RPF-PF DOCUMENT

MINISTRY OF ENVIRONMENT AND FORESTRY

JAMBI PROVINCE

REPUBLIC OF INDONESIA

OCTOBER 2019
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<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>APBN</td>
<td>Anggaran Pendapatan dan Belanja Negara or National Budget</td>
</tr>
<tr>
<td>BAPPEDA</td>
<td>Badan Perencanaan Pembangunan Daerah or Regional Planning Agency</td>
</tr>
<tr>
<td>BLU</td>
<td>Badan Layanan Umum or Public Service Agency</td>
</tr>
<tr>
<td>BPDLH</td>
<td>Badan Pengelolaan Dana Lingkungan Hidup or Environmental Fund Management Agency</td>
</tr>
<tr>
<td>COP</td>
<td>Convention on the Parties</td>
</tr>
<tr>
<td>DGCC</td>
<td>Director General for Climate Change</td>
</tr>
<tr>
<td>DLH</td>
<td>Dinas Lingkungan Hidup or Environmental Agency</td>
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<tr>
<td>ERPA</td>
<td>Emission Reduction Plan Agreement</td>
</tr>
<tr>
<td>ERPD</td>
<td>Emission Reduction Plan Development</td>
</tr>
<tr>
<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
</tr>
<tr>
<td>FCPF-CF</td>
<td>Forest Carbon Partnership Facility – Carbon Fund</td>
</tr>
<tr>
<td>FGRM</td>
<td>Feedback and Grievance Redress Mechanism</td>
</tr>
<tr>
<td>FREL</td>
<td>Forest reference emission levels</td>
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<tr>
<td>GHG</td>
<td>Green House Gases</td>
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<tr>
<td>IPs</td>
<td>Indigenous Peoples</td>
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<tr>
<td>IPPF</td>
<td>Indigenous Peoples Planning Framework</td>
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<tr>
<td>MoEF</td>
<td>Ministry of Environmental and Forestry</td>
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<tr>
<td>NGOs</td>
<td>Non-Government Organizations</td>
</tr>
<tr>
<td>OP</td>
<td>Operational Policies</td>
</tr>
<tr>
<td>OPD</td>
<td>Provincial Government Services</td>
</tr>
<tr>
<td>P3SEKPI</td>
<td>Pusat Penelitian dan Pengembangan Sosial Ekonomi Kebijakan dan Perubahan Iklim or Development and Innovation Agency, Centre for Socio-Economics, Policy and Climate Change</td>
</tr>
<tr>
<td>PIU</td>
<td>Project Implementing Unit</td>
</tr>
<tr>
<td>PoA</td>
<td>Plans of Action</td>
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<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>REDD</td>
<td>Reducing Emissions from Deforestation and Forest Degradation</td>
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AMENDMENT RECORD

This report has been issued and amended as follows:

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<th>Description</th>
<th>Date</th>
<th>Approved by</th>
</tr>
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</table>

(name) | (name)  
Project Director | Project Manager
1 INTRODUCTION

1.1. BACKGROUND

The Jambi Sustainable Landscape Management Project (hereafter J-SLMP) is designed to improve sustainable landscape management that reduces land-based GHG emissions in Jambi. The project will provide technical support for ERP program design and systems strengthening to build government capacity to access and utilize future performance-based incentives for reduced deforestation, degradation, and land-use change. As such, the project will support analytics, capacity building, design of subprograms to test different incentives models, and stakeholder engagement as well as testing sustainable land use management practices and enforcement and their overall safeguards management. Key analytical and capacity strengthening areas include land and resource tenure, understanding local drivers of deforestation and how best to address them, and legal, institutional and policy analysis, and stakeholder assessments.

To strengthen the management of risks and impacts related to livelihoods displacement and access restrictions as a result of the project implementation, a Resettlement Planning Framework (RPF) has been prepared as a precautionary measure in the event that resettlement risks are envisaged. The RPF also includes a Process Framework (PF) to address access restriction risks for forest dependent communities, including Indigenous Peoples, as a result of ERP implementation. These frameworks were developed through a participatory process involving various stakeholders in Jambi including national and local government, university, and NGOs.

1.2. PURPOSE OF THE FRAMEWORKS

This document contains two key frameworks, the Resettlement Planning Framework (RPF) and the Process Framework (PF), which have been developed to strengthen the current safeguards measures for the J-SLMP. The RPF and PF serve as a precautionary measure to address risks associated with resettlement and/or access restrictions following the implementation of the J-SLMP activities.

These frameworks have been developed to address the key requirements under the World Bank’s Operational Policies (Ops) 4.12 on Involuntary Resettlement and OP 4.10 on Indigenous Peoples, for specific impacts that affect these communities. Each of these frameworks is further elaborated in the following sections.

The RPF and PF document is part of the Safeguards and will be cross-referenced with other following safeguards documents:

- Strategic Environmental and Social Assessment (SESA);
- Environmental and Social Management Framework (ESMF);
- Indigenous People Planning Framework (IPPF); and
- Framework of Grievance Redress Mechanism (FGRM)

1.3. DISCLOSURE AND CONSULTATIONS

As part of the preparation of this RPF and PF, the following consultations have been undertaken:
▪ Interviews with FMUs, district BAPPEDA (Merangin, Bungo, Kerinci, Sarolangun and Tanjung Jabung Timur districts), Kerinci District Environmental Agency, and Kerinci Seblat National Park authority (March – April 2019). This interview was intended to capture perception and expectations of the respondents (government officials) on BioCarbon Fund, drivers of deforestation, and capacity needs assessment to address these drivers;

▪ Focus Group Discussion in sample villages (19-20 April 2019). This FGD was done to verify key environmental and social issues and also to identify stakeholders at grass root level, and to identify risk of conflicts; and Focus Group Discussion with Orang Rimba and Marga Serampas to represent indigenous peoples (20 April 2019).

▪ Two public consultations were done at the district levels, namely District of Tanjung Jabung Timur in May and District Merangin in June 2019. In these meetings, draft safeguards documents were presented to the public, in this case, various government offices at the district level, related FMUs, National Park Authorities, local NGOs, head of sub district and some heads of villages, and WB staff. Besides, presenting the draft safeguard report, discussion were also done to capture inputs and further analysis of environmental and social impacts as well as capacity to deal with the impatcs (especially in Merangin District).

▪ Two more consultation processes were conducted in late July 2019 in Jambi on the issue of risks of reversal and risks of displacement, involving national park authorities, FMUs, Provincial Government Offices, and NGOs.

To ensure accessibility and more inclusive participation, further consultations and disclosure of the RPF are currently being planned at the district and community levels. As part of the finalization of the safeguard’s instruments under the Program, these consultations are scheduled based on discussion with stakeholders in Jambi.

The final and consulted RPF and PF will be disclosed in the World Bank and MoEF’s websites prior to the program’s appraisal. Action plans and other instruments relevant within these frameworks will similarly be disclosed and make available to potentially affected community and individuals prior to public consultations, and a final version will be disclosed prior to commencement of any activities.
2. PROGRAM DESCRIPTION

2.1. PROJECT COMPONENTS

The J-SLMP will foster equitable and low-carbon development by addressing drivers of emissions, deforestation, and land degradation primarily through strengthening policies and institutions and implementing sustainable land management approaches. The achievements of the PDO will be measured through the following indicators: a) land area under sustainable forest management and/or restoration practices (ha), b) GHG Emission reductions in Jambi (MtCO2e), and c) number of people reached with benefits (assets and/or services) (% women).

Brief description of the J-SLMP project components is provided in table below. Detailed explanation of each of the component is provided in the ESMF.

Table 1 J-SLMP Project Components

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Sub-components</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component 1: Strengthening policy and institution</td>
<td>1.1. Institutional Strengthening aims to strengthen coordination and decision making across sectors (forestry, plantation and mining) to address primary drivers of emissions from land use in Jambi.</td>
</tr>
<tr>
<td></td>
<td>1.2. Enabling Environment for ER Program will support improvements to the enabling environment for an ER Program represents the key aspect in bridging International REDD+ standards for implementation at local scale under jurisdictional approach.</td>
</tr>
<tr>
<td></td>
<td>1.3. Policy and Regulation will support the consolidation and strengthening of policies and regulations for sustainable land use, including at national and provincial levels.</td>
</tr>
<tr>
<td>Component 2: Implementing Sustainable Land Management addresses the lack of sustainable practices in land management which resulted in tenurial conflicts involving agricultural practices in forest area</td>
<td>2.1. Integrated Forest Land Management will provide support for integrated forest and land management through the consolidated and coordinated management of forest and land resources, targeting peatland and fire as key sources of emissions.</td>
</tr>
<tr>
<td></td>
<td>2.2. Private Sector Partnerships for Improved Forest and Land Management will support private sector partnerships for improved forest and land management which will leverage private sector funding, investment.</td>
</tr>
</tbody>
</table>
Component 3: Project management, monitoring and evaluation, and reporting envisages overall management of the ER implementation, and highlights the roles shared among stakeholders in sustainable forest management.

### 2.2. ASSESSMENT OF POTENTIAL RISKS OF INVOLUNTARY RESETTLEMENT AND ACCESS RESTRICTION

The J-SLMP will not require land acquisition which would result in direct involuntary resettlement, however there may be indirect impacts as a result of the broader implementation of the GoI’s program within project area. Chapter 4 of the ESMF provides summary of the assessment of broader environmental and social risks is while the detailed assessment is presented in Annex 12 of the document. Assessment of potential risks of involuntary resettlement and access restriction is presented in table XX below:

#### Table 2  Resettlement and Access Restriction Risk Assessment.

<table>
<thead>
<tr>
<th>Component/Sub-component</th>
<th>Activity</th>
<th>Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Component 1.1.</td>
<td>Institutional Strengthening</td>
<td>The activity will support local capacity and social inclusion for improved land management as follows: (1) FMU capacity improvement; (2) Establishment of social forestry licenses; (3) Support to Adat recognition; Support to smallholder replanting via improved access to the Oil Palm Plantation Fund</td>
</tr>
<tr>
<td>Sub-component 1.2</td>
<td>Enabling Environment for ER Program</td>
<td>Systematic monitoring of land and forest resources, reporting changes and verifying of emissions reductions; Benefit sharing mechanism; Implementing safeguards framework and instruments; and Establishing and operationalizing FGRM</td>
</tr>
<tr>
<td>Sub-Component 1.3:</td>
<td>Policy and Regulation</td>
<td>Assisting the national and sub-national government to review policy and regulations to effectively implement J-SLMP activities (e.g., establishment of fiscal incentive system to channel funds to sub-national level and communities); Assisting provincial level policy formulation for the enforcement of various national policies such as the peat moratorium;</td>
</tr>
</tbody>
</table>
- Developing policies and regulations for enhancing private sector participation in generating J-SLMP benefits

**Sub-component 2.1: Integrated Forest and Land Management**
- Development of supply chain management tools (to facilitate compliance to certification standards including “no-deforestation and no-fire” sustainability aspects);
- Support jurisdictional management tools by local government (to facilitate legal enforcement of “no-deforestation and no-fire” legislation);
- Promotion of alternative crops and livelihoods in degraded areas;
- Technical innovation to support traceability and sustainable sourcing;
- Restoration of degraded lands (including peat);
- The risk of access restriction due to protected area and HCV allocations
- Access restriction due to the enforcement of regulation may limit livelihood option for local communities (including encroachment). OP/BP 4.12
- Recognition of indigenous people (OP 4.10) in implementing social forestry mechanism has lead to the issuance of indicative map of customary forest as part of social forestry indicative map
- Partnership is misunderstood by community causing more encroachment

**Sub-component 2.2: Private Sector Partnerships for Improved Forest and Land Management**
- Sustainable agroforestry and intercropping for intensification and diversification
- TA for technology transfer for smallholder tree crop productivity enhancement
- Support coordination of stakeholders in value chains
- Development and dissemination of productivity enhancing technology and farming practices (to promote intensification instead of area expansion);
- Access restriction (OP 4.12) if the program lacks inclusion of local communities, and lacks gender participation
- Intervention to increase capacity of indigenous peoples poses the risk of “modernization” that causes the indigenous communities to abandon their traditional values. This is relevant with OP/BP 4.10 on indigenous peoples.

