



Indonesia REDD+ RBP for results period 2014-2016 (FP 130)

Adat Community Plan (ACP)

1 March 2023

Table of Contents

Abbreviations	i
1 Introduction	1
2 Project Description.....	2
2.1 Background.....	2
2.2 Project components (results)	3
2.2.1 Component 1 — Strengthening REDD+ coordination and implementation and overall REDD+ architecture	3
2.2.2 Component 2 — Decentralized sustainable forest governance (FMUs and Social Forestry).....	4
2.3 Performance-based Payments	5
2.4 The environmental and social impact and risk assessment process so far.....	6
3 Applicable Safeguards Standards for this ACP	7
4 Adat Law Communities in Indonesia	9
4.1 Legal framework and substantive rights	9
4.2 Distribution of Adat Law Communities	11
4.3 Adat forests.....	12
4.4 Women in Adat communities.....	13
4.5 Consultations with Adat Communities’ prior to and during project implementation RPB14	
5 Adat Law Community risk and mitigation plan	15
5.1 Summary of risks from earlier safeguards documents.....	16
5.2 Updated risk assessment of RBP impacts on Adat communities	17
6 Grievance Processes	29
7 Benefit sharing	30
8 Training and capacity building	30
9 Monitoring of ACP implementation	31
10 Implementation Plan.....	31

Abbreviations

ACP	Adat Community Plan
ALC	Adat Law Community
AMAN	Indonesian Alliance for Indigenous People (<i>Aliansi Masyarakat Adat Nusantara</i>)
APPS	Safeguards Implementation Tool and Assessment Procedures (<i>part of the SIS-REDD+</i>)
BAU	Business as Usual
BRWA	National Agency for Registration of Indigenous Land (<i>Badan Registrasi Wilayah Adat</i>)
CoP	Conference of Parties (linked to the UNFCCC dialogue)
ESA	Environmental and Social Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FGD	Focus Group Discussion
FMU	Forestry Management Unit (<i>Kesatuan Pengelolaan Hutan</i>)
FREL	National Forest Reference Emission Level
GAP	Gender Action Plan
GCF	Green Climate Fund
GHG	Greenhouse Gas
GRM	Grievance Redress Mechanism
GtCO _{2eq}	Billion tons of carbon dioxide equivalent
RHL	Forest and Land Rehabilitation (<i>Rehabilitasi Hutan dan Lahan</i>)
IEF	Indonesian Environment Fund (<i>Badan Pengelola Dana Lingkungan Hidup</i>)
ISPO	Indonesian Sustainable Palm Oil Certification
KAT	Remote Adat Communities (<i>Komunitas Adat Terpencil</i>)
KPI	Key Performance Indicator
LULUCF	Land use, Land use Change and Forestry
MoEF	Ministry of Environment and Forestry (<i>Kementerian Lingkungan Hidup dan Kehutanan</i>)
MRV	Monitoring, Reporting and Verification
NDC	Nationally Determined Contribution
NFMS	National Forest Monitoring System
PBP	Performance-Based Payment
PLANT	Paris Agreement LULUCF Assessment and NDC Tool
RBP	Results-Based Payment
REDD	Reduced Emissions from Deforestation and Forest Degradation
SEP	Stakeholder Engagement Plan
SES	Social and Environmental Standards
SESP	Social and Environmental Screening Procedure
SFM	Sustainable Forest Management
SIMONELA	Spatial Monitoring System for Emissions from Land
SIS	Safeguard Information System (linked to REDD+)
SOI	Summary of Information (linked to UNFCCC reporting)
SRN	Indonesia's National Registration System on Climate Change
STRANAS	National REDD+ Strategy (<i>Strategi Nasional REDD+</i>)
SVLK	Indonesian timber Legality Assurance System
tCO _{2eq}	Tons of carbon dioxide equivalent

UNFCCC

United Nations Framework Convention on Climate Change

1 Introduction

This Adat Community Plan (ACP) presents the detailed framework for ensuring that risks associated with the implementation of the 'Indonesia REDD+ Results-Based Payment (RBP) for results period 2014–2016' project (the RBP project) on the rights, lands, territories, and resources of Indigenous Peoples in Indonesia (hereafter referred to as Adat Law Communities,¹ ALCs) are effectively managed. The ACP describes the mitigation measures that will be implemented to ensure full compliance with the United Nations Development Programme (UNDP) Social and Environmental Standards (SES), which are the safeguard standards applied for this project.²

Although this ACP is presented as a stand-alone document, it should be read in conjunction with the other documents prepared as part of the environmental and social impact assessment requirements for the project. These include the Environmental and Social Management Plan (the project ESMP) and associated annexes, that provide further information on gender equality (the Gender Action Plan – the GAP), the stakeholder engagement process (the Stakeholder Engagement Plan – the SEP) and Grievance Redress Mechanisms (GRM). This ACP is not based on a traditional 'project assessment and management plan' approach since the RBP project is not a project with already-known activities in a specific location; the project comprises categories of activities whose location will only be known once performance-based payments are requested.

The ACP is structured as follows:

Chapter 2 describes the RBP project including the main components and how the activities under each component will be delivered. It also provides a brief history of the environmental and social risk and impact assessment process and consultations informing this ACP.

Chapter 3 provides a summary of applicable environmental and social safeguards for this ACP.

Chapter 4 presents the Adat Law Communities in Indonesia; their characteristics, their distribution, and their roles in forestry and REDD+. It also provides background on the legal framework and issues pertaining to the substantive rights of ALCs in this project's context.

Chapter 5 presents the Adat Law Community risk assessment and mitigation plan. This includes a summary of the key findings and recommendations from the ESMP and a description of the detailed measures to avoid, minimize, and mitigate any adverse effects on Adat Law Communities.

Chapter 6 describes the grievance redress process and explains how affected ALCs can use these procedures to report any grievances that may arise. This chapter will also explain how the grievance redress process will consider ALCs customary laws and dispute resolution mechanisms, while **Chapter 7** describes the proposed benefit sharing mechanisms.

Chapter 8 presents the training and capacity development activities. This will also include, as relevant, a description of the steps to be implemented to support the legal and technical capabilities of relevant government institutions to strengthen compliance with obligations with respect to the rights of ALCs.

Chapter 9 describes the monitoring process used to monitor the implementation of mitigation measures and ensure all required safeguards are adhered to. This includes reference to the SES indicators monitored by the Independent Assessor as part of the third-party verification process prior to performance-based payments.

Chapter 10 describes the institutional arrangements and implementation plan.

¹ In Indonesia, Indigenous Peoples are officially known as Masyarakat Hukum Adat, or Adat Law Community.

² As UNDP is an Accredited Entity (AE) of the Green Climate Fund (GCF), its Social and Environmental Standards (SES) have been assessed and determined to be substantially equivalent to the GCF's safeguards policies. As UNDP is the AE for this GCF project, UNDP's safeguards policies apply.

2 Project Description

2.1 Background

With 120 million ha or 64% of Indonesia's entire land area designated as Forest Area,³ Indonesia has the third-largest tropical forest cover in the world, after Brazil and the Democratic Republic of Congo. To realize its long-term economic and social development objectives, Indonesia has committed to contributing to global efforts in tackling the negative impacts of climate change and in limiting the temperature increase to 1.5 degrees above pre-industrial levels. The Indonesian government aims to reduce 31.89% of Greenhouse Gas (GHG) emissions unconditionally and up to 43.20% conditionally,⁴ subject to the availability of international support for finance, transfer and development and capacity building, from 2030 BAU of 2.869 GtCO_{2eq}. The largest share (97.2%) of the Nationally Determined Contribution (NDC) target comes from forest and the land and energy sectors.⁵ The forestry sector, which includes Reduced Emissions from Deforestation and Forest Degradation (REDD)+ activities, is expected to contribute between 17.4% to 25.4% of the overall NDC target.

From 244,892,137 tCO_{2eq} of emissions reductions (ER) achieved in the 2013–2017 period, and after application of the Green Climate Fund (GCF) scorecard, GCF approved USD 103.78 million for 20.25 million tCO_{2eq} for the 2014–2016 period and an additional 2.5% of payment for non-carbon benefits in REDD+ RBPs⁶ to Indonesia.

UNDP is the Accredited Entity for this project with the Ministry of Finance, supported by the Indonesian Environment Fund (IEF)⁷ as the Implementing Partner, with technical inputs from the Ministry of Environment and Forestry (MoEF). The funds will be invested in the implementation of the National REDD+ Strategy (STRANAS), which is aligned with Indonesia's NDC under the Paris Agreement.

The project is organized around two main results (components) and corresponding project outputs, with a third component dedicated to project management:

- The government's capacity to coordinate and implement REDD+ at national and subnational level is strengthened.
- Decentralized sustainable forest governance is expanded and enhanced.

These are briefly illustrated in the table below and described thereafter, together with their associated products and activities.

