the area of impact?

- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation?

- How are the risks of impoverishment to be addressed?

- What are the main institutional and other risks for the smooth implementation of the resettlement programs?

- Describe the process for monitoring the effectiveness of the income restoration measures

- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities to support new programs or expand existing programs to meet the development priorities of communities in the project area?

7. Institutional Arrangements

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement policy; implementation of income restoration programs; and coordination of the activities associated with and described in the livelihood action plan

- State how coordination issues will be addressed where displacement is spread over a number of jurisdictions or where displacement will be implemented in stages over a long period of time

- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?

- Describe the external (nonproject) institutions involved in the process of income restoration (land development, land allocation, credit, training) and the mechanisms to ensure adequate performance of these institutions

- Discuss institutional capacity for and commitment to displacement

- Describe mechanisms for ensuring independent monitoring, evaluation, and financial audit of the LAP and for ensuring that corrective measures are carried out in a timely fashion

8. Implementation Schedule

- List the chronological steps in implementation of the LAP, including identification of agencies responsible for each activity and with a brief explanation of each activity

- Prepare a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation

- Describe the linkage between resettlement implementation and initiation of civil works for each of the project components

9. Participation and Consultation

- Describe the various stakeholders

- Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning

- Describe the process of involving affected populations and other stakeholders in implementation and monitoring

- Describe the plan for disseminating LAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, displacement assistance, and grievance redress

10. Grievance Redress

- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes

- Describe the mechanism for appeal

- Describe the provisions for approaching civil courts if other options fail

11. Monitoring and Evaluation

- Describe the internal/performance monitoring process. Ensure monitoring program seeks to measure whether displaced enjoy at least a standard of living and access to livelihoods equal to what they enjoyed before displacement

- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring, including number and location of displaced persons

- Describe institutional (including financial) arrangements

- Describe frequency of reporting and content for internal monitoring

- Describe process for integrating feedback from internal monitoring into implementation

- Define methodology for external monitoring

- Define key indicators for external monitoring

- Describe frequency of reporting and content for external monitoring. Ensure monitoring program is regular and ongoing following project completion until durable solutions are reached

- Describe process for integrating feedback from external monitoring into implementation

- Describe arrangements for final external evaluation

- Describe need for updates to census, assets inventories, resource assessments, and socioeconomic surveys, if necessary, as part of LAP monitoring and evaluation

12.   Costs and Budgets

- Provide a clear statement of financial responsibility and authority

- List the sources of funds for displacement and describe the flow of funds

- Ensure that the budget for displacement is sufficient and included in the overall project budget. Include provisions for non-anticipated adverse impacts.

- Identify displacement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the LAP and the project schedule. Prepare estimated budget, by cost and by item, for all displacement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies

- Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations

- Describe the provisions to account for physical and price contingencies

- Describe the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of displacement

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools

- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees

- Examples of formats to be used in monitoring and reporting on LAP implementation

- Entitlement matrix

- Evidence of prior informed consent for Adat communities

Annexure 9. Indicative Outline for Stakeholder Engagement Plan

Please refer to the [UNDP SES Guidance Note on Stakeholder Engagement](#) for additional information.

Appropriately scaled plans. No one type or format of a stakeholder engagement plan will accommodate all projects. Its content will depend on various factors, including the nature, scale, location, and duration of project; the diverse interests of stakeholders; the scale of the project's potential positive and adverse impacts on people and the environment; and the likelihood of grievances.

For a relatively small project with few if any potential adverse social and environmental impacts or initial stakeholder concerns (e.g. Low Risk project, straightforward Moderate Risk project), it is likely that only a "simplified" stakeholder engagement plan would be needed, focusing primarily on initial consultations, information disclosure and periodic reporting (see Box 8). In such cases, the "plan" would be relatively simple and easily described in the body of the Project Document (that is, no separate plan would be needed).

A project with greater complexity and potentially significant adverse social and environmental impacts (complex Moderate Risk project or High-Risk project) should elaborate a more strategic plan. A "comprehensive" plan would outline mechanisms that buttress not just disclosure and good communications, but iterative consultations and possibly consent processes over the course of the social and environmental assessment process, development of mitigation and management plans, monitoring project implementation, and evaluation. A separate, detailed stakeholder

> **Box 8. Triggering the appropriate scale of stakeholder engagement plans**
>
> - *Simplified stakeholder engagement plan*: Project funding aimed at providing technical support (training in survey equipment) and materials (office space, computers, GPS equipment) to a national land and survey commission will likely have minimal impact on stakeholders other than the government.
>
> - *Comprehensive stakeholder engagement plan*: Project funding to the same land and survey commission to actually conduct land titling in indigenous and forest-dependent communities across the nation, however, would require a comprehensive plan.

engagement plan should be appended to the Project Document (see outline below).

All stakeholder engagement plans – whether simplified or comprehensive (see below) – should address basic minimum criteria. The following checklist (Table 7) will help ensure that the plan addresses key issues and components.

Table 7. Key questions for developing a stakeholder engagement plan[22]	
Who	✓ *Which stakeholder groups and individuals are to be engaged based on the stakeholder analysis?* ✓ *Have potentially marginalized groups and individuals been identified among stakeholders?*
Why	✓ *Why is each stakeholder group participating (e.g. key stakeholder objectives and interests)?*
What	✓ *What is the breadth and depth of stakeholder engagement at each stage of the project cycle?* ✓ *What decisions need to be made through stakeholder engagement?*

---

[22] As modified, see Asian Development Bank (ADB), Strengthening Participation, p. 43.