**Sub-component 3.1: Project Management**
- Project coordination and management, particularly to achieve the Project’s objectives, including AWPB; fiduciary aspects (FM and procurement); human resource management; safeguards compliance monitoring;
- Management risk (e.g., delay and insufficient M&E)

**Sub-component 3.2: Monitoring, Evaluation, and Reporting**
- Knowledge management and sharing; and implementation of strategies for communication and stakeholder
- Lack of knowledge and skill in conduction emission monitoring and reporting may hinder effort to calculate emission reduction
- Ineffective monitoring system may cause delay in responding to issues in the field.

The above assessment highlights that the J-SLMP may result in access restrictions of forest dependent communities to natural reserves and/or other protected areas due to regularization of forest functions and law enforcement. There may also be risks that the J-SLMP may exacerbate and affect existing disputes and conflicts over natural resources and land rights if no sufficient and inclusive community participation and dispute mediation are established during the program implementation. Potential resettlement risks are very remote (only in extremely unlikely case to remove encroachers).
3. LEGAL AND INSTITUTIONAL FRAMEWORK

The legal and institutional framework will be based on GOI’s regulations and World Bank Safeguards will are described as follows:

3.1. GOI’S LEGAL AND INSTITUTIONAL FRAMEWORK

The GoI legal and institutional framework to address potential resettlement (RPF) and access restriction (PF) within the ERP implementation are:

- Indonesia’s Constitution 1945;
- Decree of the People’s Consultative Assembly/ DoPCA (TAP MPR No IX/2001);
- Law No. 5/1960 regarding Basic Agrarian Law;
- Law No. 41/1999 regarding Forestry;
- Law No. 39/2014 regarding Plantation;
- Presidential Regulation (Peraturan Presiden) No. 71/2012 regarding procedures for land acquisition for public interests (Revised in Presidential Regulation No. 148/2015). This regulation covers the definition of government agencies, procedures, objects related with land acquisition. This regulation also defines the public interests and land values;
- Presidential Regulation No. 62/2018 on responding to social impacts related with land acquisition for national development. This regulation also states the requirement to establish an integrated team for mitigating social impacts;
- Presidential Decree No. 88/2017 regarding Tenure Settlement within the Forest area (Penyelesaian Penguasaan Tanah Dalam Kawasan Hutan/PPTKH);
- Coordinating Ministry for Economic Affairs Decree No. 3/2018 regarding Technical Implementation Guideline for The Inventory and Verification Team of Occupied Forest Area (Pedoman Pelaksanaan Tugas Tim Inventarisasi dan Verifikasi Penguasaan Tanah dalam Kawasan Hutan).

In general, land status can be divided into two function that is forest and non-forest. Any activities in forest area will be managed under jurisdiction of Law No 41/1999 regarding Forestry and its related guidance regulations include Presidential Decree No. 88/2017 and Coordinating Ministry for Economic Affairs Decree No. 3/2018. Non-forest land or area will be managed under jurisdiction of Law No. 5/1960 regarding Basic Agrarian Law and its specific regulation include Law No. 39/2014 regarding Plantation.

Activities related to achieving the objective of the J-SLMP may involve the construction and/or rehabilitation of village roads, as well as the construction of processing facilities for (agro-) forestry products and other small-scale community infrastructure. These activities may require the acquisition of small plots of land through negotiated land acquisition or voluntary contribution. Potential access restrictions to land and other natural resources may occur because of activities under Component 2 and policy changes related to activities under Component 1.

The following laws and regulations set out the principles and procedures relevant to potential land acquisition and resettlement issues related to J-SLMP.
- Presidential Decree No. 88/2017 regarding Tenure Settlement within the Forest area.
- Coordinating Ministry for Economic Affairs Decree No. 3/2018 regarding Technical Implementation Guideline for The Inventory and Verification Team of Occupied Forest Area: The regulation was designed for resolving the overlapping of land rights in the Forest area. This regulation have more acknowledgement on dispute or conflict pattern within forest area or the land occupying pattern in Indonesia. There will be a technical process to resolve the land dispute. There will be several scenarios for dispute settlement including resettlement, land swaps, enclave, and social forestry. Basically, the regulation is aim to give the best scenario within community and the forest management through recognizing customary territories (hak ulayat) and Adat forest;

Law No. 5/1960 on Basic Agrarian Principles: This law defines the fundamental rights of private individuals and entities. The law describes the roles of the state regarding the direct use of land as well as personal rights and the private use of land. Furthermore, the law recognises land rights over customary territories (hak ulayat) and customary law (adat law), if it is not in conflict with the national interests.

3.1.1. Management of resettlement and access restriction

Risks within Forest area

Based on Decentralization Act No. 23/2014, the Forest Estate (with the exception of forest conservation areas) is managed by the provincial government and controlled by the national government. Day-to-day management of these areas is the mandate of the Forest Management Units (KPH). All forest conservation areas (such as Nature Reserves, Wildlife Reserves, and National Parks) are controlled and managed by the central Ministry of Environment and Forestry.

The governing framework for the handling of tenure settlements in the forest area (PPTKH) is set out in the Presidential Regulation No. 88/2017. As a consequence of this regulation, an acceleration team for PPTKH has been established by the GoI and is chaired by the Coordinating Ministry of Economic Affairs (CMEA) with members from MOEF, MOHA, Cabinet Secretary and the Head of the President Staff Office (KSP). The PPTKH acceleration team, supported by its implementation taskforce staffed by relevant heads of directorate generals of these ministries, is responsible to facilitate tenure settlement processes in the forest area, which include:

- Coordinating and synchronizing the implementation of settlements of land tenure within the forest area;
- Stipulating steps and policies in the resolution of problems and obstacles in the implementation of PPTKH;
- Determining the maximum land areas that can be allocated to settle land tenure within the forest area;
- Establishing resettlement mechanisms;
- Conducting supervision and control over the implementation of land tenure settlements within forest areas; and
- Facilitating the provisions of budget in the execution of land tenure settlements within forest areas.

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1 Based on the Coordinating Ministry of Economic Affairs Decree No. 3/2018 regarding Technical Implementation Guideline for The Inventory and Verification Team of Occupied Forest Area
An inventory team for PPTKH is to be established at the provincial level by the governor and is responsible for assisting the PPTKH acceleration team and its implementation taskforce at the national level on specific tasks, which include:

a. Receiving proposals for inventory and verification of land use and occupation within the forest area collectively submitted by district heads or mayors;
b. Conducting field surveys/data collection;
c. Conducting analysis of (1) physical and juridical data of land parcels within forest area; and (2) ecosystems of the land parcels concerned; and
d. Outlining recommendations for tenure settlements in the forest area to be forwarded to the Governor for concurrence.

Final decisions in regard to tenure settlement mechanisms rest with the PPTKH acceleration team hosted at the CMEA. The execution/implementation will remain the responsibility of the MOEF. The Presidential Regulation No. 88/2017 Jo. Coordinating Ministry of Economic Affairs Decree No. 3/2018 sets out several measures to address forest occupation and/or encroachments depending on the functions of the forest area concerned (i.e., conservation, protection and production), as outlined in the following table (Table 3):

**Table 3 Options for Land Tenure Settlements within the Forest area.**

<table>
<thead>
<tr>
<th>Options</th>
<th>Conditions/requirements</th>
</tr>
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<tbody>
<tr>
<td>Occupation and/or encroachment before the designation of forest area</td>
<td>Land in question has been occupied and/or titles have been granted prior to the designation of forest area</td>
</tr>
<tr>
<td>Land parcels/part of parcels to be enclaved and excised from the forest area</td>
<td>Land in question has been occupied and/or titles have been granted prior to the designation of forest area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occupation and/or encroachment following the designation of forest area</th>
<th>Occupation for settlement purposes and/or establishment of public and social facilities in areas no longer classified as protection or conservation zones. Land in question has been utilized for agricultural purposes for more than 20 consecutive years.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land parcels/part of parcels to be enclaved and excised from the forest area</td>
<td>Occupation for settlement purposes and/or establishment of public and social facilities in areas no longer classified as protection or conservation zones. Land in question has been utilized for agricultural purposes for more than 20 consecutive years.</td>
</tr>
<tr>
<td>Land swap</td>
<td>Occupation for settlement purposes and/or establishment of public and social facilities in areas no longer classified as protection or conservation zones (applies to provinces whose forest cover equals to or is less than 30% of the total size of watersheds and/or land masses within provincial administrative jurisdictions).</td>
</tr>
<tr>
<td>Social forestry schemes</td>
<td>These schemes apply to provinces whose size of the forest area equals to or is less than 30% of the total size of watersheds and/or land masses within provincial administrative jurisdictions regardless of the length of occupation. Land in question has been utilized for agricultural purposes for less than 20 years.</td>
</tr>
<tr>
<td>Resettlement</td>
<td>Land in question is classified within the conservation zone regardless of the use (e.g., settlements, agricultural purposes and other land uses). Occupation for settlement purposes and/or establishment of public facilities in protection forests.</td>
</tr>
</tbody>
</table>
Note: In provinces whose size of forest area equals to or is less than 30% of the total size of watersheds and/or land masses within provincial administrative jurisdictions, resettlement options can also be applied to forest occupation for settlement purposes and/or establishment of public and social facilities in production forests under the discretion of MOEF.

For the mechanisms above to be enforced, land in question must be free from any encumbrances and/or disputes with other parties. Furthermore, the government agencies (PPTKH) involved are prohibited from enforcing forced evictions, criminalization against land claimants, closure of access to land and/or any forms of access restrictions during the implementation of forest tenure settlements. These requirements would enable investments in community facilitation and engagement during the ERP implementation as guided by this framework.

3.1.2. Management of resettlement and access restriction Risks outside the Forest area

The area outside of Jambi’s Forest Estate covers 4.3 million hectares. Management of state lands outside the Forest Estate falls under the mandate of the district and provincial governments. The overall administration of land outside the forest estate (APL) falls under the purview of ATR/BPN.

Currently, ATR/BPN has been implementing a Systematic and Complete Land Registration (Pendaftaran Tanah Sistematis Lengkap or hereafter PTSL). PTSL is a complete village-based land registration system for certification to cover village by village all registered and unregistered land parcels in non-Forest area. Under the PTSL approach, all land parcels in a village will be mapped and registered with the land office and relevant data entered into the electronic database (KKP). Land parcels previously not certified and free of encumbrances (i.e. no competing claims, no overlaps with Forest Areas, concessions and other land parcels) will be declared eligible for issuance of titles. The overarching goal of this program is to provide clarity of land use and legal ownership and therefore, is expected to facilitate dispute and conflict settlements in non-forest area.