3 Ministry of Environment and Forestry (2020). The State of Indonesia's Forests 2020, Ministry of Environment and Forestry, Republic of Indonesia. Accessible at: <https://kemlu.go.id/oslo/en/news/10525/e-book-the-state-of-indonesias-forests-2020#:~:text=%E2%80%8BThe%20State%20of%20Indonesia's,by%20the%20Indonesian%20Government%20to>

4 See the Indonesian Nationally Determined Contribution (NDC) submitted in July 2021.

5 The remaining 0.8 % is shared by agriculture, industrial processes and product use (IPPU), and waste sectors.

6 REDD+ RBPs under the UNFCCC rewarded through the GCF reflect the agreement reached between the Parties to the UNFCCC in the context of the Warsaw Framework for REDD+ which foresees the provision of results-based climate finance payments in return for measured GHG reductions and removals. This is different from credits of the voluntary carbon market over which the Government of Indonesia has no jurisdiction, and which create and certify units that are defined under private standards. GHG reductions and removals as defined by the GCF does not interfere with other national or subnational programs; payments received from the GCF are to reward efforts and successes in curbing deforestation by the Government of Indonesia.

7 The Indonesian Environment Fund is a Public Service Agency (Badan Layanan Umum) under the Ministry of Finance, known as Badan Pengelola Dana Lingkungan Hidup (BPD LH).

GCF Output	GCF Activities
Component 1. Strengthening REDD+ coordination and implementation and overall REDD+ architecture	1.1 Update and further develop the architecture for REDD+
	1.2 Build capacity for REDD+ implementation
	1.3 Communication, knowledge management & adaptive management
Component 2. Support to decentralized sustainable forest governance	2.1 Support the establishment and operationalization of Forest Management Units (FMUs), as well as SFM investments inside and outside FMUs
	2.2 Expand and enhance implementation of the Social Forestry programme
Project Management	3.1 Project management

Table 1: Summary of project components and activities.

2.2 Project components (results)

2.2.1 Component 1 — Strengthening REDD+ coordination and implementation and overall REDD+ architecture

Component 1 (Strengthening REDD+ coordination and implementation and overall REDD+ architecture) will provide continued support to REDD+ capacity building (e.g. IEF capacity on REDD+ and towards accreditation to the GCF for direct access, REDD+ awareness at provincial level), and further mature existing elements of the REDD+ architecture and support its deployment at subnational level (e.g. subnational SIS and MRV system, allocation of the updated national FREL to Provinces).

Activity 1.1 Update and further develop the REDD+ architecture

The government of Indonesia, in line with shifting context and increasing capacity, is committed to continuously updating and improving its REDD+ architecture and related reporting to the UNFCCC. This activity will be implemented in synergy with relevant existing or future projects, at the national and subnational level and comprises actions related to:

- Updating and improving the national FREL and allocate it to Provinces and develop a web-based application system for FREL development and REDD+ Performance calculation at national and sub-national level and further improve the NFMS.
- Developing and operationalizing a Spatial Monitoring System for Emissions from Land (SIMONELA), and the National REDD+ MRV linked to the SRN and developing a subnational REDD+ reporting system (local to Provincial).
- Improving and operationalizing the SIS at the national and subnational level and linking the SIS with REDD+ related activities done by national and sub-national government as well as other actors.
- Supporting the review, revision and/or strengthening of REDD+ policies and developing benefit sharing plans.
- Contributing to reporting requirements under the UNFCCC, i.e., Biennial Update Report, Summary of Information (SOI), etc.

The activity will be informed and complemented by the Paris Agreement Land Use, Land Use Change and Forestry (LULUCF) Assessment and NDC Tool (PLANT), developed by UNDP to map existing information on NDC and REDD+ that will, among others, support Indonesia to identify opportunities to enhance their NDC in the forest sector.

Activity 1.2 Strengthen capacity for REDD+ implementation

In parallel to the updating and further development of the national architecture for REDD+, this project will build on the information, complementarities and constraints identified in PLANT to support capacity strengthening for implementation of REDD+ at national, provincial and local level in key areas, in synergy with existing and future relevant initiatives. This aims to contribute to further deploying REDD+ nationally, harnessing the REDD+ potential of relevant domestic and international initiatives to support additional REDD+ results for the next reporting period. As such it will support key acceleration actions

for Output 2 activities,⁸ including ensuring safeguards requirements. The activity will comprise actions related to:

- Building government capacity on REDD+ at the provincial level.
- Enhancing the policy and regulatory frameworks and associated guidelines for key policies and programmes contributing to REDD+ at national and subnational levels (in particular those related to the social forestry programme and forest managements units).
- Contributing to IEF capacity strengthening in relation to REDD+ (including GCF accreditation for direct assess).
- Strengthening the capacity to monitor and coordinate REDD+ implementation at the national level and support acceleration measures for the Social Forestry programme and FMUs and their link with REDD+ (training of field facilitators).

The activity will be complemented by implementation of the SEP, the GAP and the work of the Independent Assessor for Output 2 (further described in subsequent chapters in this document).

Activity 1.3 Communication, knowledge management and adaptive management

This activity aims to support adequate communication on the implementation of national-scale REDD+ under the UNFCCC, as well as knowledge management and adaptive management for the project as well as REDD+ implementation more generally in Indonesia. The activity will have a communication strategy on the benefits of REDD+ under the UNFCCC, enhance the existing REDD+ knowledge management and provide further support to the methodological framework for systematic analysis of the contributions from key policies and initiatives to REDD+ and Indonesia's NDC.

2.2.2 Component 2 — Decentralized sustainable forest governance (FMUs and Social Forestry)

This component aims to support the government of Indonesia in advancing its objectives of decentralized sustainable management of forests through the operationalization of Forest Management Units (FMUs) and devolving access to and management of forest land and resources to communities in adequate areas. This will include support for the implementation and further refinement of the Social Forestry and FMU programmes respectively (and related relevant sustainable forest management investments inside and outside FMUs), looking at opportunities for complementarity and synergies between them whenever possible. Indeed, social forestry licenses are granted within the boundaries of FMUs, typically as small "clusters" in much wider FMU areas (as these cover the overall forest estate), where communities are eligible and request a social forestry license.

While FMUs collaborate with and provide benefits to communities that are not eligible/granted social forestry licenses (i.e. developing community livelihoods plans and supporting their implementation), social forestry goes a step further in providing formalized and secured user and/or ownership rights. To operationalize the FMUs, the FMU forest management plans, business plans and community development plans are developed. During this planning process, there will be opportunities to identify where social forestry activities can take place, including what specific scheme may be most relevant, what support is needed by these communities to facilitate their application to obtaining a social forestry license, and for which subsequent investments may be needed to ensure sustainable forest management and livelihoods. Rather than in isolation, the activities of the FMU and the social forestry programme must be seen as synergetic, encouraging economies of scale.

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

While FMUs have been established under the Forestry Law No.41/1999 in all provinces, covering nearly the entirety of the forest estate, much remains to be done to enable FMU operationalization. While

⁸ For instance, the project will support the strengthening of facilitators for Hutan Adat to complement existing MoEF efforts to promote more Hutan Adat under the Social Forestry programme. Customary forests or Hutan Adat is a means to recognize customary territory and accord land and forest resource rights to Adat communities.

different FMUs may be at various stages of maturity and with unique needs, supporting their operationalization requires a set of complementary interventions.

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

The main categories of activities to be supported include:

- Increasing (the # of) Forest Management Units
- Land rehabilitation (including peatland and mangroves)
- Forest fire management
- Development of sustainable livelihoods

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

Activity 2.2: Expand and enhance implementation of the Social Forestry Programme

The Government of Indonesia’s priority in moving forward with the Social Forestry programme is to continue to assist Adat and non-Adat communities, villages, and individuals to obtain licenses available through the five different schemes of social forestry, thereby increasing the size of forests under this programme. This project activity seeks to strengthen key stages of that process: application, planning, verification, implementation, and monitoring, through approaches that integrate considerations for the roles and rights of men, women, and youths in Adat and non-Adat communities, villages, cooperatives, and other entities.

The second Social Forestry priority is to ensure permit or rights holders can improve their livelihoods through the implementation of various management schemes or development plans and therefore contribute to addressing drivers of deforestation and barriers to carbon enhancement. This project will incentivize functional mechanisms with the MoEF to ensure social forestry permits are equally distributed in accordance with selection criteria, among others, communities living around forests, poor female household heads.

For component 2 (FMU and Social Forestry programmes), the Government of Indonesia and UNDP opted for the use of UNDP’s “Performance-Based Payments” (PBP) financing modality, with the IEF as the signatory of the PBP agreement.

2.3 Performance-based Payments

The mechanism used for Output 2 activities is a UNDP financial and legal instrument called a Performance-Based Payment Agreement (PBPA). The PBPA is an agreement between UNDP and a development partner to provide funding upon the verified achievement of an agreed measurable development result. No advances are provided. This approach gives greater incentive to development partners to achieve results ([UNDP Programme and Operations Policies and Procedures – POPP](#)).