How	✓ How will stakeholders be engaged (strategy and methods, including communications)? ✓ Are special measures required to ensure inclusive participation of marginalized or disadvantaged groups?
When	✓ What is the timeline for engagement activities, and how will they be sequenced, including information disclosure?
Responsibilities	✓ How have roles and responsibilities for conducting stakeholder engagement been distributed among project partners (e.g. resident mission, executing agency, consultants, NGOs)? ✓ What role will stakeholder representatives play? ✓ Are stakeholder engagement facilitators required?
Resources	✓ What will the stakeholder engagement plan cost and under what budget?

Building mutual trust and ensuring meaningful and effective engagement is facilitated by stakeholder ownership of the relevant processes. All efforts should be made to work with the relevant stakeholders to design by mutual agreement the engagement and consultation processes, including mechanisms for inclusiveness, respecting cultural sensitivities, and any required consent processes. [23] Cultural understanding and awareness is central to meaningful stakeholder engagement.

Moreover, a general solicitation of feedback or input cannot be relied upon, nor accepted as the sole method of consultation. Information laden questions presenting various options, the reasons for those options, and their consequences may be a better method in that it presents information in a relationship-building manner, does not assume full stakeholder knowledge of the project plans, and solicits input on specific project instances instead of placing the impetus on the stakeholder to make seemingly high-level suggestions.

Recall that stakeholder engagement may be minimal at certain times and intense at others, depending on the issues and particular project phase. Also, targeted input from select stakeholder groups may be needed at key points in project development and implementation.

As project information changes – perhaps from subsequent risk assessments, the addition of project activities, stakeholder concerns – the stakeholder engagement plan should be reviewed and modified accordingly to ensure its effectiveness in securing meaningful and effect stakeholder participation.

The stakeholder engagement plan should also anticipate if/when professional, neutral facilitators might be needed to lead key engagement activities. For projects where the stakeholder engagement process is likely to be complex or sensitive, social advisors or other expert staff should help design and facilitate the process and assist with participatory methodologies and other specialized techniques. [24]

Grievance redress processes for the project need to be described in the stakeholder engagement plan. Section 3.4 above elaborates on relevant SES requirements.

The plan should also outline a reasonable budget for stakeholder engagement activities, including potential support for groups to facilitate their participation where necessary (noting that meeting locations should be as convenient as possible and stakeholder acceptance of such support should not be interpreted as endorsement of the project).

Table 8 below provides a rough outline for a simplified stakeholder engagement plan. Many approaches exist, and this is one example of outlining key elements. It is important to not simply list stakeholders and say they will be consulted, but to identify **why** they are being engaged, **how** engagement will proceed, **who** will do it, **when**, and **how** it will be financed/supported.

---

[23] Practical Approaches to Ensuring the Full and Effective Participation of Indigenous Peoples in ReDD+ (September 2013), BMZ, FPCP, UN-ReDD, p.12.
[24] IFC Stakeholder Engagement, p. 101.

Table 8. Rough template of simplified stakeholder engagement plan					
Stakeholder Group	Why included (interests)	Participation methods		Timeline	Cost est.
		Method	Responsibility		

Below is an example of elements that should be addressed in a comprehensive stakeholder engagement plan. The scope and level of detail of the plan should be scaled to fit the needs of the project.

Outline of a Comprehensive Stakeholder Engagement Plan[25]

1. Introduction

- *Briefly describe the project including design elements and potential social and environmental issues. Where relevant, include maps of the project site and surrounding area.*

2. Regulations and Requirements

- *Summarize any legal, regulatory, donor/lender requirements pertaining to stakeholder engagement applicable to the project. This may involve public consultation and disclosure requirements related to the social and environmental assessment process as well as relevant international obligations.*

3. Summary of any previous stakeholder engagement activities

- *If any stakeholder engagement activities had been undertaken to date, including information disclosure and/or consultation, provide the following details:*
  - *Type of information disclosed, in what forms and languages (e.g., oral, brochure, reports, posters, radio, etc.), and how it was disseminated*
  - *Locations and dates of any meetings undertaken to date*
  - *Individuals, groups, and/or organizations that have been consulted*
  - *Key issues discussed and key concerns raised*
  - *Responses to issues raised, including any commitments or follow-up actions*
  - *Process undertaken for documenting these activities and reporting back to stakeholders*

4. Project Stakeholders

- *List the key stakeholder groups who will be informed about and engaged in the project (based on stakeholder analysis). These should include persons or groups who:*
  - Are directly and/or indirectly affected by the project

---

[25] Outline relies on content provided in IFC, Guidance Note 1: Assessment and Management of Environmental and Social Risks and Impacts (2012), Annex B.

- o Have "interests" in the project that determine them as stakeholders
- o Have the potential to influence project outcomes or operations
- o [Examples of potential ⸬SEP⸬stakeholders are beneficiaries and project-affected communities, local organizations, NGOs, and government authorities, Adat communities; stakeholders can also include politicians, private sector companies, labor unions, academics, religious groups, national environmental and social public sector agencies, and the media]
- o Consider capacities of various stakeholder groups to effectively participate in the stakeholder engagement activities, and include measures to support them where capacity is limited