On concerns with regards to access restrictions and evictions in non-Forest Areas, such risks may occur only in cases where there are third party actions (government, non-forestry license holders and/or other land owners) to regularize informal settlements as an outcome of dispute settlement processes within APL lands. Table 6 provides an analysis of land classifications where such informal settlements may be found along their respective legal frameworks.

Table 4 Classification of Land Types with Possibilities of Informal Settlements.

<table>
<thead>
<tr>
<th>Land Classification</th>
<th>Assessment</th>
</tr>
</thead>
</table>
| State Land          | The GoI’s regulation PP 16/2014 concerning Land Management requires land holders to ensure that land use and occupation are:  
  ▪ in conjunction with the district/provincial spatial plans;  
  ▪ in compliance with protection and conservation functions of the land concerned to prevent ecosystem degradation.  
  Land use on small islands, river banks, watershed areas, coastlines, lake flood plains, etc., is subject to public interests, conservation and environmental carrying capacity. Due to the conservation and ecosystem functions, district and/or provincial spatial plans would retain the management of the areas into relevant government agencies and restrict occupation and utilization of land in these areas. Occupants are not eligible to private land ownership, and concession areas must enclave these areas. In the events of land use regularization, there could be potential risks that these occupants may face |
Land Classification | Assessment
--- | ---
increased scrutiny with regards to the status of their occupations, with potential restrictions of further land use, and evictions.

The governing regulation pertaining to land acquisition for public interest is set out in Law No.2/2012. The laws require the government and/or other entities acting on behalf of the government to compensate any loss that may be incurred based on independent asset valuation. However, there remains issues with regards to compensation for informal settlers with regards to land compensation, which is currently not covered in the absence of legitimate claims of the land in question.

| Land under HGU (Rights to Cultivate) licenses | The GoI’s regulation PP 40/1996 allows communities, private and government-owned enterprises the rights to cultivate on state lands for agriculture and farming purposes. HGU licenses last for 25 years and are extendable for another 35 years subject to certain eligibility requirements (e.g., compliant with tax obligations, cultivate land in conjunction to its purposes, including efforts to conserve, etc.).
Ministerial Regulation of ATR/BPN No.7/2017 further regulates the provisions and mechanism for determinations of HGU. If within the HGU land sourced from the state land and Forest Areas, there is prior occupation, license holders are responsible to pay compensations to the occupants of the land in question based on mutual consensus between both parties. If the land is categorized as customary territories, a written consent from community representatives is required and parts of the proposed areas that are considered sacred and/or culturally significant will be enclaved based on community consent. On private lands, compensations will be determined based on willing seller-willing buyer agreements.
Unlawful evictions are therefore prohibited under the GoI’s law. However, in cases where encroachment takes place following licensing, often in areas not cultivated and/or abandoned, settlements of land occupation can take place either through mediation and/or court cases. If there is evidence that such occupation results from HGU owners’ lack of ability to manage the land, their license will be subject to further legal review, with possibilities of license revocation or excision of the land occupied by communities for the land redistribution (TORA) scheme.

| Ex-HGU land | Expired HGU land that has been occupied by communities is subject to the TORA scheme to provide tenure security to the occupants provided they meet eligibility requirements (e.g., length and nature of settlements, no legal encumbrances/clean and clear status, etc.). In order for such land to be transferrable to the occupants, it has to be formally designated a status as an abandoned land (tanah terlantar) as per-the GoI’s regulation No. 11/2010. However, ATR/BPN is often constrained by the lack of legal clarity with respect to asset handover from the previous HGU owner since the regulation (Presidential Decree) is still yet to be issued. As a result, there is legal uncertainty for both previous HGU owners, land occupants and the government, often resulting in a legal deadlock which prevents any actions by all parties.

With the legal framework pertaining to State Land as well as HGU land, evictions of informal settlers are considered unlikely and such risks would be isolated cases. The GoI is responsible to ensure that there is a due process to verify claims and compensate those who may be evicted. Settlements of tenure in private property, including HGUs are settled through direct negotiation between land holders and occupants based on consensus.

Under the broader Agrarian Reform Program, which is further regulated under Presidential Regulation no. 86/2018, the GoI is committed to protecting the rights of poor people, including informal settlers,

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2 The GoI has established a new program for Agrarian Reform (Tanah Obyek Reforma Agraria/TORA). Agrarian reform in accordance with Basic Agrarian Law (BAL) of 1960 is a rearrangement for the restructuring of ownership, control and use of agrarian resources. The goal is to create social equity, increase productivity and improve people’s welfare. The main prerequisite for the implementation of agrarian reform is the political support of the government and the accurate information on agrarian resources (i.e., lands and people).
occupying the land classified under state land and HGU, including ex-HGU land through the TORA scheme. However, settlements of tenure under TORA are outside the scope of the project and are addressed under the broader GoI’s development program. The institutional capacity assessment of government institution (and other relevant stakeholders) is provided in Annex 6 of SESA.

3.2. GOI’S ONGOING EFFORTS TO ADDRESS TENURE SETTLEMENTS

In recent years, the GOI has made strong political commitments to address land tenure issues and poverty amongst rural communities, including those occupying and using land inside the forest area. Such commitments have been translated into real actions, which are expected to provide access to land and natural resources amongst poor rural communities and hence, minimize risks considered under these frameworks. Recent policy developments are summarized as follows:

3.2.1. Improving Spatial Planning

An important step toward improved spatial planning is the ongoing delineation of the boundaries of the Forest Estate. Clear boundaries between the Forest Estate and lands that lie outside, as well as clear demarcation of land use designations within the Forest Estate, are expected to improve legal certainty in forest management, and to increase public recognition of community rights.

Another positive development is what is generally referred to as the “One Map Policy” (Kebijakan Satu Peta). This effort, first launched in 2012, involves the synchronization of maps used by different agencies and levels of government. 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. In addition, the Government of Indonesia is developing a national cadastre and continues the delineation and demarcation of land to be designated as state forest areas.

3.2.2. Protection of HCV Forests within Concessions and Oil Palm Plantation Areas

MOEF has issued a number of regulations to support the protection of High Conservation Value Forests (HCVF) within forestry concessions (logging concessions, timber plantation concessions, and ecosystem restoration concessions). The Ministry of Agriculture and the National Land Agency have issued a letter in support of HCVF implementation within areas licensed for estate crops. A number of licenses have been issued, requiring recipients to protect HCVF within the licensed area.

A number of policies related to the development and management of Estate Crops in Jambi are expected to be included in the provincial and district development plans. These policies provide justification for:

- Prioritizing increased productivity rather than establishing new estate crop plantations;
- Directing new development of estate crop plantation to smallholders on land with low carbon stock values (shrubs and open land on mineral soils) through partnerships with large estate crop companies (low-emission supply chain);
- Encouraging the acceleration of estate crop plantations on areas where the permits have been issued and evaluating the existing permits;
- Protecting natural forests and peatlands with high carbon stock values. To the extent possible, collectively maintain 640,000 ha of natural forests and 50,000 ha of peatlands by 2030 in the allocated plantation areas; and
- Ensuring compliance with the principles of sustainable estate crop development.

### 3.2.3. Agrarian Reform

The government is pursuing two programs related to land reform and land distribution which aim to create more equitable access to forest land and to reduce conflict. First is the Agrarian Reform Program which covers 9 million hectares of land. The second is a program that seeks to allocate forestry land through various social forestry schemes. These are agreements between the state and communities for accessing and using areas within the forest estate for specified purposes. The main social forestry schemes are Community Forests (Hutan Kemasayarakat or HKm), Village Forests (Hutan Desa or HD), Community Plantation Forests (Hutan Tanaman Rakyat, HTR) and partnerships (kemitraan). By the end of 2017, there were 27 partnerships between companies and timber plantation companies in Jambi, covering 1,989 ha and involving 687 community members.

### 3.2.4. Customary Forests (Hutan Adat)

Adat Forests are defined as forests located within territories over which Adat communities hold traditional rights (Adat). In order to bring the nation’s forest regulation in line with a high-profile decision by Indonesia’s Constitutional Court in 2013 concerning Adat forests, the Ministry of Environment and Forestry issued a new regulation on Forest Rights in 2015. Four adat areas have been recognized in Jambi based on Governors Regulation No 1/2015. This includes a 49 ha Hutan adat area in Hemaq Beniuang village, a Hutan adat forest in Kekau covering 4,026 ha, and a wilayah adat area in Mului in which covers 7,803 ha. Besides, there are also several potential Adat land claims in the concession. The total potential adat land claim is officially recognized as much 273,314.58 ha (Error! Reference source not found.).

### 3.2.5. Traditional Zones and Conservation Partnership in National Parks

Starting in 2015, conservation programs have been conducted to enable communities to access and utilize non-timber forest products in designated Traditional Zones, in National Parks. These zones may be utilized for the benefit of communities that have traditionally been dependent on certain non-timber forest products found in these zones. Through these partnership arrangements, conservation areas have contributed to improving the welfare of 4,812 households in 62 villages living in and at the fringes of 15 National Parks. Additionally Regulation of DG of KSDAE No. 6/2018 provides possibility for conservation partnership (i.e., community development and ecosystem restoration) to be established between national park authorities and local communities.

### 3.3. WORLD BANK SAFEGUARD

**Involuntary Resettlement (OP/BP 4.12).** This policy is triggered as a precautionary measure to address potential risks related to access restrictions. Relevant components and sub-components where such risks are considered relevant are presented in Table 2. Resettlement risks are considered remote and such risks represent downstream risks and may occur as a result of tenure regularization for informal settlements in both forest and non-forest area.
The World Bank's Policy (OP 4.12) on Involuntary Resettlement applies to specific components and activities under the ERP where risks associated with access restrictions and resettlement are envisaged. The policy applies to all economically and/or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. Furthermore, the Policy requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities, orphans, and other disadvantaged persons.

3.3.1. Policy Requirements

The Policy differentiates between situations which involve the “involuntary taking of land” (section 3[a]) and the “involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons” (section 3[b]). In situations where section 3(a) occurs, i.e., involuntary physical relocation, and possibly restriction of access linked to such relocation, is involved, a Resettlement Policy Framework is required. Where 3(b) occurs, i.e., involuntary restriction of access without physical relocation, a Process Framework is required.

Where an RPF is in place and resettlement is required, a RAP is developed during project implementation. The RAP sets out a detailed action plan for treating a specific situation. A RAP is done for each project component or activity where involuntary resettlement will occur when it is clear exactly where the zone of impact will be. The RAP must be consistent with the RPF.

Different provisions are required for restrictions of access to natural resources within protected areas, then for situations involving the taking of land. Instead of an RPF, a Process Framework is required. Just as specific RAPs are required before the implementation of any project entailing resettlement, so are Bank-approved Plans of Action (PoA) or targeted Community Development Plan required at the implementation stage of each Program activities, before enforcing the envisaged restriction of access. These PoA/Community Development Plan must set out the specific measures taken to assist people deprived of access to the natural resources within parks and protected areas, and implementation arrangements.

The Policy requires that the nature of the restrictions of access to natural resources within protected areas, as well as the type of measures necessary to mitigate adverse impacts, is determined, with the participation of the displaced persons during the design and implementation of the project.

3.3.2. Eligibility and Entitlements of PAPs

Under the World Bank Policy displaced persons may be classified in one of the following three groups:

a. those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

b. those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement; and

c. those who have no recognizable legal right or claim to the land they are occupying.