In this modality, as payments are made only on delivery of verified results, “the [development partner] is fully responsible for the achievement of the result(s), and free to use its own approaches, methods, capacities and resources within the parameters stipulated in the project document and performance-based payment agreement. Upon achievement of the result(s), the development partner submits substantive and other reporting required in the agreement to trigger payments”.

The PBPA will be implemented through IEF as implementing partner, and IEF will work closely with MoEF and the Peatland and Mangrove Restoration Agency (BRGM) to ensure it meets the requirements

in the PBPA. As payments are made only on delivery of verified results, IEF is fully responsible for the achievement of the result(s), and free to use its own approaches, methods, capacities, and resources. Upon achievement of the result(s), IEF submits substantive and other reporting required in the agreement to trigger payments.

The achievement of specific, pre-agreed results must be validated through performance measures which comprise of key performance indicators (KPIs) as well as associated social (including gender) and environmental safeguards indicators (PBP SES indicators) certified by an independent assessor. The assessor provides a neutral, impartial, and independent assessment of whether the agreed development result has been achieved prior to issuing the agreed payment.

Disbursements are made from UNDP to IEF, based on the achievement of one or more results verified by the independent assessor (including safeguards). During the implementation of the project, based on the agreed methodology, the independent assessor will verify the achievement of milestones and targets reported by the implementing party to validate that agreed levels of quantity, quality and sustainability were delivered. The target of verification will cover various entities at national and subnational level involved in the implementation of the priority programmes involved in the achievement of the PBPA. This includes the various Directorates in MoEF (such as Social Forestry, FMU, Natural Resources and Ecosystem Conservation, Climate Change, etc) as well as their technical units/extension offices at the sub-national level, such as the FMUs, and the related provincial (sub-national) authorities. Considering the independent assessor's recommendations, UNDP will inform IEF and the Project Board of its decision on the payments.

2.4 The environmental and social impact and risk assessment process so far

As part of the funding proposal submission for the project, three formal SES instruments were prepared: an ex-post Environmental and Social Assessment (ESA), undertaken for the two main activities contributing to the emissions reductions from 2014 to 2016 (the forest concession moratorium and the social forestry programme), a Social and Environmental Screening Procedure (SESP) and an Environmental and Social Management Framework (ESMF), the latter establishing the framework for operationalizing safeguards as the project moves towards implementation.

During the first half of 2021, UNDP undertook activities to further assess (and either reconfirm or modify) project environmental and social risks identified in the ESMF. Consultative workshops were implemented with the IEF and MoEF. These workshops served to firstly, develop a more in-depth knowledge of how the proposed project activities in Output 2 (social forestry, increase in FMUs, land rehabilitation, forest fire management, and sustainable livelihoods) were going to be implemented and based on this, prepare an updated environmental and social risk assessment for each category of project activity, as well as to propose concrete avoidance and mitigation measures to address these risks. Secondly, the workshops were used to jointly (with MoEF, UNDP and IEF) develop a set of SES indicators that could be used during implementation to ensure that the Indonesian SIS-REDD+ safeguards⁹ and the applicable UNDP SES were adhered to before any PBPs are made. Civil society organizations, including those representing Adat communities,¹⁰ were invited to a Focus Group Discussion (FGD)¹¹ to share their inputs to the draft SES indicators and their written comments were duly integrated into the final set of indicators.

⁹ Largely based on the Cancun safeguards as already indicated.

¹⁰ In Indonesia, the Adat communities are the communities of people (primarily indigenous and on outlying islands) who follow customary law.

¹¹ A workshop was held on April 12, 2021, with the participation of the Rainforest Foundation, Badan Registrasi Wilayah Adat (BRWA <https://www.brwa.or.id/>), the Indonesian Institute for Forest and Environment (RMI) Tenure Coalition, Bogor Agricultural University (IPB), the Rights and Resources Initiative.

In addition to the updated environmental and social impact risk assessment and the SES indicators, a proposal¹² was made on the required next steps, to ensure that the objectives of the ESMF would be further operationalized during project implementation. This proposal recommended the preparation of the following action plans/tools:

- 1) A framework Environmental and Social Management Plan (ESMP), building on the ESMF
- 2) An updated Gender Action Plan (GAP), to be included as an Annex to the ESMP
- 3) An updated Stakeholder Engagement Plan (SEP), to be included as an Annex to the ESMP
- 4) A clear summary of how grievances are currently addressed, and if needed, the preparation of a project Grievance Redress Mechanism (GRM)
- 5) **An Adat Communities Plan (ACP)**, to be presented as a stand-alone document

3 Applicable Safeguards Standards for this ACP

The project will comply with UNDP's [Social and Environmental Standards](#)¹³ (SES) as well as national safeguards requirements. These are described in detail in the project ESMP. Of relevance to this ACP is Standard 6 on Indigenous Peoples. This standard seeks to recognize and promote respect for the human rights of indigenous peoples, including their right to self-determination. It also seeks to ensure that UNDP projects that may affect indigenous peoples are designed in a spirit of partnership with them, with their full and effective participation, with the objective of obtaining their Free, Prior and Informed Consent (FPIC) where their rights, lands, resources, territories, and livelihoods may be affected. UNDP cannot participate in a project that compromises the human rights of Indigenous Peoples as recognized in domestic or international law, as well as in the UN Declaration on the Rights of Indigenous Peoples. A key element of this Declaration is the State's obligation to consult and cooperate in good faith with Indigenous Peoples, through their representative institutions.

The project will also comply with the UNFCCC REDD+ safeguard requirements, including the 'Cancun safeguards'. The Conference of Parties (COP)16 (in Cancun in 2010) agreed that a set of seven safeguards, commonly referred to as the Cancun Safeguards, should be promoted and supported when undertaking REDD+ activities. The safeguards in Appendix 1 of decision [1/CP.16](#) indicate that for any activities referred to in [paragraph 70](#) of decision [1/CP.16](#), the following safeguards should be promoted and supported:

- (1) Complementarity and consistency with the objectives of national forest programmes and relevant international conventions and agreements.
- (2) Implementation within the framework of transparent and effective national forest governance structures, considering national legislation and sovereignty.
- (3) Respect for the knowledge and rights of indigenous peoples and members of local communities, by considering relevant international obligations, national circumstances, and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples.
- (4) Full and effective participation of relevant stakeholders, in particular indigenous peoples, and local communities, in the actions referred to in paragraphs 70 and 72 of this decision.
- (5) Consistency with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits.
- (6) Address the risks of reversals.
- (7) Reduce displacement of emissions.

12 June 2021. *Proposals for ensuring compliance with UNDP Social and Environmental Standards*, Indonesia's REDD-plus Results Based Payments for Results Period 2014–2016.

13 A <https://www.undp.org/publications/undp-social-and-environmental-standards> revised version of UNDP's SES came into effect on 1 January 2021. These revisions were taken into consideration when this ESMP and the SES indicators were developed.

The project also considers the Indonesian Safeguards Information System (SIS) for REDD+, which builds on the Cancun safeguards and establishes the principle (Principle 3) that all REDD+ activities must respect the rights of Adat Law Communities and local communities through actions appropriate to scale and implementation context. This principle is translated into criteria, indicators, and assessment tools as follows:

Criteria	Indicators	Safeguards Assessment Tools (APPS)
3.1 REDD+ activities shall include identification of the rights of Adat and local communities, such as tenure, access to and utilization of forest resources and ecosystem services, with increasing intensity at sub-national and site-level scales	3.1.1 Availability of map and/or documents regarding adat community and local communities that have been identified, including their rights in REDD+ activity area.	Report of existing rights, rights-holders (shown in REDD+ work area map), and adat community and/or local communities' area that have been identified
	3.1.2 Availability of work plan and arrangement to accommodate rights and aspiration of adat community and local communities in utilizing forest resources.	Elaboration of 1.2.1.a, ¹⁴ which concerns an arrangement to recognize rights and aspirations of adat community and/or local communities
3.2 Applicable at the site level, REDD+ preparation activities shall include a process to obtain the free, prior, informed consent of affected indigenous and local communities before REDD+ activities commence.	3.2.1 Availability of documentation of consultation process to demonstrate efforts, appropriate to scale and implementation of activity, to obtain FPIC from adat community and local communities that have the potential to be affected by REDD+ activities.	Report of implementation of FPIC activities.
3.3 REDD+ activities shall contribute to maintaining or enhancing the social economic wellbeing of indigenous and local communities, by sharing benefits fairly with them, including for the future generations.	3.3.1 The policy/plan and/or program must not impact on marginalization of certain community groups due to limitation of access and control of natural resources, capital, and knowledge	Report/document that shows that there is no discrimination against any groups or access to natural resources, capital, and knowledge in REDD+ implementation
	[KLHS/AMDAL: MoEF Regulation 09/2011, KLHS Justice Value]	
	3.3.2 A documented mechanism on fair distribution of profit/benefits among affected adat community and local communities and implementation proofs that can be demonstrated.	Documents that inform benefits given to the communities, such as but not limited to capacity building, institutional strengthening, economic and natural resources improvement, carbon performance, etc.
3.4 REDD+ activities shall recognize the value of traditional knowledge and compensate for	3.4.1. Availability of mechanism or procedure for compensating	Forms and value of compensation for the use of traditional knowledge, if any, in REDD+ implementation

¹⁴ This refers to "National strategy document/subnational REDD+".

commercial use of such knowledge where appropriate	the commercial use of traditional knowledge.
--	--

The above implies that if there is any doubt that ALCs will be affected by activities for which PBP will be sought, the appropriate measures must be taken, as outlined above. This fundamental principle is reflected in the risk identification and proposed mitigation measures as well as the SES indicators, that are presented in the ESMP for this project and are also included in this ACP (see following sections).