5. Stakeholder Engagement Program

- • *Summarize the purpose and goals of the stakeholder engagement program*
- • *Briefly describe what information will be disclosed, in what formats and languages, and the types of methods that will be used to communicate this information to each of the stakeholder groups identified in section 4 above. Methods used may vary according to target audience, for example:* ⸬SEP⸬
  - o *Newspapers, posters, radio, television*
  - o *Information centers and exhibitions or other visual displays*
  - o *Brochures, leaflets, posters, non-technical summary documents and reports*
- • *Briefly describe the methods that will be used to engage and/or consult with each of the stakeholder groups identified in section 4. Methods used may vary according to target audience, for example:*
  - o *Interviews with stakeholder representatives and key informants*
  - o *Surveys, polls, and questionnaires*
  - o *Public meetings, workshops, and/or focus groups with specific groups*
  - o *Participatory methods*
  - o *Other traditional mechanisms for consultation and decision-making*
- • *Describe how the views of women and other relevant groups (e.g. minorities, elderly, youth, other marginalized groups) will be taken into account and their participation facilitated*
- • *Where relevant, define activities that require prior consultation and FPIC from Adat communities (and refer to Adat Communities Plan and FPIC protocols)*
- • *Outline methods to receive feedback and to ensure ongoing communications with stakeholders (outside of a formal consultation meeting)*
- • *Describe any other engagement activities that will be undertaken, including participatory processes, joint decision-making, and/or partnerships undertaken with local communities, NGOs, or other project stakeholders. Examples include benefit-sharing programs, stakeholder-led initiatives, and training and capacity building/support programs.* ⸬SEP⸬

6. Timetable ⸬SEP⸬

- • *Provide a schedule outlining dates/periodicity and locations where various stakeholder engagement activities, including consultation, disclosure, and partnerships will take place and the date by which such activities will be undertaken* ⸬SEP⸬

7. Resources and Responsibilities

- • *Indicate who will be responsible for carrying out the specified stakeholder engagement activities*
- • *Specify the budget and other resources allocated toward these activities*
- • *[For projects with significant potential impacts and multiple stakeholder groups, it is advisable to hire a qualified stakeholder engagement facilitator to undertake all or portions of the stakeholder engagement activities]*

8. Grievance Mechanism

- *Describe the process by which people concerned with or potentially affected by the project can express their grievances for consideration and redress. Who will receive grievances, how and by whom will they be resolved, and how will the response be communicated back to the complainant? (see Guidance Note on Grievance Redress Mechanisms)*
- *Ensure reference is made to and stakeholders are informed of the availability of UNDP's Accountability Mechanism (Stakeholder Response Mechanism, SRM, and Social and Environmental Compliance Unit, SECU) as additional avenues of grievance redress.*

9. Monitoring and Reporting

- *Describe any plans to involve project stakeholders (including target beneficiaries and project-affected groups) or third-party monitors in the monitoring of project implementation, potential impacts and management/mitigation measures*
- *Describe how and when the results of stakeholder engagement activities will be reported back to project-affected and broader stakeholder groups. Examples include newsletters/bulletins, social and environmental assessment reports; monitoring reports.*

Annexure 10. Considerations for the Elaboration of Social Forestry Permits, Licenses and Partnership Agreements

A number of the proposed activities in this project, especially as related to the Social Forestry initiative will continue to require the conclusion of agreements with local communities, Villages and Adat Communities and potentially other private landowners as well as the issuance of licenses and permits and affirmations (collectively "agreements and licenses").

To avoid the potential risks identified in this ESMF, and to better clarify and facilitate the assessment, monitoring and reporting requirements of all relevant actors, all agreement and license templates should be reviewed (if they already exist) based on the findings in this ESMF and the eventual ESIA and ESMP. New agreements and licenses should address the gaps and reflect the recommendations arising from the ESMF, ESIA and ESMP. They should be elaborated by a multi-stakeholder body, with assistance from experts in the Applicable Law and project requirements, and then approved by the Project Board or if more appropriate, a REDD+ governing body that oversees such agreements.

Based on a review of prior agreements and licenses entered into in the context of other REDD+ activities, such as those arising from the Social Forestry initiative, the following is a *non-exhaustive* list of additional template elements that should be considered for future agreements and licenses.

1. A dispute resolution provision to resolve grievances as between the parties signing the agreement, with a clear explanation that such provision does not prejudice the rights of the parties to use the FRGM or relevant project-level GRM, or any other remedy available under national or international law.

2. As the overall project is based on voluntary participation, provide fair provisions allowing both parties to unilaterally withdraw or relinquish the agreement or license.

3. Provide clear provision as to how both the MoEF and the non-government party to the agreement or license will be specifically required to monitor and report information on social and environmental impacts (when, who, how) –particularly as related to the SIS-REDD+.).

4. Expressly detail government commitments to provide technical or financial support for the partner to carry out the assessment and monitoring, and any other activities (i.e. timber production, deforestation free economies,).

5. Provide an express affirmation that nothing in the agreement or license or the execution thereof represents a waiver by a local community, Village or Adat community of its rights to pursue full Adat Forest recognitions (titles) in the future, as applicable to the requesting party(ies).

6. An express provision that affirms that where applicable, the governing authority of the collective has given its FPIC to any arrangements made by a subset of its membership (i.e. a group of farmers, cooperative) that may affect the rights, interest, lands, resources, territories or livelihoods of the larger collective.

7. An affirmation that any private actors with business licenses entering into a Forest Partnership Agreement with a local community or Village, secure said license with the FPIC of the collective claiming Adat ownership of the forests in question.

8. Where benefits or additional support – such as tax breaks, favourable credit lines, technical or financial support are to be provided, clarify who is to receive them and if applicable, how they are to be equitably distributed among rights holders and/or community members, as well as how such distribution is to be subject to accountability reports and periodic audits by MoEF as applicable.

9. Include a provision where the relevant parties certify that all understand what activities are now permitted and not permitted within the area of conservation, reforestation or other resource management.

10. Related to #9 above, especially in the case of Adat communities and other collectives, after a documented discussion about their traditional practices, cultural heritage and livelihoods connected to the land, include an annex that lists out (details) which of those practices and tangible cultural heritage are limited by the agreements and licenses, if at all.

9. In the case of agreements or licenses related to the titling of the lands of Adat communities/Adat communities, expressly affirm the consent of the collective to the forest category designated over the subject lands and any resulting limitations or restrictions to the collective's right to access and use of their natural resources.