Persons covered in groups (a) and (b) are provided with compensation for the land they lose, and other assistance. Persons covered in groups (c) are provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower.
and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in three groups (a), (b), or (c) are provided with compensation for loss of assets other than land.
4. J-SLMP RESETTLEMENT PLANNING FRAMEWORK AND PROCESS FRAMEWORK

4.1. SCOPE

The World Bank’s Operational Policies (Ops) 4.12 on Involuntary Resettlement acknowledges two key possible scenarios under the J-SLMP, including:

- Resettlement of forest-dependent communities due to occupation and/or encroachments in key conservation areas; and

- Access restrictions to natural reserves and/or other protected areas, and access restriction caused by land tenure dispute/conflict and dispute/conflict with Plantation Company (palm oil, rubber, etc.), mining, and fish farmers.

Key policy requirements under OP 4.10 also prevail in the event that the above risks affect Indigenous Peoples. An IPPF has been prepared for this purpose and can be found in Annex 8 of the ESMF.

The RPF covers direct economic and social impacts that are caused by sub-projects and/or investments under the ERP:

- Involuntary taking of land, resulting in (1) relocation or loss of shelter; (2) loss of assets or access to assets; (3) loss of income sources or means of livelihoods, whether or not the affected persons must move to another location; or

- Involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

The RPF applies to all sub-projects and/or interventions under the J-SLMP that result in involuntary resettlement, regardless of the source of financing. The framework also applies to other activities resulting in involuntary resettlement that are assessed to be:

- Directly and significantly related to the J-SLMP;

- Necessary to achieve J-SLMP’s objectives as stated in the J-SLMP project document (Pre-Investment and ERPD); and

- Carried out, or planned to be carried out, contemporaneously with the J-SLMP.

To achieve the objectives of OP 4.12, particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities or other displaced persons who may not be protected through national land compensation legislations.

The PF applies if the J-SLMP activities involve involuntary restriction of access to natural reserves and/or protection areas. The nature of restrictions as well as the type of measures necessary to mitigate adverse impacts must be determined with participation of the displaced persons during the design and implementation of the Program.

The RPF and PF describe the participatory process by which:

- Specific components and/or activities will be prepared and implemented;
- The criteria for eligibility of displaced and/or affected persons will be determined;
- Measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the interventions, will be identified; and
- Potential conflicts involving displaced/affected persons will be resolved.

Both the RPF and PF outline the arrangements for implementing and monitoring the implementation of necessary action plans considered under these frameworks.

4.2. PRINCIPLES AND OBJECTIVES

The principles outlined in the World Bank's Operational Policy 4.12 have been incorporated in the development of this RPF and PF. The following principles will prevail:

- Any forms of relocation of individuals, households, communities and groups will be avoided to the extent possible. Proposed key approaches include:
  - In order to avoid resettlement and minimize access restriction risks, the J-SLMP will seek to facilitate social forestry initiatives through a participatory process with forest dependent communities. Social forestry is expected to provide tenure security and sustainable access to land and natural resources;
  - Land swap will be carried out if the area designated as a forest area has been controlled and managed as a settlement, public facilities/ social facilities.
  - Any relocation of agricultural lands and/or settlements for conservation and protection purposes will be done through an amicable process based on mutual consensus. The RPF and PF will outline key steps required under OP 4.12; and
  - The J-SLMP seeks to adopt a participatory approach to engage forest dependent communities as important partners for improved forest management.

- All alternatives to avoid where feasible or at least minimize resettlement will be explored. In the event that resettlements are unavoidable, all PAPs will be compensated using replacement cost that values the land using market price plus transaction cost and no depreciation of assets.

- PAPs will be assisted in their efforts to restore their livelihoods and provided with rehabilitation measures to help them improve their standards of living, or at least restore, in real terms, their standards of living to pre-displacement levels or to levels preceding the beginning of program implementation, whichever is higher.

- RAPs will be developed through a consultative process with PAPs and will be disclosed publicly. A fully functioning FGRM will be established under the J-SLMP to ensure that key concerns and feedback can be identified as early as possible to enable responsive mitigation measures.

- Vulnerable groups will be identified, and special attention will be paid to these groups during the J-SMLP implementation. Any risks considered under the RPF and PF, which may impact Indigenous Peoples, and Adat communities must be consistent with the IPPF (see IPPF – Annex 8 of the ESMF).
If people must move to another location due to the implementation of the Program activities, responsible agencies are required to:

- Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate; and
- Provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions. In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location, or cash compensation at full replacement value. The compensation is for value of land at market rates plus transaction costs and assets at cost without depreciation.

In the event that J-SLMP activities lead to livelihood displacement impacts due to the need to restrict access to land and natural resources and/or relocation, the following principles prevail:

- Provide targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore the income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected;
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living;
- Any access restrictions and management of impacts shall be made through consultation processes and consensus.

All the action plans, including the RAP, PoA, and Community Development Plan must be reviewed and cleared by the Provincial SEKDA, MOEF, and World Bank. Implementation of such plans will be oversighted by the relevant implementing agencies under technical coordination by Provincial SEKDA. In the event of RAPs being required, the SEKDA may engage an independent monitoring agency to oversee the implementation of the plan.

4.3. CATEGORIZATION OF PROGRAM-AFFECTED PEOPLE (PAPS)

PAPs include all categories of people who may be affected by involuntary relocation and access restrictions as a result of implementation of activities under the ERP. PAPs may be:

- Households or individuals who are local residents in communities within J-SLMP implementation area and who are currently farm, reside on or otherwise use land that is considered critical for conservation and protection purposes. That includes households that practice settled cultivation as well as swidden farming or rotational agriculture, even if the land in question is currently under fallow;
- Households or individuals who are local residents in communities within J-SLMP implementation area who currently manage plantation forests where such forests will be
declared as conservation and/or protected areas or where there will be restrictions on the use of such areas (e.g., no logging activities);

- Individuals and/or communities who live in, or close to, conservation and/or protection forests that had been selected to be placed under improved management; and

- Individuals and/or communities that own or otherwise use rural and urban land (outside the forest estate/Kawasan Hutan) who as a result of the J-SLMP activities face restrictions on the use and utilization of land and natural resources that are classified as High Conservation Value (HCV) areas.

The categories of PAPs include individuals, households, groups and communities that hold land ownership certificates and other recognized legal titles to the land affected by the Program, as well as other individuals, households, groups and communities who currently use the land or the products of the land without holding legal titles. People who reside in protection and/or conservation forests are considered as PAPs under the Program although they may be considered illegal occupants and/or encroachers.

The following categories of individuals and entities are not defined as PAPs under the RPF and PF:

- State forest enterprises whose jurisdictions are selected for improved management under the Program;

- Mining companies whose status is not "clean and clear" and that are subject to license revocation.

Impacts on livelihoods associated with mining permit revocation (component 2. Implementing Sustainable Land Management, sub-component 2.2. Private Sector Partnerships for improved Forest and Land Management on SESA document) will be addressed through community economic development program to replace the loss of livelihood caused by restriction to forest resources due to boundary strengthening for private sectors. This may include government programs the scope of which lay outside the RPF and PF.

### 4.4. ELIGIBILITY FOR COMMUNITY COMPENSATION

Communities (on communal lands) that permanently lose land and/or access to assets and/or resources under statutory or customary rights will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities that were adversely impacted, is also restored. It is also important to note that the eligibility may be claimed collectively, e.g., as a community or religious group and does not necessarily have to be individuals or families.

Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by both central and local government offices. The key local authorities to be interviewed by the consultants will include District, Divisional and location government officials such as the District/ divisional agricultural officer, the District officers, chiefs and sub-chiefs.
### Table 5  Entitlement and Compensation Matrix.

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Affected Households</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural land by title owners</td>
<td>Land on the selected site for the project</td>
<td>Titleholders, Affected People (AP) with traditional land rights</td>
<td>Compensation at replacement cost that will ensure the restoration to pre-project level of social and economic status of AP.</td>
</tr>
<tr>
<td>Commercial land</td>
<td>Land on the selected site for the project</td>
<td>Titleholders, APs with traditional land rights</td>
<td>Compensation at replacement value</td>
</tr>
<tr>
<td>Tenant/loss of access by share croppers/leaseholders</td>
<td>Affected by the project/agriculture plots on the project site</td>
<td>Tenant/sharecropper/leaseholder</td>
<td>Lump sum</td>
</tr>
<tr>
<td>Income from land through wages and loss of livelihood/occupation</td>
<td>Households affected by the project</td>
<td>Individual affected (traditional users)</td>
<td>Lump sum</td>
</tr>
<tr>
<td>Loss of crops and trees</td>
<td>Standing crops, trees, on the project site</td>
<td>Owner/sharecropper/Tenants affected</td>
<td>Compensation at replacement value as estimated by the concerned dept.</td>
</tr>
<tr>
<td>Additional Assistance to Vulnerable groups</td>
<td>Households affected by the project</td>
<td>Households categorized as vulnerable (BPL households, female-headed households, SC/STs, disabled/elderly)</td>
<td>Lump sum assistance</td>
</tr>
<tr>
<td>Loss of Common Property Resources (CPR)</td>
<td>CPR affected by the Project</td>
<td>Affected Community</td>
<td>Replacement/Reconstruction</td>
</tr>
</tbody>
</table>

### 4.5. METHODS OF VALUING AFFECTED ASSETS

**Valuation of Land Used by the Public**

For cases where the land is being used by the public (for instance, for grazing, settling or otherwise), the Proponent will, in consultation with the land administration of the government, identify suitable replacement land for use by the public.

Although the subproject locations have not been identified, it can be concluded that the J-SLMP may cover several types of land, including rural segments. For all the segments land and assets will be valued and compensated for according to the following guidelines and as appropriate for each segment:

- The J-SLMP will compensate for assets and investments (including labour, crops, buildings, and other improvements) according to the provisions of the resettlement plan.
- Eligibility for compensation will not be valid for new persons occupying/using the project sites after the cut-off date, in accordance with this policy.
Compensation cost values will be based on replacement costs, as of the date that the replacement is to be provided or at the date of project identification, whichever is higher.

The market prices for cash crops will have to be determined based on the values as determined by each country’s respective agency.

PAPs who lose farmland allotted by the village under customary tenure will be provided an equivalent plot. However, since the bank policy OP4.12 on resettlement makes no distinction between statute and customary rights, a customary land owner or a user of state-owned land will be compensated for land, assets and investments including loss of access, at replacement costs.

**Calculations for Compensation Payments and Related Considerations**

Individual and household compensation will be made in-kind and/or in cash (refer to Table below). Although the type of compensation may be an individual’s choice, compensation in-kind will be preferred, if the loss amounts to more than 20% of the total loss of assets.

**Table 6  Forms of compensation**

<table>
<thead>
<tr>
<th>Form Compensation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Payments</td>
<td>Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation.</td>
</tr>
<tr>
<td>In – Kind Compensation</td>
<td>Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.</td>
</tr>
<tr>
<td>Assistance</td>
<td>Assistance may include moving allowance, transportation and labour, title fees, or other related costs.</td>
</tr>
</tbody>
</table>

For cash payments, compensation will be calculated in the relevant currency for each country adjusted for inflation. For compensation in-kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour.

Making cash payments raises issues regarding inflation and security that have to be considered. Cash payments must allow for inflationary adjustments of compensation values. Security for people who will be receiving cash compensation payments will need to be addressed by the local administration. These are some of the reasons why compensation in-kind will be preferred. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient, in consultation with the Local Government Authorities.