The IEF has recently developed and approved an environmental and social safeguard regulation.¹⁵ This regulation is largely in line with the UNDP SES, and while it is the UNDP SES that will prevail for this project since UNDP is the Accredited Entity, the guidance provided in the IEF regulation will also be considered. This regulation is intended as an implementation guideline for managing environmental and social risks that arise because of the implementation of programs and/or activities that receive funding support from IEF and confirms the Fund's commitment to sustainable environmental management and equitable social benefits. This regulation calls for the participation and involvement of indigenous peoples (ALCs) during the Environmental and Social Impact Assessment (ESIA) process.

The IEF has also recently developed guidelines for the preparation of Indigenous Peoples Action Plans.¹⁶ These guidelines aim to ensure that: (1) all activities funded by IEF fully respect and recognize the rights of indigenous peoples and are in accordance with their socio-cultural norms, (2) any risks are avoided, or minimized, reduced and/or compensated, (3) indigenous peoples can participate in and benefit from these activities, and (4) where necessary, Free, Prior and Informed Consent (FPIC) is sought. This ACP has taken these new guidelines into account.

4 Adat Law Communities in Indonesia

4.1 Legal framework and substantive rights

Indigenous or tribal people are called *Masyarakat Hukum Adat* or Adat Law Communities in Indonesia. There are various definitions of Adat Law Communities. Article 67 Paragraph (1) of Law No. 41 of 1999 on Forestry (UUK) defines the characteristics of ALCs by stating that "the existence of ALCs is recognized, if they meet the following criteria:

- The community is still in the form of a communal society.
 - (2) There is an adat (customary) institution.
 - (3) There is a clear adat (customary) territory.
 - (4) There are obeyed legal institutions and apparatus, especially adat (customary) courts.
 - (5) The community still collects forest products in the surrounding forest area for the fulfillment of their daily needs.

Other regulations go further in developing this 'baseline' definition:

Regulation	Explanation
Regulation of the Minister of Home Affairs No. 52 of 2014 on the Guidelines for the Recognition and Protection of Adat Law Community	Adat Law Community (" <i>Masyarakat Hukum Adat</i> ") are Indonesian citizens who have distinctive characteristics, live in groups harmoniously in accordance with adat (customary) law, have ties to ancestral origins and/or common residences, have strong relationships with land and the environment, and are characterized by the existence of a value system that determines their economic, political, social, cultural, and legal institutions and utilizes one particular region for generations.

¹⁵ Regulation of the President Director of BPDH No. 03/BPDH/2022 concerning Procedures for Implementation of Environmental and Social Safeguards at BPDH

¹⁶ Panduan Penilaian Dampak dan Pengelolaan Masyarakat Adat.

Regulation of the Minister of Environment and Forestry no. P.21/MENLHK/SETJEN/KUM.1/4 /2019 On Customary (Adat) Forests and Private Forests	Adat Law Community (" <i>Masyarakat Hukum Adat</i> ") is a group of people who have for generations settled in a certain geographical area because of their ties to ancestral origins, strong relationships with the environment, and the existence of value systems that determine their economic, political, social, and legal institutions.
Presidential Decree No. 111 of 1999 on the Development of Social Welfare of Remote <i>Adat Communities</i> (Presidential Decree 111/1999)	Remote <i>Adat Communities</i> or isolated communities are local and scattered socio-cultural groups that lack or have not been involved in social, economic, and political networks.

Presidential Decree No. 111/1999 contains a more specific term called *Remote Adat Community* ("*Komunitas Adat Terpencil*", KAT) with the following characteristics:

- Are in the form of small, enclosed, and homogeneous communities.
- Have social institutions that rest on kinship.
- Are geographically remote and relatively difficult to reach.
- Are in general still living with a subsistent economic system.
- Are still using simple equipment and technology.
- Are highly dependent on the environment and local natural resources.
- Have limited access to social, economic, and political services.

While Indonesia has not ratified the International Labour Organization (ILO) Convention on Indigenous and Tribal Peoples (known as the ILO convention 169 or C169),¹⁷ ALCs are recognized at the constitutional level, as well as in several other regulations. According to Article 18 B paragraph (2), the State recognizes and respects ALC entities and their traditional rights if they are in accordance with the development of society and the principles of the Republic of Indonesia as stipulated in the law. Article 28 I paragraph (3) states that the cultural identity and rights of traditional communities are respected in accordance to current progress and civilization. The Basic Agrarian Law (Law No. 5 of 1960, UUPA), which is the core regulation concerning natural resources, provides a fundamental basis for communities to have the right to regulate their own territories (*Ulayat Rights*). The right of control from the State can be granted to ALCs as stated in Article 2 Paragraph (4), if this granting is "not in contradiction with the national interests, according to the provisions of government regulations". Law No. 5/1999 on human rights, Article 6 states that ALCs need to be recognized and protected by the law, society and government. There are several laws that guide the establishment and administration of Adat villages (*Desa Adat*),¹⁸ and the Cultural Heritage law¹⁹ recognizes Adat Law Communities as owners of their cultural heritage and requires observation and data collection on cultural heritage that may be affected by project activities.

The Ministry of Home Affairs Regulation 52 acknowledges the presence of Adat Law Communities and their rights, provided they meet eligibility requirements and have legal recognition from provincial and district governments.²⁰ This is the prerequisite for further recognition of land rights and access to natural resources within customary territories (*Wilayah Adat*).

The Forestry Law of 1999 (the UUK) recognizes the rights of ALCs within the forest estate, if they exist, are recognized, and their actions do not conflict with national interests (Article 4, Paragraph 3). When requirements for ALC recognition have been fulfilled, they have the right to collect forest products for

17 This is the first international convention to fully recognize the rights of indigenous peoples.

18 Law No. 6/2104 on villages stipulates that communities can establish Adat villages with their own institutional structures and authority, granting a *Desa Adat* (Adat village) the authority to conduct adat-based public administration. Law No. 23/2014 on local government recognizes the existence of adat institutions (*Lembaga adat*) by giving them rights to empowerment and by recognizing that Adat law can be applied as an additional rule for local election, and can be used as the basis for local development.

19 Law No. 11/2010.

20 As stipulated in Ministry of Home Affairs regulation No, 52/2014.

the fulfillment of daily needs and conduct forest management activities based on applicable customary law if this is not contrary to national law.

In 2012, a landmark Constitutional Court decision (Decree No. 35/2012) determined that Adat Forests are no longer part of the State Forest, categorizing them as private forest (Hutan Hak); implicit in this decision was that Adat forests, when legally recognized, would be collectively owned by Adat Law Communities. This decision led to several ministerial regulations to provide guidance on how to recognize ALC land rights.²¹ Regional recognition is a prerequisite for further MoEF recognition of Adat forest (Hutan Adat).

4.2 Distribution of Adat Law Communities

The Aliansi Masyarakat Adat Nusantara²² (AMAN) estimates that there are up to 70 million Adat Community individuals divided into 2,371 communities across 31 provinces of the country. Most of these live in Kalimantan (772 communities) and Sulawesi (664 communities). There are an estimated 392 Adat Communities in Sumatera, 253 in Bali and Nusa Tenggara, 176 in Maluku, 59 in Papua, and 55 in Java. In 2018, the officially mapped Adat Territories was 10.86 million hectares (ha).²³

The Badan Registrasi Wilayah Adat (BRWA),²⁴ an organization established in 2010 to consolidate the maps of indigenous territories throughout the country. According to BRWA data, over 11% of the total Indonesian land area, or about 21 million hectares, is currently undergoing processing to be recognized as Wilayah Adat (WA) or customary territory. BRWA has registered 1,119 maps of customary territory covering 20,7 million hectares. The map of the customary territory comprises 29 provinces and 142 districts/cities. Of this total, 189 customary territories covering 3,1 million hectares (15%) have been registered via regional regulations (PerDa) issued by provincial or district/city regional heads²⁵ their customary territory is vast, around 17,7 million hectares (86%). According to BRWA, 701.472 hectares (3.3%) have already been certified.