10. Describe opportunity for Adat community and other parties to seek changes to forest categorizations during the geospatial reviews that take place every five (5) years.

11. *[other to be designated…]*

Annexure 11. Recommendations and Mitigation Measures divided by Key Operational Themes

While divided below to facilitate operationalization of the mitigation measures, the Implementing Partner will need to take into consideration that many of the recommendations and mitigation measures (R&MMs) detailed in this ESMF and its Table 1 Matrix address more than one operational item. There are overlaps, i.e. capacity building is relevant to good governance, as it is relevant to effective stakeholder participation and respecting the rights of indigenous peoples and other collectives; the same can be said for a transparency and communication strategy.

1. Monitoring and Reporting

R&MM1: Social and Environmental Monitoring and Evaluation (M&E)

The Project will need to implement robust environmental assessments, analysis and monitoring mechanisms and this should be done per a written protocol that details who, when, where and how this is done.

Building upon that which has been developed within the SIS-REDD+ (the PC&I and APPS tool) and the existing monitoring mechanisms for forest cover and greenhouse emissions, the RBP Project should, following a participatory and transparent process, compile into one document, accessible to the all stakeholders, a clear explanation of the following:

▪ The mechanisms, methods and tools to be used to ensure that periodic social and environmental M&E is conducted periodically, transparently and in a participatory manner for all RBP Project activities;

▪ When and by whom the various M&E tasks are to be conducted (responsible parties and timelines);

▪ How non-project proponents, implementers and Responsible Parties can get involved in M&E activities (including project beneficiaries like local communities, Villages and Adat communities and other private actors) and access M&E findings and recommendations.

▪ How the results of such monitoring, reporting and verification corresponding results are linked to those responsible for project management who are capable of real-time responses (i.e. project modification) that can avoid harms and improve outputs.

● What is recommended here is not a duplication of documents and regulations that exist, but rather a compilation *in summary form* of the information above, so that there is a "one-stop" resource that explains to the public who, when and how MM&E tasks are performed regarding the social and environmental impacts of the RBP Project, how they can get involved and access those findings and recommendations. This document can then reference other more detailed resources (such as MoEF Regulation No. 70).

R&MM16: Strengthening the SIS-REDD+

● Continue to work to make the material available on the SIS-REDD+ as transparent as possible, ensuring that "project proponents" and other members of public have the same access to information, except in the narrow and exceptional circumstances where there is a pre-determined justified reason for limiting access.

● Ensure that the RBP Project and all subsequent REDD+ activities have sufficient budget lines to increase training and capacity of project proponents on how to use the PC&Is and APPS tool, and more generally to increase their understanding of their respective monitoring and validation roles, and use of the SIS-REDD+ system.

● As necessary, increase the use of memoranda of understanding and other agreement tools between the MoEF and relevant private and public institutions to be able to link the SIS-REDD+ tool to these other institutions' maps, online-database and relevant resources.

2. [Environmental and Social Impact Assessment](#)

R&MM2: Adoption of, and incentives to implement mitigation measures

● The ESMF specifies the need for undertaking an ESIA for all project activities and the development of an ESMP and associated management plans. UNDP's SESP requires that no activities that may cause adverse social and environmental impacts will proceed until appropriate assessment has taken place and recommended/associated mitigation and management measures are in place. It is suggested that the ESIA consultants, together with stakeholders, create a list of such possible activities that is available to all stakeholders and respected by the various governance and stakeholder bodies of the project.

● Additionally, it is recommended that project financial disbursements are adequate and scheduled to incentivise and ensure timely completion of all social and environmental risk measures –including the prompt completion of the ESIA, the elaboration of the proposed ESMP and associated management plans (including the review and possible modification of the preliminarily drafted Gender Action Plan), and the adoption and readiness of all recommended mitigation measures. The extent to which the design and actual implementation of each mitigation measure is a pre-condition to the carrying out of a specific project activity or to the disbursement of payment, this too will be clearly outlined in relevant governance, safeguard plans, and financial instruments.

R&MM15: PC&I Review by ESIA Consultants and Multi-Stakeholder body

● The ESIA consultants should be asked to independently review the existing PC&Is and in light of their findings (which included an examination of this ESMF and its mitigation measures), recommend any reform or additions to the existing PC&Is to ensure an M&E and reporting processes that comprehensively demonstrates how Indonesia has respected and addressed applicable social and environmental safeguards.

3. Governance

R&MM3 Project Board inclusiveness (read with R&MM10).

● Ensure an inclusive Project Board and other governance/advisory bodies (including for example, local (district/regional) decision-making bodies (where they exist), working groups and taskforces).

R&MM4: PMU Expertise and Composition

● A ToR will be developed by the hiring of staff needed for the PMU, including the Project Manager and Project Technical Advisors. It is imperative that the final ToR provides for a PMU that counts with a staff that is capable of managing, at a minimum, the five (5) matters listed in the paragraph directly above.

R&MM5: Coordination to Ensure UNDP Information Needs

● As part of the assurance role, UNDP is responsible for assuring that the project is in compliance with the UNDP standards and policies, including the SES. It is imperative that UNDP has staff that is not only trained in the requirements of the SES, the ESMF measures, and the GCF reporting demands, but also capable of training PMU and other project staff on the same. If additional training is needed, this should be arranged.