**Land Measurement**

The unit of measurement for land will be that is used and understood by the affected persons. Therefore, if a traditional unit of measurement exists in the rural areas, that unit shall be used. If a traditional unit of measurement does not exist, it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. In such cases, the unit that is being used must be explained to the affected farmers/users. The unit of measurement must be easily related to recognizable land features that the communities are familiar with, such as relative location of trees, stumps and other fixed features on the sites. Understanding the unit of measurement ensures that the affected person is
able to verify his/her own size of land that is being lost. This maintains transparency in the process and avoids subsequent accusations for wrong measurements or miscalculation of land areas.

**Determination of Crop Compensation Rates**

Both cash and consumption crops are valued at the market price mid-way between harvest peaks. Prevailing prices for cash crops will have to be determined with the assistance from each country's respective agency. Rate schedules must be verified for accuracy. Each type of crop is to be compensated for, using the same rate. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which compensation is due and to multiply the area by the one rate known to all.

**Compensation Rates for Labor**

The value of labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is based on costs for clearing the land and ploughing. Labor costs will be paid in the relevant currency per the prevailing labor law. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

In certain cases, assistance may have to be provided to land users, in addition to compensation payments. For example, if a farmer is notified that his/her land is needed after the agriculturally critical date (critical date may be different in parts of each country and across climate zones) when she/he will no longer have enough time to prepare another piece of land, assistance will be provided in form of labor intensive village hire, or mechanized clearing so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that she/he can pay for sowing, weeding and harvesting.

**Compensation for Buildings and Structures**

Replacing huts, houses, farm outbuildings, latrines, fences and other impacted structures will pay compensation for buildings and structures. Any homes lost will be rebuilt on the acquired replacement land. However, cash compensation will be available as a preferred option for structures such as extra buildings lost, that are not the main house or house in which someone is living. The applicable replacement costs for construction materials, as well as associated labor costs needed to build replacement structure, will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an ongoing basis and will consult with the Ministry of public works and Housing (or relevant authority in each country) in updating these prices.

Compensation will be made for structures that are abandoned because of relocation, or resettlement of an individual or household, or structures that are damaged directly by construction activities.

Replacement values will be based on:

- Drawings of individual's house and all its related structures and support services;

- Average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g., bricks, rafters, bundles of straw, doors, etc.).
- Prices of these items collected in different local markets and as provided by the Ministry of Public Works and Housing (or relevant authority in each country);
- Costs for transportation and delivery of these items to acquired/replacement land or building site;
- Estimates of construction of new buildings including labour required.

**Compensation for Sacred Sites**

Compensation for sacred sites (e.g., proprietary sites and reconstruction) is determined through negotiation with the appropriate parties. Sacred sites include but are not restricted to: altars, initiation centers, ritual sites, tombs and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, homesteads and village government, the use of sacred sites for any project activities is not permitted under the RCIP.

**Compensation for Horticultural, Floricultural And Fruit Trees**

Trees are primarily important as a source of:

- Subsistence food for families;
- Cash that contributes to the local and export economy;
- Petty market income in some areas and;
- Shade (in the case of cashew, mango and some coconut trees);
- Traditional medicinal value.

Given their significance to the local subsistence economy in these countries, fruit trees will be compensated on a combined replacement value. Fruit crop compensation will be the value of lost production until the replacement seedling comes into production. These values are determined and verified by the Ministry of Agriculture, or other respective government agency, rate schedule. Preference will be given to the replacement of affected trees with new seedlings unless otherwise decided by the PAPs. The compensation will be adjusted for inflation.

The cost of new fruit trees seedlings, the labor for planting and tending the new trees to maturity and compensation rates for loss of income will be based on information obtained from the Ministry of Agriculture, or appropriate agency for each respective government, and from the socio-economic surveys.

Based on this information, a compensation schedule for fruits and trees can be developed, incorporating the following criteria:

- Replace loss of income for subsistence fruit (e.g., coconut, cashew, guava or mango) based on production yields as quickly as possible. Cash payments to farmers will be aimed at replacing income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income.
- Provide subsistence farmers with new tree seedlings to replace the affected trees to sustain future source of income and food from the fruits.
- Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits at off-season periods.

### 4.6. PROCESS FOR SCREENING, PREPARING AND APPROVING RAPS AND POAS

This section sets out the step by step process that J-SLMP will take to determine whether the subproject will result in physical and/or economic displacements as well as access restriction and therefore whether a RAP and or PoA is required and, if so, how to prepare and implement one.

#### 4.6.1. RISK SCREENING

An early screening will be conducted by relevant environmental and social safeguards specialists as guided under this framework. Such screening is intended to identify and understand potential risks associated with access restrictions and resettlements under relevant components described in Table 2. This screening also seeks to identify conflict areas, Adat claims and their associated risks if the J-SLMP aims to target these areas. If these areas are assessed to be “high risk” using agreed social parameters (i.e., conflicts, tension, overlapping claims, non-functioning local systems for conflict resolution, etc.), the safeguards team at SEKDA will facilitate coordination with relevant agencies to define the appropriate approach as well as resources and engagement strategy. These high-risk areas would require differentiated treatments before the J-SLMP activities are being implemented. These include strengthening local dispute mediation systems, village-level facilitation, coordination with conflicting parties, etc. Such differentiated treatments are also expected to facilitate mutual consensus amongst conflicting parties.

Where there is a lack of political and institutional commitments and capacity amongst key agencies to engage and address relevant risks associated with forest boundary demarcation and dispute settlements, SEKDA, with recommendations from relevant agencies and safeguards specialists, will postpone or exclude the target areas in question until such commitments can be evidenced.

Risk screening at an activity level is used to identify the types and nature of potential impacts related to the activities proposed under the Project and to provide adequate measures to address the impacts. Screening for resettlement and access restriction issues shall be part of the environmental and social screening, as is detailed in the ESMF. This screening is expected to identify and consider relevant risks associated with access restrictions and resettlement as early as possible.

The screening checklist form is provided in Appendix A1 and will be incorporated into the Program's Implementation Manual. The screening checklist will be completed by a District Development Officer and submitted to the Resettlement Committee for a decision. In case that vulnerable and marginalized groups might be affected, the IPPF provides an additional recommendation whether the justification for a physical and/or economic resettlement and/or whether the proposed option is shared by the affected vulnerable and marginalized groups.

#### 4.6.2. CONSIDERATION OF ALTERNATIVES

On the basis of the screening, the SEKBER will propose which of the following options should be put in place:

- Alternative project designs and/or sites in view to avoid and/or reduce displacement risks;
- Options for impact avoidance and mitigation measures, including budget requirements;
c. If alternative options are exhausted and such risks cannot be avoided, necessary processes and consultations in conjunction with the RPF and PF.

The safeguards specialists at SEKBER will develop a district-level environmental and social profile that will be updated on a regular basis based on information provided by implementing agencies to ensure that emerging risks are duly identified, and necessary resources and mitigation measures can be mobilized.

The safeguards team at SEKDA will be responsible for assessing if necessary, mitigation measures, including RAP, PoA and/or Community Development Plan developed by relevant agencies as required under the framework, is acceptable as per the World Bank OP 4.12 and whether the responsible implementers have an adequate risk management capacity to implement the agreed plan. The project may provide technical assistance support to relevant implementing agencies to strengthen their environmental and social risk management, particularly in avoiding resettlement risks and minimizing risks associated with access restrictions.

**4.6.3. BASELINE AND SOCIO-ECONOMIC DATA**

Only in the event that a RAP is required due to anticipated resettlement risks due to implementation of specific activities under the J-SLMP, a baseline assessment of socio-economic profile of PAPs will be required.

An important aspect of preparing a RAP is to establish appropriate socio-economic baseline data to identify the persons who will be displaced by the individual subproject, in order to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

The PAPs may be classified into three groups:

- Those who have formal legal rights to the land they occupy;
- Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
- Those who have no recognizable legal right or claim to the land they occupy.

In summary, the census consolidates information that (1) provides initial information on the scale of resettlement to be undertaken; (2) gives an indication of further socioeconomic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and (3) establishes indicators that can be measured at a later date during monitoring and evaluation.

Baseline data for subproject RAPs will include: number of persons; number, type, and area of the houses to be affected; number, category and area of residential plots and agricultural land to be affected; and productive assets to be affected as a percentage of total productive assets. A District Commissioner assigned to the Ministry of Lands and Settlement, from the Resettlement Committee, will decide based on a review of this data the scope of the RAP.

**4.6.4. PREPARATION OF RESETTLEMENT ACTION PLAN (RAP)**

The specific content of a RAP would depend upon information not yet known, such as locations, numbers of people who might be affected (in different ways) and eligible for resettlement-related
assistance. In the events that such risks are envisaged, responsible implementing agencies will need to prepare a RAP if there are resettlement risks.

The generic contents of a RAP involve:

a. Description of the project: Description of the project, activities and summary of potential resettlement impacts.

b. Potential impacts of the project: Description of the project component or activities that give rise to resettlement; the zone of impact of such component or activities; the alternatives considered to avoid or minimize resettlement; and the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

c. Objectives and studies undertaken: Objectives of the resettlement program and a summary of studies undertaken in support of resettlement planning and implementation.

d. Regulatory framework: Relevant laws and regulations and international standards including World Bank policies and procedures.

e. Institutional framework: Relevant institutions and responsibilities for resettlement programming.

f. Stakeholder engagement: Schedule of consultations and participation and interaction with PAPs during RAP preparation. RAP disclosure arrangements.

g. Socioeconomic characteristics: Findings of socioeconomic studies to be conducted with the involvement of potentially displaced people, including results of household and census survey, information on vulnerable groups, information on livelihoods and standards of living, land tenure and transfer systems, use of natural resources, patterns of social interaction, social services and public infrastructure.

h. Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

i. Valuation of and compensation for losses: Methodology used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law; and supplementary measures that are necessary to achieve replacement cost for lost assets.

j. Magnitude of displacement: Summary of the numbers of persons, households, structures, public buildings, businesses, croplands, and churches to be affected.

k. Entitlement framework: Categories of affected persons and what options they were or are being offered, preferably summarized in tabular form.

l. Livelihood restoration measures: Various measures to be used to improve or restore livelihoods of displaced people.

m. Resettlement sites: Site selection, site preparation, and relocation, alternative relocation sites considered; explanation of the selected sites, and the impacts on host communities.

n. Housing, infrastructure, and social services: Plans to provide (or to finance resettlers’ provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools,
health services); plans to ensure comparable services to host populations; any necessary site
development, engineering, and architectural designs for these facilities.

o. Grievance procedures: Affordable and accessible procedures for third-party settlement of
disputes arising from resettlement; such grievances should take into account the availability of
judicial recourses and community and traditional dispute settlements.

p. Organizational responsibilities: Organizational framework for implementing resettlement,
including identification of agencies responsible for delivering resettlement measures and
 provision of services; arrangements to ensure that there is an appropriate coordination between
agencies and jurisdictions that are involved in its implementation; and any measures (including
technical assistance) needed to strengthen the implementing agencies’ capacity to design and
carry out resettlement activities; provisions for the transfer to local authorities or those resettled,
the responsibility for managing facilities and services provided under the project and for
transferring other such responsibilities from the resettlement implementing agencies, when
appropriate.

q. Implementation schedule: Schedule covering all resettlement activities from preparation through
implementation, including target dates for the achievement of expected benefits to those
resettled and their hosts, and implementing the various forms of assistance. The schedule
should indicate how the resettlement activities are linked to the implementation of the overall
project.

r. Costs and budget: Tables showing itemized cost estimates for all resettlement activities,
including allowances for inflation, population growth, and other contingencies; timetables for
expenditures; sources of funds; and arrangements for timely flow of funds, and funding for
resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

s. Monitoring, evaluating and reporting: Arrangements for monitoring of implementing agency’s
resettlement activities, supplemented by independent monitors to ensure complete and objective
information; performance monitoring indicators to measure inputs, outputs, and outcomes for
resettlement activities; involvement of the displaced persons in the monitoring process;
evaluation of the impact of resettlement for a reasonable period after all resettlement and related
development activities have been completed; use of results of resettlement monitoring to guide
subsequent implementation.