Despite this low level of certification, BRWA indicates that over 15 million hectares (2022 values) are already officially recognized as indigenous territories.²⁶ New land is added to the total registered areas each year; in 2022, for example, 94.549 hectares were newly registered. West Kalimantan has the largest number of recognized titles (31%), as well as the largest number of registered (35%), verified (45%) and certified (18%) areas. Maps of all the potential and actual indigenous territories are available on the BRWA website.²⁷

Government data indicates that there are 156,512 remote Adat community households. The government has a policy of empowering these communities due to their isolation, based on categorization according to conditions and levels of vulnerability. Category I is characterized by remote communities moving in small, enclosed and homogenous communities in rural areas, highly dependent on natural resources and depending largely on subsistence economies and considered to be very vulnerable. Category II are semi-permanent, homogenous communities, participating in a market-based economy in rural areas, and also vulnerable. Category III is similar to category I but considered

21 The central government can only recognize Adat land titles if there is already a regional form of government recognition and there are two options for this: (1) a regional regulation (Peraturan Daerah) as stipulated in Article 67 of Forestry Law No 41/1999 or (2) a district head or governor decree (Keputusan Kepala Daerah), applying guidelines and based on recommendations from special committees (Panitia Masyarakat Hukum Adat Kabupaten/Kota).

22 AMAN is the national umbrella organization for the indigenous peoples of the Indonesian archipelago.

23 <https://katadata.co.id/padjar/infografik/5f8030631f92a/sebaran-masyarakat-adat>, accessed 01-11-2021

24 The Badan Registrasi Wilayah Adat (BRWA) was established in 2010 under the Aliansi Masyarakat Adat Nusantara (AMAN), Jaringan Kerja Pemetaan Partisipatif (JKPP), Forest Watch Indonesia (FWI), Konsortium Pendukung Sistem Hutan Kerakyatan (KpSHK) and Sawit Watch (SW) to consolidate the maps of all indigenous territories through the customary registration process which includes registration, verification, validation and publication.

25[1] <https://www.brwa.or.id/assets/image/rujukan/1660034262.pdf>

26 The BRWA website refers to the peta pengakuan wilayah adat.

27 <https://brwa.or.id/sig/>

to be less vulnerable. Government support is commensurate with vulnerable, and provides three, two and one year of economic support to Categories 1, 2 and 3 respectively.

4.3 Adat forests

According to MoEF Regulation No. 9 of 2021 on the management of social forestry, ‘social forestry is a sustainable forest management system implemented in state forest areas or Adat Forests by local communities or ALCs as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of Village Forests, Community Forests, Community Timber Plantation, **Adat forests** and Forestry Partnership’. Although it is possible for ALCs to apply for various forms of social forestry, the designated forest status for ALCs is Adat Forest. Adat Forest is located within the ALC territory, where legal access is obtained through a stipulation from MoEF; outside customary forest, other social forestry programmes will be approved according to the Ministry Decree (SK Menteri KLHK).

MoEF data documents 952.862 hectares of indicative Adat Forest, covering 17 provinces.²⁸ The largest area is found in North Kalimantan (about 400.000 hectares), South Sulawesi (132.000 hectares), and Aceh (about 113.000 hectares). Legally establishing Adat forests is time consuming. From 2016 to 2022, the government established 153.322 hectares of Adat Forest covering 17 provinces (representing 108 Adat Forests and 51.459 households).

Adat communities and the social forestry programme

As described above, many Adat communities are still awaiting legal recognition as an Adat Law Community and/or legal title to their customary forests. The social forestry programme, which enables communities (including Adat communities) to access and sustainably use areas within the forest estate, is an important option for securing forest access rights. The main objective of the programme is to grant forest resource rights to village and local (including Adat) communities over forests; this includes use and access to forest resources and participation in forest management. While obtaining full customary land titles remains the objective for most Adat communities, the access that is provided by social forestry permits is seen as a step in that direction, a path to recognition. It is viewed as an interim level of protection for their forests, livelihoods, and cultural identity. In 2014, the Indonesian government strengthened the social forestry programme²⁹ in response to stakeholder advocacy, including from Adat communities, with the intent of providing both increased protection and opportunities for all forest users —Adat communities, villages and local communities. The current indicative social forestry map (Peta Indikatif Areal Perhutanan Sosial or PIAPS) has 12.7 million ha designated for social forestry. According to the MoEF website,³⁰ there were 5,319 ha under social forestry at the end of 2022. It is important to note that the PIAPS does not only includes areas for three social forestry schemes (community forestry-HKm, village forest-HD, and community plantation forest-HTR); includes the Adat Forest (HA).

Participation in the social forestry programme is voluntary. Communities and villages apply for permits and agree to the legal arrangements through their designated leaders and governing bodies. Given the voluntary nature of the programme, there is no protocol for FPIC. The MoEF Directorate of Environmental Partnerships, however, makes significant efforts to ensure that community groups and ALCs fully understand the requirements and conditions of social forestry permits. This includes establishing collaboration agreements and coaching local facilitators to work with the social forestry programme applicants (225 persons so far) until they obtain their permits. The facilitators also continue to provide support to the social forestry groups as needed once they have obtained the permits.

28 Directorate of Tenurial Conflict Handling and Adat Forests (Penanganan Konflik Tenurial dan Hutan Adat - PKTHA; DG PKSL, December 2022.

29 Among others, the targets for areas under social forestry was increased from 0.45 million ha to 12.7 million ha.

30 <https://gokups.menlhk.go.id/>

It should be noted that the application of a formal FPIC process is still developing in Indonesia. Two concrete examples of FPIC application is under the Indonesian Timber Legality Assurance System (SVLK) social standard and the Indonesian Sustainable Palm Oil (ISPO) certification. The SVLK standards are applied to ensure the credibility of the legality of timber originating from Indonesia. There are four SVLK standards (legality, production, ecology and social). Under the SVLK social standard, FPIC compliance is determined by a process of consultation with local or indigenous people concerning production operations and to settle tenure concerns, compliance with labor rules, and work area safety. The ISPO Certification is designed to ensure transparency in responding to palm oil supply chain issues, and FPIC is required when acquiring land for oil palm plantations. In both cases, the process is applied where there are clear risks of impacts on existing or potential customary forests. This is not the case for the social forestry programme, where the application for permits comes from the ALC themselves, and areas of potential conflict are excluded from the programme (and this is monitored through the application of the project safeguards indicators, further described below).

There are no procedures in place yet to ensure that local communities and villages seeking use and access rights will not be prejudiced in attempts to claim legal Adat forest title, nor is there a procedure on how a permit holder can transition from a lease or permit to a titled Adat forest.

While in principle, increasing social forestry can be seen as a positive development, it is not without challenges. AMAN has reported various problems on the ground, including relating to the overlap between social forestry and Adat territories. They estimate that there are 115,441 hectares of Community Forest and Village Forest permits located within Adat territories. This threatens Adat territories, because, at the same time, Adat Communities are fighting for the recognition of their territory through the Adat Forest schemes. There are also problems with tenurial conflicts between communities; the Directorate of Tenurial Conflict Handling and Adat Forests (*Penanganan Konflik Tenurial dan Hutan Adat* - PKTHA) has received complaints of tenurial conflict between communities submitted related to social forestry permits, because the permits were granted to the outsiders; not to local villagers, and not to communities that have been working on the land. In one farmers' group, social forestry permits were only granted to some of the members.

4.4 Women in Adat communities

Adat women play important roles, such as protecting cultural values and local wisdom, preserving the natural environment and maintaining the sustainability of family and community livelihoods.³¹

Nevertheless, Adat women also face multiple constraints and inequalities that are based on conformity standards of cultural idioms. For example, social norms within Adat communities often regulate women's public behavior, such as speaking less in public and confining them to domestic household spaces. These norms, in turn, then create limitations and barriers for them in participating in public spaces and taking on leadership positions. These gender dynamics in Adat communities and institutions often results in women being largely absent in decision-making processes as well.³² Similar findings have also been documented by RMI³³, who note that Adat women and younger generations, among others, are not traditionally part of decision-making processes. Often it is only the Adat elites who are part of decision-making processes who make decisions for the whole community without proper consultation.³⁴

31 Ministry of Women's Empowerment and Child Protection of Indonesia (2020). "Protect and Fulfill the Rights of Adat Women in National Development". Published online on 17 December 2020. Available at <https://www.kemenpppa.go.id/index.php/page/read/29/3005/lindungi-dan-penuhi-hak-perempuan-adat-dalam-pembangunan-bangsa#>.