● Per the GCF, as the Accredited Entity, UNDP will systematically need to acquire (even if from MoEF or MoF) and deliver upon request, all necessary documentary evidence demonstrating that all licenses, permits, partnership agreements and recognitions of Adat lands are done in a manner that respects the rights of local communities, Villages, and Adat communities in Indonesia. This could include documentary evidence that:

> (i) good faith consultations and free, prior and informed consent (FPIC) processes, were taken when applicable, including the elaboration of forest management plans, revisions to the indicative maps, and recategorization of the forest areas over which they have access or use rights (i.e. during review of spatial planning every five years);

> (ii) prior due diligence was completed (including screening for the presence of people claiming to be Adat communities and tenure studies) to identify and avoid potential conflicts and overlaps *before* the issuance of Social Forestry licences and permits were issued and Partnership Agreements completed;

> (iii) licenses, permits, Partnership Agreements, forest categorization changes, and additions to the State Forest area have not resulted in the acquisition, restriction or prejudice to the rights of Adat communities to their traditional territories without their free, prior and informed consent (FPIC) and where applicable, an agreement on due compensation;

> (iv) revisions of the respective indicative maps are done in consult with all relevant stakeholders and in a manner that incorporates Adat forests as recognized and as claimed (titles pending);

> (iv) Where applicable, evidence of equitable benefit sharing (distinct from compensation), especially in the context of Social Forestry Partnership Agreements; and that

> (vi) management has taken proper actions to address any adverse environmental and social impacts identified through the project's grievance mechanism (or the national FGRM) and project monitoring

● This means that the UNDP staff person responsible for assurance and safeguards needs to follow closely all land tenure and mapping exercises, land regularization activities (permit, leasing, recognitions), outcomes of consultation and consent processes, and consequently, all agreements reached with landowners and other stakeholders (like farming cooperatives or small businesses). This further will involve ensuring that a mechanism is in place to track and record these agreements and activities, coordinate with FMUs and other local, regional and national government bodies that may have certain responsibilities for securing these deliverables within the context of the Social Forestry initiative and forest management under the oversight of the State.

R&MM6a: Properly trained PMU (read with R&MM4 (PMU hiring) and the R&MM7 (Safeguard training)

● With the help of the experts being hired by the PMU, training and capacity sessions on one or more of the following should be provided to relevant officials early on in the project, and where necessary refreshed or supplemented as the project progresses and new needs are identified: forest governance under applicable law, including matters of jurisdiction of the varying national and subnational levels, how the new project-level GRM works (as well as the national GRM and the UNDP's SRM and SECU); land regularization in Indonesia; rights of Adat communities and other collectives under Applicable Law (including rights to property, self-governance and consultation and consent); the monitoring and assessment of *social* (not just environmental) impacts of project activities; and conducting effective stakeholder engagement). Such identification could be discussed in the *Capacity and Training Committee* referenced in the Risk Matrix. See also, R&MM7 (below).

R&MM6b: Improved Coordination between regional, district and other local actors among themselves and with Project staff

● *Overlapping authorities*: Related to good governance and project administration, it has been highlighted that existing PLRs often cause confusion regarding the respective, and often overlapping jurisdictions of these entities, whether related to duties to create and implement land management plans, or to resolve grievances, or even to recognize Adat communities (provincial versus district). These need to be identified clearly and where possible, clarifications made known to all, and or recommendations made to reform and harmonize the laws and practices that cause the confusion in authorities.

● *Provincial/district coordination*: Existing multi-stakeholder forums in each province or district in which the RBP Project will operate need to be assessed and either strengthened or replaced with a more effective mechanisms to ensure that relevant parties have a mechanism to regularly communicate and share information, as well as meet periodically to coordinate efforts and leverage their respective capacities to advance the project's objectives and activities.

●The MoF should consider designating a Working Group or ad-hoc Advisory Committee (newly formed or currently existing) to review both points above (overlapping authorities and provincial/district coordination) and provide recommendations on ways forward.

R&MM6c: Strengthened FMUs

● The project will design capacity building initiatives targeted at staff in FMUs to ensure strong skills to execute their mandate, including with respect to conflict resolution, the rights of local communities, Villages and Adat communities, and relevant PLRs that affect their exclusive and concurrent competencies with provincial and district governments.

● The project will allocate sufficient funds to district- and province-wide activities involving FMUs which will strengthen institutional coordination mechanisms and incentive systems and clarify the roles of FMUs with respect to local communities as well as local and provincial governments.

● Pair FMU strengthening with a communication strategy that increases the visibility and general knowledge about the FMU among local communities and local governments – including the FMU's role, purpose and functions. Women in particular rarely hear about the. Carefully selected communication processes and tools incorporated into the project will encourage local communities and governments more involved in the project activities.

● FMUs will have the resources necessary to ensure that forest management plans are developed with full participation and reconciliation of local community, Village and Adat communities and their respective development priorities.

R&MM7: *Safeguards* Capacity and Training (read with R&MM6 above)

●All project staff, especially the PMU, and members of the Project Board will be required to attend an *induction training* that covers: (i) substantive matters relevant to the ESMF requirements, (including health, safety, social, environment and cultural requirements); (ii) explains the responsibilities of all the relevant parties for matters of monitoring, reporting and assurance related to social and environmental impacts and mitigation measures; and (iii) covers the operational mechanisms related to public transparency and accountability as well as those mechanisms to be used for ensuring coordination and information sharing among MoEF, UNDP and GCF as well as with local governments, private sector actors and other partners with contract responsibilities (defining the who, what, why, where, how).

● As the success of this project relies substantially on the voluntary willingness of Villages, local Communities, and Adat communities to participate meaningfully and effectively, make informed decisions about doing so, and carrying out various responsibilities (reporting, tracking, auditing, monitoring, etc) -- capacity and training for all voluntary partners is essential. The project will establish a multi-stakeholder body charged with assessing the capacity and training needs of such stakeholders (a "Capacity and Training committee"), making recommendations to the PMU and Project Board as necessary, and then developing and implementing capacity building and training exercises, as well as mechanisms to provide technical support to stakeholders. (This can be a function of one of the applicable governance bodies). Such a committee can be instrumental in increasing awareness, understanding and use of the APPs tool.