4.6.5. PREPARATION OF PLAN OF ACTION (POA)

A plan of action (PoA) is prepared when ERP may cause restrictions in access to natural resources in
legally conserved and protected areas. The purpose of the PoA is to develop several strategy/ actions
to assure the potentially affected communities participate in design of project components, determine
the resettlement policy objectives, and implement and monitor of relevant project activities.

In the case of PoA this will be developed together with the affected communities to describe the agreed
restrictions, management schemes, measures to assist affected persons and the arrangements for their
implementation. The action plan can take many forms. It can simply describe the restrictions agreed to,
persons affected, measures to mitigate impacts from these restrictions, and monitoring and evaluation
arrangement. This PoA will be established upon the ongoing Social Forestry and Land Redistribution
under the GoI’s Agrarian Reform (as per Presidential Regulation No. 86/2018). As above, the PoA
development will need consultations with PAP’s. The consultation will be conducted based on the FPIC principle and GoI regulation.

An indicative Steps of consultation during PoA will be linked with other document, Indigenous People Planning Framework:

a. Preparation: during preparation process, J-SLMP has to be conducting site screening, identification of the PAP’s, prepare the consultation material in local context, send invitation to the PAP’s, indicative concern of the PAP’s, etc;

b. Consultation: the J-SLMP should conduct consultation with the PAP’s in the spirit of Free, Prior, Informed Consent to get agreement of solution will take regarding the access restrictions. The consultation occurs freely and voluntary without any external manipulation, interference, or coercion, for which the parties consulted have prior access to information on the intent and scope of the proposed project in a culturally appropriate manner, form, and language. The consultation also recognizes the availability of Indigenous People Organization (IPO) such as councils of elders, headmen, and tribal leaders, and pay special attention to women, youth, and the elderly. The consultation needs to be start earlier in order to give more space and time during decision making process.

c. PoA Set up: a specific PoA will refer the consultation result that become a guidance for the ERP implementation team to make decision and solution within the access restrictions issues. The PoA decision and recommendation will be based on GoI regulation. The PoA is possible to adopt local mechanism, wisdom, and policy as long as in line with GoI regulation. The PoA document must reflect a description of the program components, identification of PAP’s, baseline conditions of affected communities, methods of livelihood restoration, and mechanisms of dispute/conflicts settlement that might occur within the Program;

d. Formal agreement: the agreement will be signed by all participant/ representative of the participants to formalize the PoA. The consultation process will be recorded and documented in order to meet administration standards.

4.7. REVIEW AND CLEARANCE

Subprojects to be proposed by the District Council will be approved by the Resettlement Committee. The RC will review eligibility for subprojects based on field appraisals, which includes results of the environmental and social screening used.

The RAP will be submitted once complete to the decentralized decision committees for screening and approval in compliance with the project institutional administrative arrangements. It is anticipated that District Councils will not have the institutional capacity to prepare RAPs or studies during the start of the program and thus will be assisted and supported by local service providers/NGOs. The Ministry of Lands should have representatives at the district level to provide the necessary technical support required at this level.

After clearance from the Resettlement Committee, the compensation, resettlement and rehabilitation activities of the RAP will be satisfactorily completed and verified by the communities before funds can be disbursed for civil works under the subproject.
The Implementation Agencies and the World Bank will also review the EMPs and RAPs developed for subprojects. For quality assurance, it is required that RAPs prepared for subprojects be submitted to the World Bank for review to ensure that they are produced in line with the OP 4.12. Gaps in quality shall be addressed through training at the district level for relevant service providers and reviewers, funded by the project as part of the budget for capacity building. The Land Commissioners can then review subsequent RAPs prepared throughout the rest of the project, with an annual independent review process led by the DGCC.

4.8. FEEDBACK AND GRIEVANCE REDRESS MECHANISM

The handling of grievances is guided by the Annex 7 of the ESMF and seeks to mainstream existing dispute mediation and processes. At the time that RAPs are approved and individual compensation, and livelihoods restoration assistance have been provided, affected individuals and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and will be administered as far as possible at local levels to facilitate access by PAPs.

All grievances concerning non-fulfillment of compensation agreements, levels of compensation and livelihoods restoration assistance, or seizure of assets without compensation shall be addressed to the responsible head of the implementing agencies through supervision from the Environment Service/Safeguards Committee.

All attempts shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying their village chiefs or selected leaders as community focal points. These focal points will inform and consult with the implementing agencies to determine validity of claims. If valid, the focal points will notify the complainant and s/he will be assisted. If the complainant’s claim is rejected, the matter shall be brought before the implementing agencies for settlement. Mediation may be required to address these complaints.

It has to be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will ensure that the PAPs are adequately informed of the procedure, before their assets are taken. The grievance redress mechanism is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to a Tribunal for resolution.

Compensation and resettlement plans (contracts) will be binding under statute and will recognize that customary law is the law that governs land administration and tenure in the rural/village areas. This is the law that inhabitants living in these areas, are used to and understand.

All objections to land acquisition shall be made in writing, in the language that the PAPs understand and are familiar with, to the Local Leader. Copies of the complaint shall be sent to Project Planning Team and Resettlement Specialist and the relevant Minister for administration of land matters, within 20 days after the public notice. Channeling complaints through the Local Leader is aimed at addressing the problem of distance and cost the PAP may have to face.

The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The grievance mechanism will follow the flowchart that has been developed in the Framework Grievance Redress Mechanism (FGRM).

The procedure for handling grievances should be as follows:
1. The affected person should file his/her grievance in writing, to the Local Leader/ authorized institution. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. A sample grievance form is provided in GRM Document;

2. The Local Leader/ authorized institution should respond in a specific day (based on the institutional mechanism) which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the Local Leader must notify the aggrieved person that his/her complaint is being considered;

3. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, he lodges his grievance to the higher level; and

4. The Local Administration or Municipal Council will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law for each respective country.

The specific GRM regarding land dispute in the forest area will be based on Presidential Decree No. 88/2017 and the operational mechanism will be based on Coordinating Ministry for Economic Affairs Decree No. 3/2018 (Error! Reference source not found.). Moreover, the GRM of land dispute outside the forest will refer to Law No 5/1960 regarding Basic Agrarian Law and Law No. 39/2014 regarding Plantation.

4.9. CONSENSUS, NEGOTIATIONS AND CONFLICT RESOLUTION

Consensus and negotiations are central to addressing grievances. In general, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. For this reason, many Government funded community projects have been implemented without obstacles from project affected persons.

However, some projects have been known to stall due to delays in disbursement of compensation. Prior negotiations, between Government representatives and project beneficiaries, are therefore crucial to the success or failure of the project. As a guiding principle emphasis shall be placed on simplicity and proximity of the conflict resolution mechanisms to the affected persons and the following shall be noted:

a. Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual landowners or households affected by community projects. These grievances shall be channeled through the Local Chiefs or leaders.

b. The Project planning teams shall ensure that the main parties involved achieve any consensus freely. The relevant government representative shall clearly advise the general public, as to who is responsible for the activity and the procedure for handling grievances or compensation claims.

c. Grievances shall be addressed during the verification and appraisal process. If a suitable solution is not found, the Project Planning teams shall defer consent of the project and the concerned project activities shall not be allowed to proceed.
d. Grievances for which solutions have not been found shall be referred back to the community for discussion where the Local Leader and District Administration will redress the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.

e. If an agreement cannot be reached at community level the aggrieved party or parties shall raise their concerns to the Project Planning teams who shall refer them to the respective District Administration, within 20 days of the verification meeting. Grievances that cannot be resolved at the Local and District level shall be submitted to the Local Government, the District Administration and to executing agencies. Should grievances remain unresolved at this level, they can be referred to the court of law for each respective country.

4.10. FUNDING ARRANGEMENTS

The World Bank Policy requires that the RPF and PF provide a description for funding of alternative livelihood support measures and/or resettlement, including the preparation and review of cost estimates, flow of funds and contingency arrangements.

At this preparation stage, where resettlement and access restriction risks along with their locations cannot be determined, and the number of PAPs cannot be identified, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the RPF and PF. Overall costs of alternative livelihoods support and/or resettlement cannot be determined at this stage, since the number of people who might be affected (it could be zero), as well as the when or where remains unknown as does the nature, extent and scale.

If any resettlement were to occur, then the RAP or PoA would first need to specify the dedicated source(s) of Government funding to be used to carry out the budgeted resettlement-related commitments.

Funds for implementing inventory assessments and resettlement action plans will be provided by the implementing agency. In general, the cost burden of compensation will be borne by the respective implementing agency for RAPs.

The SEKDA will be responsible that the needed finance is available and/or ensuring that finance is directed towards the RAP or PoA activities.

4.11. DISCLOSURE AND CONSULTATION REQUIREMENTS

Following disclosure of all relevant information through the project’s communication channels and the independent grievance mechanism, the projects will provide for resettlement action plans to consult and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement. SEKDA and SEKBER will ensure that consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to achieve that the living conditions of the PAPs are enhanced or at least restored.
Figure 1. Dispute Settlement of Occupied Forest area Flowchart Based on CMEA Decree No. 3/2018.
5. INSTITUTIONAL ARRANGEMENTS

This framework recognizes the complex nature of land governance in Indonesia and the fact that the management of resettlement and access restrictions risks require multi-sectoral coordination and consensus. As such the RPF and PF has been produced to outline necessary measures at the Program level, including institutional arrangements and roles and responsibilities to manage any potential displacement impacts arising from the J-SLMP implementation.

Implementation of this framework will be retained within the Provincial Secretary (SEKDA) as the executing agency at the Provincial Level under coordination with relevant implementing agencies at both provincial and district levels. Oversight of resettlement and access restriction risks including implementation of processes as guided by this RPF and PF will be facilitated by the environmental and social safeguards specialists at SEKDA. However, the implementation of the RPF and PF will follow the regulation. Executing agency role will give significant influence to boost the implementation of RPF and PF.

5.1. IMPLEMENTATION ARRANGEMENTS AT NATIONAL LEVEL

At the central level, the implementation arrangement related RPF and PF is managed under Director General for Climate Change (DGCC). The directorate will coordinate the preparation of the RPF document the relevant stakeholder including P3SEKPI. DGCC will coordination with Coordinating Ministry for Economic Affairs as a Leading Sector of the Inventory and Verification Team and other members to conduct the inventory and verification of occupied forest area and implementation of RPF and PF.

Meanwhile, DGCC will also closely coordination with Ministry of Agrarian and Spatial/ National Land Agency to inventory and implementation of RPF and PF outside of Forest Estate.