32 Climate Investment Funds, Forest Investment Program (2016). Gender Analysis. Republic of Indonesia Community-Focused Investments to Address Deforestation and Forest Degradation. Available at <https://www.adb.org/sites/default/files/linked-documents/47084-002-sd-05.pdf>

33 RMI is an NGO that develops grassroot programs that facilitate community-based natural resources management and biodiversity conservation in upland West Java and Banten.

34 RMI(2021). "Examples of RMI's Cases on Women Empowerment: Unintended Consequences to Women". Prepared by RMI, at the request of the project, given feedback obtained from RMI on gender during consultations in the Spring of 2021 around the PBP modality of the project.

Further illustrating these realities and per records from the PEREMPUAN AMAN organization, Adat women throughout the country still face various forms of exclusion and violence in the domestic and public realm and by the State. To illustrate these realities, a study conducted by PEREMPUAN AMAN with 1,116 Adat women from 31 indigenous communities in 44 villages found that 67% of participants had never been involved in development consultations that took place in their respective territories, 39% stated that child marriage still occurred in the community and 15% noted they experienced physical/sexual violence.³⁵

This helps to illustrate the various vulnerabilities faced by Adat women, which can range from 1) vulnerability relating to Adat Territory, 2) vulnerability relating to production relations, 3) vulnerability of access and control to land in relation to social exclusion, and 4) vulnerability relating to social relations and social organizations. In response, PEREMPUAN AMAN calls for a special recognition of the collective rights of Adat Women, which refer to a bundle of rights originating from the knowledge of women groups within the Adat community, which are closely related to the area managed within their territory. Per PEREMPUAN AMAN, the collective rights of Adat Women should include utilization access, management, preservation, development, exchange and intergenerational sustainability of land and natural resources in Adat Territory.³⁶

4.5 Consultations with Adat Communities' prior to and during project implementation RPB

Consultation during project development and start-up.

This RBP project, as already described in chapter 2, is fully integrated into the government's REDD+ programme, and will support the further development of its REDD+ architecture as well REDD+ implementation capacity including at the provincial and local levels. The STRANAS and accompanying tools (the SIS-REDD+ including the principles, criteria and indicators (PC&Is) and the Safeguards Implementation Tool and Assessment Procedures (APPS)) form the underlying basis for the RBP project, and the government implemented extensive multi-stakeholder consultations (Focus Group Discussions) during the STRANAS development. Representatives of Adat Communities and related Non-Government Organizations (NGOs) participated in these consultations and FGDs. The STRANAS development process was guided by a team with extensive REDD+ expertise and included a working group comprising civil society; AMAN was a part of this group, representing the views of Adat communities. There were also two national public consultations³⁷ during the inception phase of the REDD+ RBP project, which included representatives of Adat communities.

The SIS-REDD+ principles, criteria and indicators provided important inputs to the development of the Social and Environment Safeguard (SES) indicators for the PBP,³⁸ which are used to validate payment request. Due to the nature of the project — the sites selected for payment will only be known when payment request is submitted — it was not possible to undertake consultations at specific locations during the RBP development process. Non-governmental organization were, however, consulted during the development of the SES indicators, and specific written comments were integrated into revised versions of the indicators.

Continued consultation during project implementation.

As part of the implementation of the SIS-REDD+³⁹ a stakeholder forum will continue to play an important role in safeguard implementation. Indonesia has also developed and promoted different spaces for dialogue around forestry. Once a year, the National Forestry Council (DKN)⁴⁰ organizes the

35 Ministry of Women's Empowerment and Child Protection of Indonesia (2020). "Protect and Fulfill the Rights of Adat Women in National Development". Published online on 17 December 2020. Available at <https://www.kemempwa.go.id/index.php/page/read/29/3005/lindungi-dan-penuhi-hak-perempuan-adat-dalam-pembangunan-bangsa#>.

36 <https://www.aman.or.id/wp-content/uploads/2021/01/Hak-Kolektif-Perempuan-Adat.pdf>

37 A total of 42 women and 65 men were in attendance during the consultations during the inception phase of the REDD+ RBP project. In addition, the AMAN representative present was also a woman.

38 For more detailed information on the SES indicators, please see the project Environmental and Social Management Plan.

39 SIS-REDD+ is now operational in three provinces; East Kalimantan, Jambi and West Kalimantan.

40 <https://dewankehutannasional.or.id/sejarah/>

Indonesian Forestry Congress.⁴¹ During this congress, dialogue continues (via the Adat community chamber) on how Adat and Local Communities can be effectively involved in securing their forest and land rights, and in accessing and seizing sustainable livelihood opportunities. There are also other forums at the sub-national and national levels, such as the Forum Musyawarah Adat (FoMMA) in Kalimantan Timur⁴², the Lembaga Adat Melayu (LAM) in Riau⁴³ and the Kelembagaan Adat Dayak in Kalimantan Tengah⁴⁴ and the Advocacy Coordination Team for Beliefs and Indigenous Peoples under Kementerian Pendidikan dan Kebudayaan⁴⁵ that provide opportunities for continued dialogue on project-related concerns.

Social Forestry Taskforces⁴⁶ are provincial multistakeholder bodies charged with socializing the social forestry programme at the community, village and Adat community level. Their tasks include facilitating community and village social forestry applications, observing the indicative mapping of the social forestry areas⁴⁷ and facilitating conflict resolution related to land tenure and customary forest (Hutan Adat), among others.

For example, the Directorate PKTHA provides assistance to subnational governments in Jambi, South Sulawesi, and North Sulawesi in recognizing ALCs prior to determining Adat Forests. The process includes the establishment of integrated teams (representatives of local government, academics, and Dit. PKTHA) who verify the subject and object in the designated forest areas as part of the customary forest recognition process.⁴⁸

Public consultation in Aceh (2023)⁴⁹ was also carried out to ensure that Aceh forest management aims achieves optimal and multifunctional benefits in a sustainable manner (ref: Aceh Qanun No. 7 of 2016 concerning Aceh Forestry). The regulation affords the community opportunities to participate in forest management and gain legal access to forest management (social forestry, collaboration in managing forests, and implementing agroforestry). Public participation has emphasized the necessity of a safeguard framework for executing forest management actions, including the preparation of assurances that no leakage and emission displacement will occur. During the planning phase of a project, the participation of local communities including FPIC implementation is a requirement.

5 Adat Law Community risk and mitigation plan

The following sections present the risks to Adat communities associated with the RBP project. The first section provides a summary of the risks identified and mitigation measures proposed, during the project preparation phase. This is followed by an updated risk assessment, prepared during the project inception phase as an input to this ACP.

The table at the end of this section summarizes the risks, the UNDP SES and SIS-REDD+ principles and criteria triggered by each risk, as well as a summary of the mitigation actions in place to address each risk as well as the links to the ESMP consolidated Environmental and Social Risk and Impact Mitigation Plan (the table in the ESMP) and the Social and Environmental Safeguard (SES) indicators developed to monitor all project risks, including risks to Adat communities.

41 This is constituent based, and includes five chambers, one of which represents Adat communities.

42 <https://www.ekuatorial.com/2020/12/fomma-wadah-musyawah-untuk-menjaga-jantung-kalimantan/>

43 <https://lamriau.id/>

44 <https://jdih.kalteng.go.id/uploads/prokum-2012100111074767.PDF>

45 <http://kebudayaan.kemdikbud.go.id/ditkma/tikor-layanan-advokasi-bagi-penghayat-kepercayaan-terhadap-tuhan-yang-maha-esa-dan-masyarakat-adat-gelar-rapat-koordinasi-antar-kementerian-dan-lembaga>

46 Established by Regulation MoEF No. P 14/2016.

47 These are the PIAPS, which are also one of the criteria used to assess payments as part of the approved validation methodology.

48 One of these integrated teams completed the verification of the customary forest in the Lebak district of Banten province in December 2022.

49 Directorate Climate Change Mitigation (Dit. MPI). 2023. Workshop on Strengthening REDD+ Architecture in the National REDD+ Strategy Framework of Supporting the 2021-2030, Aceh Province.