●To the extent possible, this training should extent to provincial and district government actors, including the FMU staff. This especially true given their role in monitoring impacts of the project to assess how it is addressing and respecting the social and environmental safeguards.

4. **Stakeholder engagement/Meaningful and Effective Participation of Stakeholders (including consultation and consent processes)**

R&MM8: Multi-stakeholder platforms

● In a multi-stakeholder setting, the project will evaluate the appropriateness and effectiveness of the three forums discussed directly above and any other stakeholder platforms and assess, if necessary, how their structures, mandates and resourcing can be further adapted for the RBP Project and where applicable, strengthened. At a minimum, review the ToRs of such platforms to ensure that Indonesia's decentralization in governance is reflected in these forum, reflect the State's commitment to gender equity, and includes a diverse representation of all potential beneficiaries and Activity implementers (local government representatives, NGOs, local communities, Villages, Adat communities, private property interest holders likely to be involved in partnership agreements etc). If gaps exist, address them or consider the creation of an additional project-specific body that can regularly bring multi-stakeholders together to assist and contribute to project implementation, including the design of new activities, mitigation measures, strategies and mechanisms aimed at improving project results and the livelihoods of the Indonesian people.

● See also "*Capacity and Training-Committee*" established per R&MM7.

R&MM9a: Stakeholder Engagement Plan.

● Given the nature of the proposed outputs and activities and the likely partners, beneficiaries, and key stakeholders, and based on the findings of this ESMF, the REDD+ past experiences, and the ESIA Report: There will be developed a generally applicable Stakeholder Engagement Plan. An indicative outline for this plan is found at Annexure 9 to this ESMF.

R&MM9b: Transparency Working Group

● Given Indonesia's commitment to transparency and its intrinsic value to the success of REDD+ programming and the RBP project itself, it is recommended that a *multi-stakeholder* Transparency Working Group be created to carry out three tasks:

(a) identify what information is most relevant to ensure the effective and accountable implementation of the RBP and the equitable access to its benefits, (and as relevant, the larger REDD+ programming) (for example: the seven pieces of information listed directly above, the Project Document (PRODOC), national REDD+ strategies and action plans, Social Forestry partnership agreements, licensing and permits issued, the gazetting of State Forest Area boundaries per Constitutional Court Decision MK 45/2011, notice of planned indicative map revisions, and the plantation data required by the 9 March 2017 decision of the Supreme Court);

(b) assess whether that information is or is not readily available, in user friendly ways, to the public (via online links, specific government offices, via a written request per a simple procedure, discretion of those holding the information to provide it (time frames), access for those without internet etc); and

(c) make recommendations to the Project Board within the first six months of the RBP commencement, and every six months thereafter, to improve access (to be considered by the Project Board and use their collective competencies to effectuate change).

This Working Group will work with those involved in the project's Communications Strategy (R&MM 12) to avoid the duplication of efforts and to prioritize public awareness of what information is available and how to access it.

R&MM12: Communications Strategy

● The project will develop a Communication Strategy. This can be a separate strategy or one that is jointly shared and developed with the Implementing Partner and may build upon and tailor an already existing REDD+ Communication Strategy where appropriate. A multi-stakeholder group will consider the project's communication needs and develop a draft strategy for approval by the Project Board.

● As the effectiveness of most non-governmental stakeholder representatives in the decision-making and advisory bodies, working groups and committees depends on their capacity to convey information to and from their constituents, the Communication Strategy should include mechanisms to assist these representatives in a culturally appropriate manner to share information (i.e. production of minutes, summaries of meetings, and other user-friendly pamphlets or audios tailored to their needs; including the use of communication networks used by their constituents (facebook, whatsapp, postings in schools, churches, etc).

●Coordinate as needed with the Transparency Working Group (R&MM9b).

R&MM15: PC&I Review by ESIA Consultants and Multi-Stakeholder body

● The Project Board should assign to one of the multi-stakeholder bodies referenced in this ESMF to review the PC&Is again and suggest any reforms or additions, particularly given that new legislation and policy has been adopted that may inform changes, and now that the RBP Project outputs and activities are known, allowing for more precise indicators if necessary. Such a review would take into account the recommendations of the ESIA (including any changes to the ESMF).

R&MM10: Adat communities and other Collectives in decision-making and advisory bodies (read together with R&MM11)

● To achieve these goals, the meaningful and effective participation of Adat communities and other collectives in project governance, design, implementation and decision-making are understood as desirable (i.e. Project Board, as necessary local decision-making forums, where they exist). Building upon the approach taken for the development of the National Strategy, AP, SIS-REDD+, and PC&I and APPS tool, representatives of Adat communities and other collectives will be in both decision-making and advisory bodies of the Project, including ad hoc working groups and technical committees. These representatives will be those chosen or designated by the collectives in question, and represent to the greatest extent possible, the distinct regions and cultural identities among them. To the extent practical, financial and technical support will be given to the representatives to improve their access to the project opportunities, increase their capacity to participate effectively and where applicable, carry out their respective responsibilities to disseminate information to their constituencies and bring information back to the central governance and advisory bodies.