The Coordinating Ministry for Economic Affairs Finance (CMEA), as head of the team, will set up acceleration team for inventory and verification team of occupied Forest area which are consist of (1) Ministry of Environment and Forestry; (2) Ministry o Agrarian and Spatial; (3) Ministry of Internal Affairs; (4) Secretary of Cabinet; and (5) Head of Presidential Staff.

The acceleration team will assist the implementation team, that will be led by Coordinating Ministry for Economic Affairs Finance (CMEA) and 12 members comes from related ministerial, and 2 secretary, to implement the dispute settlement within occupied Forest area. The following is national stakeholder involve in the RPF and PF Implementation formally designate by the regulation (Table 5)
### Table 7  National agencies involved in the RPF and PF Implementation.

<table>
<thead>
<tr>
<th>National Agency</th>
<th>Status</th>
<th>Roles</th>
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<tbody>
<tr>
<td><strong>RPF and PF Within Forest area</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Acceleration Team for Inventory and Verification of Occupied Forest area</strong></td>
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</tbody>
</table>
| Director General Climate Change (MoEF) | National Focal Point of REDD+ And Executing Agency | - Management of the National Registry  
- Development and management of the FREL  
- Management of the MMR  
- Finalization and implementation of safeguards plans  
- Finalization and implementation of the FGRM  
- Technical Assistance  
- Recommendation for Payment (BSM)  
- A member of Steering Committee |
| Coordinating Ministry for Economic Affairs | Head of team | - Leading the acceleration team on inventory and verification of occupied Forest area;  
- Socialization and coordination of implementation of dispute settlement;  
- Designate of steps and policy to resolve the problem appeal;  
- Designate the numbers of area;  
- Designate the resettlement mechanism;  
- Conduct monitoring, controlling and facilitate the budget of dispute settlement. |
| Ministry of Environment and Forestry | Member | - Member of acceleration team; |
| Ministry of Agrarian and Spatial/ National Land Agency | Member | - Member of acceleration team; |
| Secretary of Cabinet | Member | - Member of acceleration team; |
| Head of Presidential Staff | Member | - Member of acceleration team; |
| Head of FORDIA (MoEF)/P3SEKPI | Technical Advisory | - Consultation for Methodologies (technical assistance) |
Preparation for agencies for field implementation
Consultation and Communication with Facility Management Team
A member of Steering Committee

Implementation Team for Dispute settlement of Occupied Forest area

Deputy for Coordination for Management of Energy, Natural Resources, and the Environment, Coordinating Ministry for Economic Affairs; Head of Team
Conduct technical coordination implementation of dispute settlement of Occupied Forest area;
Develop strategy to resolve the problem;
To monitor and control implementation of dispute settlement of Occupied Forest area;
Develop and submit the recommendation to the acceleration team.

Deputy for Coordinating the Acceleration of Infrastructure and Regional Development, Coordinating Ministry for Economic Affairs Vice Head of team
Member of implementation team

Director General of Forestry Planning and Environmental Management, Ministry of Environment and Forestry
Member
Member of implementation team

Director General of Natural Resource Conservation and Ecosystems, Ministry of Environment and Forestry
Member
Member of implementation team

Director General of Control of Watersheds and Protection Forests, Ministry of Environment and Forestry; Member
Member of implementation team

Direktur Jenderal Pengelolaan Hutan Produksi Lestari, Kementerian Lingkungan Hidup dan Kehutanan; Member
Member of implementation team

Director General of Law Enforcement, Ministry of Environment and Forestry; Member
Member of implementation team

Director General of Spatial Planning, Ministry of Agrarian and Spatial Planning / National Land Agency; Member
Member of implementation team

Director General of Regional Administration Development, Ministry of Home Affairs
Member
Member of implementation team

Director General of Village Government Development, Ministry of Home Affairs
Member
Member of implementation team
<table>
<thead>
<tr>
<th>Position</th>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy for Economic Affairs, Cabinet Secretariat</td>
<td>Member</td>
<td>• Member of implementation team</td>
</tr>
<tr>
<td>Deputy for Study and Management of Social Issues, Ecology and Strategic Culture, Presidential Staff Office</td>
<td>Member</td>
<td>• Member of implementation team</td>
</tr>
<tr>
<td>Deputy for Thematic Geospatial Information, Geospatial Information Agency</td>
<td>Member</td>
<td>• Member of implementation team</td>
</tr>
<tr>
<td>Expert Staff for Economic and Maritime Relations, Coordinating Ministry for Economic Affairs;</td>
<td>Secretary</td>
<td>• Assist the Head of team implement the role;</td>
</tr>
<tr>
<td>Expert Staff in the Field of Economic and Political Relations, Law and Security, Coordinating Ministry for Economic Affairs.</td>
<td>Vice of Secretary</td>
<td>• Assist the Head of team implement the role;</td>
</tr>
<tr>
<td>RPF and PF Outside the Forest area</td>
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• Management of the MMR  
• Finalization and implementation of safeguards plans  
• Finalization and implementation of the FGRM  
• Technical Assistance  
• Recommendation for Payment (BSM)  
• A member of Steering Committee                                                                 |
| Ministry of Agrarian and Spatial/ National Land Agency                   | Authorized Institution | • Register, verify, and formally designate the plot of land.                                                                                     |
| Ministry of Agriculture                                                  | Authorized Institution | • Give license to the Plantation.                                                                                                               |
| Head of FORDIA (MoEF)/P3SEKPI                                            | Technical Advisory | • Program Design  
• Consultation for Methodologies (technical assistance)  
• Preparation for agencies for field implementation  
• Consultation and Communication with Facility Management Team  
• A member of Steering Committee                                                                 |
5.2. IMPLEMENTATION ARRANGEMENTS AT PROVINCIAL LEVEL

At the provincial level, the responsible party for J-SLMP Program implementation is the Provincial Secretary (Sekda Provinsi Jambi), with the Provincial Environmental Agency (Dinas Lingkungan Hidup) acting as coordinator or undertaking the day-to-day management of the J-SLMP Program. The Joint Secretariate for Forest Resource Management (SEKBER) will advise the SEKDA during the implementation of the ER Program.

The SEKBER in Jambi Province is a key partner in the implementation of the J-SLMP Program. SEKBER is a multi-stakeholder organization that has coordinated the planning and implementation of low emission development in Jambi Province. It has significant experience (as well as operational infrastructure) in the management of donor development funding.

Dispute settlement under RPF and PF implementation in the provincial level needs to set up as mandate of regulation. The following is the stakeholder involved in the RPF dan PF implementation in Provincial Level.

Table 8 The Sub-National Agencies and Organizations involved in the Implementation of the Jambi ER Program.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Status</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>ERP Team</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint Secretariate for Forest Resource Management (SEKBER)</td>
<td>Advisory</td>
<td>Providing advice and inputs to local government in relation to ER Program</td>
</tr>
<tr>
<td>Jambi Environment Service (Dinas Lingkungan Hidup)</td>
<td>Implementing agency</td>
<td>Local responsibility for FREL and MMR</td>
</tr>
<tr>
<td>Provincial Secretary (SEKDA)</td>
<td>Executing Agency at Province Level</td>
<td>Responsible for Implementation and achievement of ER Program in the Province</td>
</tr>
<tr>
<td>Other Provincial Government Services (OPD)</td>
<td>Implementing Agencies</td>
<td>ER Program implementation</td>
</tr>
<tr>
<td>Provincial Planning Board (BAPPEDA) Jambi Province</td>
<td>Coordinative implementation at provincial level</td>
<td>Coordinate all activities done by OPD in relation to ER program</td>
</tr>
</tbody>
</table>

Institutional Arrangement when RPF and PF within Forest area is Needed

<table>
<thead>
<tr>
<th>Agency</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry Agency</td>
<td>Head of Team</td>
</tr>
<tr>
<td>Provincial Land Agency</td>
<td>Secretary</td>
</tr>
</tbody>
</table>
### Spatial Planning at Provincial Level

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice of Secretary</td>
<td>Assist head of team to conduct the role.</td>
</tr>
</tbody>
</table>

### Spatial Planning at District Level

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### Provincial Environmental Agency

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### BPKH

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### Social Forestry and Environmental Partnership Office

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### FMU

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### District Land Agency

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### Sub-district Head

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### Village Head

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Member of team</td>
</tr>
</tbody>
</table>

### Institutional Arrangement when RPF and PF Outside Forest area is Needed

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Land Agency</td>
<td>Authorized Institution</td>
</tr>
<tr>
<td>Provincial Plantation Agency</td>
<td>Authorized Institution regarding plantation</td>
</tr>
<tr>
<td>Sub-district Head</td>
<td>Member</td>
</tr>
<tr>
<td>Village Head</td>
<td>Member</td>
</tr>
</tbody>
</table>

### 5.3. IMPLEMENTATION ARRANGEMENTS AT DISTRICT/CITY LEVEL

At the district/city level, the District Environmental Agency will carry out the J-SLMP Program. Each respective district/city government will be responsible for the implementation of the J-SLMP Program in its region. To ensure effective coordination among the various implementing agencies, a Steering Committee will be established to represent the interests of the relevant Ministries of the National Government and the Governor of Jambi. Other members of the Steering Committee will represent development partners and civil society. District Environmental Agency will report to Provincial Environmental Agency regarding J-SLMP implementation. The MoEF will chair this high-level committee (Directorates-General). The World Bank and selected partner agencies will be given observer status. Steering Committee meetings will be held every 6 months to evaluate activities and progress. Technical coordination meetings will be held as required. District Environmental Agency will lead and managed the steering committee member in district and report periodically to Provincial Environmental Agency regarding J-SLMP implementation progress.

The detailed institutional arrangements for the ER Program at the district level will be set up when the Program involving involuntary resettlement and access restriction. Table 9 shows all the stakeholder involve in to resettlement and/or access restriction in the district level.

In a case of involuntary resettlement and access restriction by the J-SLMP within Forest area, FMU as an authorized institution will be involved to manage the issue. However, if any involuntary resettlement and access restriction outside the forest estate, District Land Agency will lead the process for dispute the settlement together with District Plantation Agency (if the land is in the plantation concession).
<table>
<thead>
<tr>
<th>Agency</th>
<th>Status</th>
<th>Role</th>
</tr>
</thead>
</table>
| Steering Committee ERP                    |                               | • Responsible for Implementation and achievement of ER Program in the District and Field Site  
  • Host of the ERP in district level;  
  • Together with ERP Team socialize the ER Program;  
  • Facilitate villager to get information regarding the program and mechanism; |
| Developmental Agencies (Spatial Planning Agency, NGO, Etc.) | Partner                      | • Support and contribute to the program implementation;  
  • Leading sector to implement the program;  
  • Responsible to manage the program;  
  • Documented each part of program implementation process. |
| District Environmental Agency             | Implementing Agency/Partner   | • Assist the implementing agency to run the program in a proper way;  
  • Connecting the community and government agency;  
  • Record and Report the implementation of ERP. |
| District Secretary                        | Executing Agency at District/City Level and Field Site | • Take a lead to any issues regarding forest area (complaint, dispute, etc)  
  • Manage the forest area;  
  • Monitor and control the forest from encroachment;  
  • Boundary improvement; |
| Focal Point                               | Program Assistance and community engagement | • Take a lead to any land issue outside the forest estate;  
  • Register, manage the land, certify and publish license of land; |
| FMU                                      | Authorized institution in forest management | • Take a lead to any issue involving plantation/ crop estates;  
  • Identify and monitor plantation activity;  
  • Make recommendation to the Bupati for plantation activity. |
| District Land Agency                      | Authorized institution to land management outside forest area | • Facilitate village member to get information regarding ERP;  
  • Assist the focal point to socialize the ERP to villager. |
| District Plantation Agency                | Authorized institution to monitor and | • Facilitate village member to register the land;  
  • Assist the Focal Point to socialize the ERP to the villager |
| Sub-District Head                         | administrator                 | • Facilitate village member to get information regarding ERP;  
  • Assist the focal point to socialize the ERP to villager. |
| Village Head                             | Administrator                 | • Facilitate village member to register the land;  
  • Assist the Focal Point to socialize the ERP to the villager |

Table 9 Stakeholder in District Level Involve in the RPF and PF Implementation
6. MONITORING AND EVALUATION

Monitoring is a continuous evaluation process of the J-SLMP implementation and responds to emerging risks considered under the RPF and PF. A functioning monitoring process provides concerned agencies with a feedback loop to address systematic issues as well as emerging risks during the J-SLMP implementation, and therefore the main principles of risk avoidance and minimization through this RPF and PF can be achieved.