5.1 Summary of risks from earlier safeguards documents

To date, four SES instruments have been implemented in relation to this project: an ESA, an SESP, an ESMF, and the ESMP. The two earlier documents (the ESA and the SESP) concluded that the project was of ‘moderate’ risk, and that the project would be implemented within ‘a substantial existing legal and policy framework that strives to protect, promote and respect human rights’ as well as ‘a host of national laws relevant to (natural) resource management, conservation, sustainable economic development...’.⁵⁰ Key concerns related to Adat communities centered on (1) possible commercialization of natural resources on Adat lands, (2) negative impacts on their development priorities, impacts on physical and cultural survival and heritage, (3) lack of appropriate consultation, and (4) forced eviction or economic displacement. The ESMF document provided a more in-depth analysis, identifying as a key risk for Adat communities, the impact of permitting, licensing and partnership agreements in areas where the Adat communities are still awaiting recognition of their Adat forests. Since (pending) Adat lands may overlap with land under the PIAPS, this could infringe on their rights. The ESMF emphasized the need to ensure operational mechanisms and processes to avoid any “acquisition, restriction, or prejudice to the rights and interests, lands, resources, territories (whether titled or claimed) and traditional livelihoods of Adat communities concerned without their free, prior and informed consent, and just and fair compensation”.⁵¹ The mitigation measures proposed are listed below, followed by some brief comments (in italics) on how that have been addressed in this ACP:

- Identification of and avoidance of tenure conflicts before the issuance of social forestry permits, revision of all social forest maps in consultation with relevant stakeholders in a way that does not prejudice Adat lands (and that this should be done in parallel with the acceleration of the preparation of the Adat forest indicative map, reconciling this with mapping done by AMAN and other NGOs). *The ESMP for this project includes a set of indicators, one of which specifically monitors the status of land areas for which performance-based payments are requested. The MoEF has also indicated that such areas are deliberately avoided during the permit issuance process.*
- Equitable benefit sharing and evidence of due compensation, where applicable. *Proposals for benefit sharing are presented in section 7 below.*
- Clarification of legal rights and responsibilities of all communities, villages and Adat communities for all licences, permits, and partnership agreements, identification of any limitations or restrictions, and the inclusion of a standard proviso affirming that the license, permit or agreement does not constitute a waiver or prejudice to continue to pursue a claim for full Adat title. *Utilization permit schemes offer local groups, especially indigenous peoples, the ability to participate in forest management. Several PS regulations have stipulated this. However, it is vital to conduct verification and validation in accordance with established protocols to confirm the needs of indigenous peoples and customary forests and legality of all processes. This avoids improper forest management by particular groups acting on behalf of the community. Such verification is carried out routinely by MoEF.*
- Development of forest management plans in conjunction with Adat communities if they affect Adat forest (recognized or claimed). *The new MoEF regulation No.8 of 2021 (concerning Forest administration and Forest Management Plan Preparation, Forest Utilization In Protected Forests And Production Forests) establishes the requirement for participation of Adat Communities in the development of the long-term forestry management plans (Rencana Pengelolaan Hutan Jangka Panjang – RPHJP). This regulation is currently being implemented by MoEF.*
- Free, prior and informed consent for any forest categorization within Adat lands (existing or pending) and clarity on how such categorization can be changed. *The SES indicators developed as part of the ESMP and the IA Validation Methodology are designed to ensure that appropriate consultation takes place during the preparation of new forestry maps under the FMUs.*
- An RBP consultation and FPIC protocol (preferably derived from the REDD+ FPIC protocol, clarifying what project activities cannot be undertaken without good faith consultations and FPIC (listing specific activities), including a means of tracking and reporting on all consultations and FPIC engagements. This protocol

50 UNDP Green Climate Fund Funding Proposal, Annex VI (a), Social and Environmental Screening Procedures, October 2019.

51 See ESMP recommendation and mitigation measure (R&MM) 11 on Adat communities and other collectives.

should also be used by third parties, where relevant. ***The status of this point will be further investigated during the second quarter of 2023.***

- Review of the laws and processes for local and regional decree recognition of Adat communities and titling of Adat forests within the first six months of the project by a team of national and international experts to determine their consistency with applicable law and their capacity to deliver on social forestry targets. ***The PKTHA Directorate is continuously supporting local governments to recognize ALC titles (they are currently working in several provinces), although it must be recognized that the process of verifying proposals for ALC and customary forests is well below target.***
- Hiring and training to ensure that PMU, FMUs and others understand the rights of local communities and that local communities, villages and Adat communities have the capacity and guidance to respect their development and natural resources management priorities. ***Training sessions are being planned and will be implemented in 2023.***
- Ensuring that the local communities, villages and Adat communities have the capacities inter alia to apply for social forestry, convey their expectations, fulfil their obligations, and leverage their newly acquired rights to improve livelihoods. ***The MoEF Directorate of Environmental Partnership (Dit. KL) has contributed to the acceleration of the Social Forestry Program's implementation by creating a successful collaboration agreement to support local facilitators for the social forestry program, and coaching, thus far, 143 local facilitators (49 women and 94 men) for the Social Forestry Program.***
- Ensuring Adat community participation in project monitoring. This is not the case now. Such participatory monitoring could be implemented but would require separate resources and management of activities focused on indigenous peoples (project support with topics on indigenous peoples).

5.2 Updated risk assessment of RBP impacts on Adat communities

The paragraphs below provide a summary and discussion of the main risks to Adat communities; more detailed information is presented in the ACP risk and mitigation table below.

There are several key risks to Adat communities associated with the RBP project.

Inadequate stakeholder engagement and consultation, resulting in exclusion and marginalization of Adat communities and inequitable benefit sharing (Adat communities get 'left behind'),

There is a general risk, across all project activities, of inadequate stakeholder engagement. While this may be true for other project stakeholders as well, Adat communities are particularly vulnerable since they are more likely to be negatively impacted by poor forest management decisions or land tenure conflicts. There is the risk that Adat women will face an additional level of marginalization from such stakeholder engagement activities, given the marginalization they face with their own communities as well (See Section 4.4 above). Inadequacies in stakeholder engagement and consultation are due at least in part to lack of understanding and capacity by managers and decision-makers in knowing how to undertake proper socially inclusive and gender-responsive stakeholder engagement, as well as inadequate tools to do so. The consequences of inadequate engagement and consultation with Adat communities is that each project activity where their involvement is important is weakened. For example, the evolving REDD+ architecture will not properly accommodate the needs and rights of Adat communities, forest management decisions are taken that neglect to consider the potential negative impacts on women and men in Adat communities, or the forest maps will not include the most correct information related to Adat lands. In the end, Adat communities will not get the benefits that accrue from the project. MoEF and IEF clearly recognize this risk and are taking specific measures to address it. These are incorporated into the project ESMP. Efforts are underway to strengthen the forestry public consultation guidelines, which will include tools for effectively targeting Adat communities. The SIS-REDD+ is a valuable tool for ensuring that REDD+ safeguards, including for effective consultation, and with project support, MoEF is further developing and operationalizing SIS-REDD+ at the local level. In addition, in 2021, a gender indicator has been added to the SIS-REDD+, which can help to track and monitor the gender-responsiveness of consultation processes as well. As can be seen in the ACP risk and mitigation table, the weak stakeholder engagement and consultation risk is noted under all project activities, and specific measures, appropriate to each activity, are presented to reduce this risk.

RBP project activities, with some possible exceptions, will not require an FPIC process. MoEF has clearly indicated that avoidance of tenure issues is paramount for PBPs, and if there is any doubt about an area, it is excluded. It is only if an area where an issue has been noted is included in the payment request, that an FPIC process will be required. For this reason, although FPIC is referenced in the ESMP, it is unlikely that it will be needed. Specific activities requiring FPIC will be included in the updated stakeholder engagement process.

The risks of exclusion and marginalization associated with gender apply to Adat women just as they do to other women, and perhaps more so in some cases, as described above, given the double discrimination they face (e.g. being part of an Adat community and for being a woman). In addition, given this additional level of marginalization that Adat women can face, in some cases, targeted efforts may be required to ensure that Adat women are provided with the same opportunities as other women. During the update process of the GAP in 2022, in conjunction with the development of the ESMP, this risk of exclusion of Adat women was specifically identified. To mitigate this, the measures relating to women of the updated Gender Action Plan, which is annexed in the ESMP, clearly also apply to Adat women. Additional actions and corresponding indicators and targets are also identified in the updated project GAP to ensure the full integration of a gender approach within the development, implementation and monitoring of the ACP. These actions range from integrating a gender-responsive approach in this ACP and associated consultations, incorporating a gender approach into the monitoring efforts on the ACP and undertaking gender integrated planning and sensitization training for relevant units under Social Forestry DG, including Directorate of PKTHA (responsible for adat forest and community). See the updated GAP and table below for more details.

Grievance redress is another issue that affects all activities, and again, IEF will address this comprehensively across all project activities. The ESMP includes specific measures for strengthening grievance redress, and IEF is receiving support to revise and update complaint processing mechanisms; this process will include specific measures targeting Adat communities.

In summary, there is a need to ‘mainstream’ the specific needs of men and women in Adat communities into all of the processes, tools and mechanism related to stakeholder engagement, consultation and grievance redress, so that these instruments, in addition to be strengthened generally, are also strengthened for Adat communities. This is noted in the ESMP and in the avoidance and mitigation measures described in the table at the end of this section.

Approval of social forestry permits or forest partnership licenses in areas with pending Adat community land titles could have a negative impact on those communities.