R&MM11: Adat communities and other Collectives

● Given the nature of the proposed outputs and activities and the likely partners, beneficiaries, and key stakeholders; and based on the findings of this ESMF, the REDD+ past experiences, and the ESIA Report, there will be developed a generally applicable Adat Communities Plan. An indicative outline for this plan can be found at Annexure 7 to this ESMF

● Mechanisms and processes are in place to ensure that finalized licenses, permits, and Partnership Agreements, designations of forest categorizations, changes in the State Forest area boundaries and indicative maps, titling of Adat lands, and the development of land use management plans will not result in the acquisition, restriction or prejudice to the rights and interests, lands, resources, territories (whether titled or only claimed) and traditional livelihoods of the Adat communities concerned *without their free, prior and informed consent (FPIC) and just and fair compensation*, this means, at a minimum:

> (i) There shall be established a defined due diligence process that will be completed and documented (including screening for Adat communities in the forest area (recognized or not) and performing land tenure studies) to identify and avoid potential conflicts and overlaps with Adat land rights, *before* the issuance of Social Forestry licences and permits were issued and Partnership Agreements confirmed (building upon and strengthening the process that begins with gazetting, applications initiated under MoEF Decree 83 or MoEF Decree 21, or requests for conflict resolution under Presidential Decree No. 88);

> (ii) Revisions of the respective indicative maps (Social Forestry maps) are done in consult with all relevant stakeholders and in a manner that respects and will *not* prejudice Adat lands (those recognized and claimed (pending titles). This should be done in parallel with the transparent and participatory acceleration of the development of the Adat customary forest indicative map begun by the Directorate of Complaints Handling, Tenurial and Adat Communities in the Directorate General of Social Forestry and Environmental Partnership, including the reconciliation of the indicative maps with mapping already done by by NGOs, like AMAN, and communities, and mechanisms to ensure that these Adat customary forests are reflected in any local spatial data/maps to avoid conflicts and facilitate Social Forestry verifications.

> (iii) Where applicable, there is written evidence of equitable benefit sharing and due compensation to Adat communities for limitations.

> (iv) All licenses, permits and Partnership Agreements will (a) expressly clarify the legal rights and respective responsibilities of the local communities, Villages and Adat communities in question; (b)

clearly list any limitations or restrictions on their community's or Village's use and access rights; and (b) contain a standard proviso affirming that the license, permit or agreement does not constitute a waiver or prejudice the rights of communities or Villages to continue to pursue a claim for a full Adat title (templates for these instruments may require formal revision); and

(v) All local forest management plans within or that may affect Adat lands (recognized or claimed) will be developed in conjunction with these communities, respecting their defined development and resource management priorities, and finalized only with their FPIC.

(vi) Given Adat communities' human right to own, use and manage the resources within their traditional territories, any forest categorization to be attributed to the Adat lands upon titling must have the FPIC of the Adat community and be accompanied by a description of how they can petition for its change (i.e. in the context of the review of spatial planning every five (5) years.

(vii) See R&MM13 recommendations related to Presidential Decree 88 (section 7.4 below).

● A RBP project consultation and Free, Prior and Informed Consent (FPIC) Protocol (preferably derived from a REDD+ FPIC protocol) will be developed through a multi-stakeholder process consistent with the requirements of the UNDP SES and hence, Applicable Law). For instance, consistent with UNDP SES, Standard 6, requirement 9, good faith consultation and FPIC process will be triggered for "any matters that may affect the rights and interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods" of the Adat communities concerned.

(i) It will make clear what activities of the project CANNOT be undertaken without good faith consultations and/or FPIC. Specific activities should be listed, as well as a clear statement of the Protocol's alignment with UNDP SES, Standard 6 requirement 9 to guide application to future, unlisted activities, that may arise.

(ii) In light of the Project's reporting obligations (and that of UNDP) vis a vis GCF, the Protocol will establish a method to track and report all consultation and FPIC engagements and the agreements reached, and if needed, provide the supporting documentation to prove that such engagements and agreements were carried out accordance with the UNDP SES. This will require coordination (including record keeping) among MoF, MoEF, UNDP and other actors involved (possibly, local governments, FMUs, private actors involved in partnership agreements etc.).

(iii) Where agreements with the Government and other stakeholders may arise to implement specific project activities requiring consultation and/or FPIC, these third parties, even if not government actors, will respect the protocol referenced above and at all times, it will still be recognized that it is the State's duty and obligation to secure consultation and consent of Adat communities and this duty is not fully delegable. Continued engagement of the State will be required –both in terms of oversight as the duty bearer, monitoring of compliance, and with respect to the provision of sufficient technical and financial support to those expected to implement the consultation and consent responsibilities. (See also R&MM12 below).

● Respect for Adat rights could be increased if the application and verification processes for Adat forest recognition under MoEF Decree No. 21 (see appendices) required some validation that the community representative(s) who sign the application materials are chosen representatives (to be determined based on a description of the community's governance structure and decision-making methods of the community in the application).

● The respective laws and processes for local and regional decree (perda) recognitions of Adat communities and the titling of Adat forests will be reviewed either prior to the project or within the first six months of the project by a team of national and international experts on the rights of Adat communities (selected by a multi-stakeholder body) to not only determine their consistency with Applicable Law and their respective capacities to deliver on the Social Forestry target and objectives as well as the States duties and

obligations, but also to issue findings and recommendations. Such recommendations will be the subject of new provisions for project activities for the consideration and/or approval by the Project Board.

● Hiring and training are conducted to ensure that relevant PMU, Activity Implementers like FMUs, and GRM/FGRM staff understand the rights of local communities, Villages and Adat communities under Applicable Law and have the capacity and instruction to respect the development and natural resource management priorities of these communities and Villages in their collaborations (i.e application processes and forest management plans).

● New project activities and mechanisms should be designed to stress not just meeting the targets of issuing titles, permits, licenses and Partnership Agreements, but on securing improved livelihoods, reducing poverty and resolving conflict. the need for local communities, Villages and Adat communities to have the capacity (through training and technical and economic support) to (a) apply for the arrangements available under the Social Forestry initiative, (b) convey during negotiations and application processes, and the development of Forest Management Plans, Annual Work Plans and Business Work plans: their expectations in terms of livelihood, cultural needs and development priorities as related to the forest areas in question, (c) fulfil their duties and obligations under the initiative, and (d) leverage the newly acquired or recognized rights to engage in appropriate activities to improve community or Village livelihoods.