6.1. INTERNAL MONITORING

The district-level risk monitoring developed and maintained by the safeguards team at SEKDA, regular monitoring will be carried out based on the ESMF monitoring, in addition to regular safeguards monitoring reports generated by the Safeguards Information System (SIS) REDD+. Districts with high-risk profiles will receive further support and facilitation to address potential risks relevant to this framework.

The SEKDA’s safeguards team will liaise on a periodic basis (weekly) with the respective heads/coordinates at the national, provincial and district levels to provide the update if there are emerging risks.

In the events that RAP and PoA are required, internal monitoring of the RAP and PoA implementation of the sub-projects remains the responsibility of the implementing agency with oversight from the safeguards team at SEKDA and technical assistance from program consultants if needed. The implementation agency will monitor the progress of RAP preparation and implementation throughout the regular progress reports.

The criteria of internal monitoring include but not limit to:

a. Compensation payment for affected households for the different types of damage pursuant to the compensation policies described in the resettlement plans;

b. Implementation of technical assistance, relocation, allowance payment and relocation assistance;

c. Implementation of income recovery and entitlement to recovery assistance;

d. Dissemination of information and consultation procedures;

e. Monitoring of complaint procedures, existing problems that require the manageable attention; and

f. Prioritizing affected persons on the proposed selections.

Respective implementing agencies will collect information every month from the different resettlement committees. A database tracking the resettlement implementation of the Program will be maintained and updated monthly.

The executive agencies will submit internal monitoring reports on the RAP and PoA implementation as a part of the quarterly report they are supposed to submit the SEKDA and WB. The reports should contain the following information:
a. Number of affected persons according to types of effect and program component and the status of compensation, relocation and income recovery for each item;

b. The distributed costs for the activities or for compensation payment and disbursed cost for each activity;

c. List of outstanding complaints;

d. Final results on solving complaints and any outstanding issues that demand management agencies at all levels to solve; and

e. Emerging issues in the implementation process.

6.2. INDEPENDENT MONITORING

The general objectives of independent monitoring are to periodically supply independent monitoring and assessing results on the implementation of the resettlement objectives, on the changes of living standard and jobs, PAPs’ income and livelihoods restoration, effectiveness, impacts and sustainability of APs’ entitlements, and on the necessity of mitigation measures (if any) in an attempt to bring about strategic lessons for future policy development and program planning.

In the event that RAPs are required, SEKDA and/or MOEF will hire an organization for an independent monitoring and evaluation of RAPs implementation. This organization will need to be equipped with expertise in social impact assessments, including resettlement, and has experience in independent monitoring of RAPs. This organization should start their work as soon as the program implementation commences.

The following indicators will be monitored and evaluated through independent monitoring, including but not limited to:

a. Payment of compensation will be as follows: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets;

b. Provision of assistance for PAPs who have to rebuild their houses on their remaining land, or building their houses in new places as arranged by the project, or on newly assigned plots;

c. Assistance for recovering livelihood/income sources;

d. Community consultation and public dissemination of compensation policy: (a) PAPs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the independent monitoring agency should attend at least one community consultation meeting to monitor community consultation procedures, problems and issues that arise during the meetings, and propose solutions; (c) public awareness of the compensation policy and entitlements will be assessed among the PAPs; and (d) assessment of awareness of various options available to PAPs as provided for in the RAP;

e. Affected persons should be monitored regarding restoration of productive activities;

f. PAPs’ satisfaction on various aspects of the RAP will be monitoring and recorded. Operation of the complaint mechanism and speed of complaint settlement will be monitored; and
g. Through the implementation, trends on living standards will be observed and surveyed. Any potential issues in the recovering living standards are reported and suitable measures will be proposed to ensure the program objectives are met.

6.3. METHODOLOGY FOR INDEPENDENT MONITORING

Database Storage

The independent monitoring organization will maintain a database of resettlement monitoring information. It will contain files on results of independent monitoring, HH monitored and will be updated based on information collected in successive rounds of data collection. All databases compiled by the SEKDA will be fully accessible by the independent monitoring organization.

Reports

The independent monitoring organization must submit periodical reports every six months about the findings in the monitoring process. This monitoring report will be submitted to the SEKDA, and then the SEKDA will submit to the WB in the form of appendixes of the progress report.

The report should contain: (i) a report on the progress of RAP implementation; (ii) deviations, if any, from the provisions and principles of the RAP; (iii) identification of outstanding issues and recommended solutions so that the executive agencies are informed about the ongoing situation and can resolve problems in a timely manner; and (iv) a report on progress of the follow-up of problems and issues identified in the previous report.

Follow-Up Monitoring Report

The monitoring reports will be discussed in a meeting between the independent monitoring organization and SEKDA. SEKDA will hold meetings immediately after receiving the report. Necessary follow-up activities will be carried out based on the problems and issues identified in the reports and follow-up discussions.

Ex-post Evaluation Report

This is the evaluation at a given point of time of the impact of resettlement completion to assess whether the RAPs achieved their stated objectives. The independent monitoring organization will conduct an evaluation of the resettlement process and impacts for 6 to 12 months after the completion of all resettlement activities. The survey questionnaires for evaluation are used based on the database in the program database system and the questions used in the monitoring activities.

Ultimately, a summary of ex-post resettlement evaluation included in a Program Completion Report (PCR) will be prepared before closure of the Program. The evaluation covers program impacts (number of affected households, scope of land acquired by subproject, compensation paid to PAPs, any pending issues resulting from land acquisition and provides information if the PAP’s livelihood is restored, or at least maintain to pre-project implementation.

Resettlement Action Plan cannot be considered complete until an ex-post evaluation and a program completion audit confirm that all the affected HHs have received fully all compensation, assistance and life restoration processes as planned.
Appendix A1

Screening Checklist Examples
### J-SLMP Sub-project Involuntary Resettlement and Access Restriction Screening Checklist

<table>
<thead>
<tr>
<th>Sub-project name:</th>
<th>Village:</th>
</tr>
</thead>
<tbody>
<tr>
<td>District:</td>
<td>Village:</td>
</tr>
</tbody>
</table>

**Brief description of Site and Proposed Activities of the Sub-project:**

<table>
<thead>
<tr>
<th>Potential Risks and Impacts of Involuntary Resettlement and Access Restriction (Please tick mark ✓)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issues</strong></td>
</tr>
<tr>
<td><strong>I. Involuntary Land Acquisition</strong></td>
</tr>
<tr>
<td>(If YES is ticked in answer to any question below, the subproject is required to prepare Resettlement Action Plan)</td>
</tr>
<tr>
<td>1. Does the subproject require land acquisition?</td>
</tr>
<tr>
<td>2. Is the ownership status of the proposed land to be acquired known?</td>
</tr>
<tr>
<td>3. Will there be loss of building and/or structures due to the land acquisition?</td>
</tr>
<tr>
<td>4. Will there be loss of agricultural such as crops, trees, and/or other productive assets due to the land acquisition?</td>
</tr>
<tr>
<td>5. Will there be loss of businesses or enterprise due to the land acquisition?</td>
</tr>
<tr>
<td>6. Will there be loss of income sources and means of livelihoods due to the land acquisition?</td>
</tr>
<tr>
<td><strong>II. Access Restriction</strong></td>
</tr>
<tr>
<td>(If YES is ticked in answer to any question below, the subproject is required to prepare Plan of Action)</td>
</tr>
<tr>
<td>1. Will the affected people lose access to the usual forest area due to implementation of the sub-project?</td>
</tr>
<tr>
<td>2. Will the access to the proposed location of the sub-project be restricted?</td>
</tr>
<tr>
<td>3. Is there any land use change in the proposed subproject location that negatively affecting the surrounding communities?</td>
</tr>
</tbody>
</table>

**Information on Vulnerable Peoples:**

1. Are there any of the affected people categorized as vulnerable i.e. poor, female-headed households and/or vulnerable to poverty risks?

2. Are there any of the affected persons categorized as indigenous peoples?

**Document/Plan Requirements**

Based on the potential risks and impacts identification process, the subproject will prepare the following documents (please tick the applicable option):

[ ] Resettlement Action Plan  [ ] Plan of Action  [ ] No document is required

The Screening document is prepared by:  

Name:  
Position:  
Institution:  

Approved by:  

Name:  
Position:  
Institution:
Appendix A2

Draft TORs for Elaboration of Resettlement Action Plan (RAP)
Draft TORs for Elaboration of Resettlement Action Plan (RAP)

This template is extracted from OP 4.12 Annex A which can also be found on the Bank’s website at www.worldbank.org

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

**Description of the sub project:** General description of the sub project and identification of sub project area.

**Potential Impacts:** Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

**Objectives:** The main objectives of the resettlement program.

**Socio-economic studies:** The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

(a) the results of a census survey covering;
   - current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
   - standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
   - the magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
   - information on vulnerable groups or persons, for whom special provisions may have to be made; and
   - provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following;
   - land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area.
   - The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub project
   - Public infrastructure and social services that will be affected; and
   - Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non-
governmental organizations (NGO’s) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**Legal Framework:** The findings of an analysis of the legal framework, covering,
(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,
(d) the mechanisms to bridge such gaps, and,
(e) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

**Institutional Framework:** The findings of any analysis of the institutional framework covering;
(a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation; 
(b) an assessment of the institutional capacity of such agencies and NGOs; and 
(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

**Eligibility:** Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

**Valuation of and compensation for losses:** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

**Resettlement Measures:** A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

**Site selection, site preparation, and relocation:** Alternative relocation sites considered and explanation of those selected, covering,
(d) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, local advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
(e) any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
(f) procedure for physical relocation under the project, including timetables for site preparation and transfer; and 
(g) legal arrangements for regularizing tenure and transferring titles to resettlers.


**Housing, infrastructure, and social services:** Plans to provide (or to finance resettler’s provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

**Environmental protection and management.** A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

**Community Participation:** a description of the strategy for consultation with and participation of resettlers and host communities, including
(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan,
(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
(d) institutionalized arrangements by arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as vulnerable and marginalized groups, ethnic minorities, landless, and women are adequately represented.

**Integration with host populations:** Measures to mitigate the impact of resettlement on any host communities, including,
(a) consultations with host communities and local governments,
(b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
(c) arrangements for addressing any conflict that may arise between resettlers and host communities, and
(d) any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

**Grievance procedures:** Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

**Organizational responsibilities:** The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
**Implementation Schedule:** An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

**Costs and budget:** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

**Monitoring and evaluation:** Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.