● Procedures will be in place to ensure that local Communities, Villages and Adat communities will have direct participation –where applicable leadership—in monitoring activities as related to the assessment of social and environmental impacts within forest areas under their title, license, permit or Partnership Agreement.

6. Grievance Redress Mechanisms

R&MM13: Project Level Grievance Redress Mechanism

● This ESMF recommends that the MoF take the lead on organizing an multi-stakeholder initiative to develop and adopt a project level GRM that can address both social and environmental impacts (i.e. including, but as necessary, going beyond those matters addressed by MoEF Regulation No. 22 and even Presidential Decree 88). This mechanism shall be:

(i) consistent with the UNDP Supplemental Guidance: Grievance Redress the Mechanism for further information on designing and evaluating grievance redress mechanisms (See GRM ToR found at Annexure 4 of this ESMF;

(iii) in conformity with the "effectiveness criteria"* developed by the UN Guiding Principles on Business and Human Rights and since widely accepted as necessary elements to a successful non-judicial GRM such as the required REDD+ project-level GRM.

(iii) informed by the review of a multi-stakeholder technical GRM Working Group mandated to deliver a report to the MoF in which the experts of this group review the existing national FGRM, Land Tenure GRM, and to the greatest extent possible --at least a sampling of other national, provincial and local GRMs-- all to establish their sophistication, effectiveness*, human, technical, and financial resources, existing integration or capacity to be integrated into the national FRGM.

(iv) elaborated to consider the role that can be carried out by or in conjunction with local, traditional dispute resolution mechanisms of the Villages, local communities and Adat communities.

● If the national FRGM is deemed to satisfy sub-section (iii) above, the project level GRM discussed herein does not need to be separate and apart from the FRGM (a new invention), but rather designed to complement the national FRGM and work with it to ensure access at the project level for project level grievances.

● Separately, the multi-stakeholder technical GRM Working Group should also examine how Article 30 of Presidential Decree 88 has been applied in practice to protect the existence (integrity), value, use, and future enjoyment of rights over the forests in question while the land tenure dispute is being resolved. This body will make recommendations to the MoF as to if and how the provision can be used to avoid irreparable harms to people and the environment, and in particular prejudice to the rights of Adat communities awaiting land recognition.

● Also, Presidential Decree No. 88 (2017) should be considered for reform to address the limitations that follow from accessibility only attaching to recognized Adat communities that can prove control over their lands before the forest categorizations were designated -despite what might have been prior incursions and trespasses by third party actors exploiting their resources.

● Ensure that the relevant teams of the Land Tenure GRMs (Team for Acceleration of Resolution of Control over Land in Forest Rea (PPTKH Acceleration Team), the PPTKH Implementation Team, and the TKH Inventory and Verification Team of Control over Land in Forest Areas) as established by Presidential Decree 88 are adequately resourced with experienced, trained staff and sufficient resources to assist applicants in the process and conduct their respective roles to process efficiently and in a rights-based manner, the applications for the settlement of land tenure disputes that come before it.

R&MM14: Public Awareness of project level GRM and no Prejudice to existing Remedies

● It is most important that the GRM is developed with stakeholders so that ownership is shared, credibility in the system starts from the beginning, and all are vested in its existence, accessibility, and the public awareness campaign around its existence. Upon completion, those in charge of communications should promptly design and implement such a campaign. Indeed, the RBP Project must provide for a sufficient budget for the design and implementation of the GRM, as well as the communication initiatives around it.

● The finalized GRM will need to clarify that it does not prejudice the rights of aggrieved parties to use any other dispute resolution mechanisms available to him/her and specify how it operates alongside of the dispute resolution mechanisms found in other RBP project-related contracts, such as the Social Forestry Partnership Agreements.

7. Climate Change Vulnerability, Displacement of Emissions and Reversion of Achievements

● Licenses, permits, Partnership Agreement terms, even conditions associated with an Adat title must be clear about what practices that are important to a community can continue, and not continue, thereby avoiding misunderstandings, disappointment and withdrawal later. (See Annexure 11 "Considerations for the Elaboration of Social Forestry, Licenses and Partnership Agreements").

● Tailoring forest/land management plans to consider the livelihood needs and practices of the communities and private business license holders, where applicable for the Partnership Agreements, is key to the contentment of the various parties going forward. Capacity building and support to relevant communities and the local governments and FMUs that participate in such exercises is necessary. See R&MMs related to the FMU and capacity building (R&MM6c "Strengthened FMUs" and capacity elements provided for in R&MM6a "Properly trained PMU", R&MM7 "Safeguards Capacity and Training", R&MM8 "Multi-stakeholder platforms" and R&MM11 "Adat communities and other collectives"

● Capacity building and resource assistance is needed to ensure that non-governmental stakeholders can comply with their commitments (avoiding withdrawal from the initiative, grievances, non-compliance with permits, even incidents of communities seeking the assistance of private third party business interests which who are not under obligations and/or are less incentivized to fulfil the terms of license, permits and agreements). (This pairs with the need to look beyond the issuance of licenses, permit, partnership

agreements etc. under the Social Forestry initiative, but also to resource continued support on the monitoring and implementation end of such arrangements).

● Demonstrating project flexibility and periodically updating and revising licensing and forest participation agreements, as well as forest and land use management plans as necessary will assist the project to adjust to new concerns and realities keeping all involved content with their particular arrangements and committed to sustainable production, forest conservation or protection.

● When reviewing the PC&Is, establish that they adequately cover displacement of emissions and reversion concerns. If not, amend and add. (See related R&MM15 "PC&I Review by ESIA Consultants and Multi-Stakeholder body").