As described in preceding sections, there continues to be a great deal of uncertainty around forest maps. Efforts are underway to address this, and progress is being made, slowly. But this means that care must be taken to ensure that Adat communities do not lose the rights to their land under any circumstances. This issue was discussed in depth during the preparation of this ACP as well as during the project ESMP. Central to this issue is the accuracy of the RPHJP maps that provide the basic information for project activities (social forestry, land rehabilitation, etc) i.e.: whether they accurately include Adat forest (including pending titles) or not. Adat communities need to be consulted and agree with the maps and they need to agree to any allocation of land in areas where FMU territories includes Adat communities. The measures suggested in the ESMF have, to some extent, been adapted and incorporated into the mitigation measures proposed in the ESMP and they are also included in the ACP risk and mitigation table.

The table on the following page presents a more detailed analysis of risk and specific measures that will be taken to avoid and mitigate these risks.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
Output 1: Strengthened REDD+ coordination and implementation and overall REDD+ architecture		
Activity 1.1 Update and further develop the REDD+ architecture		
1.1.1 There is a general risk that the processes and elements of the REDD+ architecture (STRANAS, the NFMS, FREL, SIS REDD+, SRN) are not applied with a proper social inclusion perspective and that consultation / stakeholder engagement approaches (including with Adat communities) applied are not in harmony with existing policies at national and regional levels	UNDP stakeholder engagement and response (Social and Environmental Management System requirements). UNDP ensures meaningful, effective, and informed participation of stakeholders in the implementation of UNDP projects. Stakeholder engagement is an ongoing process that may involve (1) stakeholder analysis and planning, (2) disclosure and dissemination of information, (3) consultation and meaningful participation, (4) dispute resolution and grievance redress, (5) ongoing reporting to affected communities and stakeholders, and (6) inclusion of stakeholders in monitoring and evaluation. Stakeholder analysis and engagement should be conducted in a gender-responsive, culturally sensitive, non-discriminatory, and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate. Measures should be undertaken to ensure that effective stakeholder engagement occurs where conditions for inclusive participation are unfavourable. Principle 1 SIS REDD+ requires that activities are legally compliant with government regulations (the National Forestry Programme). Principle 2 SIS REDD+ establishes the need for transparency and effectiveness of forest governance. Principle 4 SIS REDD+ establishes the need for effective participation of all parties (criteria 4.1).	MoEF, in coordination with IEF and the PMU, will strengthen the National Forestry Public Consultation guidelines in line with the recommendations in the SEP. The focus will be on ensuring a meaningful and inclusive process, integrating the appropriate tools and mechanisms to effectively and equitably target Adat communities, women as well as other vulnerable groups. These guidelines will be applied to ensure effective public consultation process during key steps in the REDD+ architecture development process. The project EMSP includes a baseline, indicator and MoV related to this risk. See risk 1.1.1 in the ESMP mitigation table.
1.1.2 Risk that indigenous peoples' rights are not accommodated in REDD+ Architecture policies (STRANAS document and other REDD+ elements)	Indigenous peoples, S6. 6. Lands, territories, and resources. UNDP projects recognize that indigenous (Adat) peoples have collective rights to own, use, develop and control lands, resources, and territories that they have traditionally owned, occupied or otherwise used or acquired, including lands and territories for which they do not yet possess title. If the project involves activities that are contingent on legally recognized rights to lands, resources, or territories that indigenous peoples have traditionally owned, occupied or otherwise used or acquired,	Efforts are underway to more effectively implement and operationalize SIS-REDD+ at the local level. The RBP project will support these ongoing efforts, with a special focus on Principle 3 related to the rights of Adat communities. The project EMSP includes a baseline, indicator and MoV related to this risk. See risk 1.1.2 in the ESMP mitigation table.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
	then an action plan is developed to outline the steps and timetable for achieving legal recognition of such ownership, occupation, or usage. Principle 3 SIS REDD+ (rights of indigenous and local peoples) emphasizes the importance of identifying and respecting the rights of Adat and local communities (criteria 3.1) and contributing to maintaining or improving their welfare (criteria 3.4).	
1.1.3 Risk of exclusion and marginalization of women (including Adat community women) from decision-making process and benefits of overall REDD+ initiative in Indonesia	Gender equality and women empowerment (UNDP programming principle). UNDP seeks to identify and address any risks of reinforcing discriminations against women based on gender, especially regarding participation design and implementation of programs/projects and access to benefit and mitigate adverse impacts on gender equality and or situation of women and girls. UNDP requires that appropriate prevention and gender responsive measures to be adopted to enhance gender equality and women empowerment which include: 1) identifying and integrating the different needs, constraints, contributions and priorities of women into its programming, 2) combating discriminatory practices, and challenging the roles and stereotypes that create inequalities and exclusion and 3) ensuring that both women and men are able to participate meaningfully and equitably, have equitable access to Programme and Project resources, and receive comparable social and economic benefits.	Baseline data is currently being collected to determine appropriate gender-responsive actions at local level. Efforts are also underway to develop a gender-responsive benefit-sharing mechanism as well as a gender-responsive GRM. During these processes, IEF and the PMU will undertake actions needed to ensure that the needs of Adat women are represented / integrated into both the analysis and the GRM. In addition, a gender approach will be integrated into the monitoring efforts on this ACP and gender integrated planning and sensitization training for relevant units under Social Forestry DG, including Directorate of PKTHA (responsible for adat forest and community) will be undertaken. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.1.3 in the ESMP mitigation table and the updated project GAP
1.1.4 Risk that Adat community grievances related to the REDD+ architecture are not adequately documented, processed and resolved.	Grievance Redress Mechanism (programming principle of Accountability and Social and Environmental Management System Requirements) The UNDP general programming principles refer to the importance of ensuring that all supported activities follow applicable law (national or international, whichever is higher) (point 10) and UNDP promotes accountability to project and stakeholders by ensuring stakeholders can communicate their concerns and have access to complaints redress processes and mechanisms (point 31.iii). If necessary, a project-level grievance redress mechanism should be made available and as needed, UNDP and implementing partners can strengthen the implementing partners' capacities to address project-related grievances.	IEF with the support of the PMU are revising and updating the existing mechanisms for submitting complaints through the REDD+ channel or the Directorate General of PPI for REDD+ activities to ensure that it is sufficiently comprehensive. During the process, IEF and PMU will undertake actions needed to ensure that provisions are included to target Adat community concerns. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.1.4 in the ESMP mitigation table.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
Activity 1.2 Strengthen the capacity for REDD+ implementation		
1.2.1. Risk that there is insufficient knowledge and capacity at both national and regional levels for effective engagement of Adat communities related to REDD+ activities	Stakeholder engagement and response (Social and Environmental Management System requirements). See above.	IEF with support from the PMU will provide targeted training to IEF staff, regional stakeholders, and on how to conduct meaningful stakeholder engagement related to REDD+ activities. This will include training on the SES-REDD+ requirements for stakeholder engagement including processes for engagement with Adat communities. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.2.1 in the ESMP mitigation table.
1.2.2 Risk that there is insufficient knowledge and capacity at both national and regional level for effective complaints handling and grievance redress, including of Adat community complaints	UNDP SES programming principle on Grievance Redress Mechanism (Accountability and Social and Environmental Management System Requirements). See above.	IEF with support from the PMU will provide targeted training to IEF staff, regional stakeholders, and on comprehensive national and local complaints handling/grievance redress based on updated GRM procedures (see risk # . The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.2.2 in the ESMP mitigation table.
1.2.3 Risk that there are insufficient human resources with experience in working with Adat communities, assigned to managing the stakeholder engagement and grievance redress processes	Stakeholder engagement and response (Social and Environmental Management System requirements). See above.	IEF will engage dedicated stakeholder engagement and complaints handling / grievance redress specialists. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.2.3 in the ESMP mitigation table.
1.2.4 Risk of exclusion and marginalization of Adat communities from decision making process and benefits of overall REDD+ initiative in Indonesia (risk that their concerns are not sufficiently addressed and/or that they are not involved in capacity building activities carried out through	Leave no one behind (programming principle). As an overarching programming principle, leaving no one behind requires UNDP to prioritize its programmatic interventions to address the situation of those most marginalized, discriminated and excluded, and to empower them as active agents of the development process. In identifying who is being left behind, UNDP considers five key factors: discrimination, geography, vulnerability to shocks, governance, and socio-economic status. Programming to leave no one behind should follow the rights-based approach to development, including the application of a gender perspective. Actions and decisions that improve the lives of poor, excluded	IEF with support from the PMU will provide specific training initiatives related to mainstreaming Adat community concerns into REDD+ implementation. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.2.4 in the ESMP mitigation table.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
project support at the national level by the relevant Directorate Generals in the MoEF and BRGM)	and marginalized groups and that address inequalities and discrimination include advocacy, creating enabling environments, capacity development and support for civil society, community empowerment, and enhancing the quality and accessibility of services.	
1.2.5 Risk of exclusion and marginalization of women (including Adat women) from decision making process and benefits of overall REDD+ initiative in Indonesia	UNDP SES programming principles of gender equality and women empowerment seeks to ensure women's needs are fully integrated into all processes. See above.	MoEF is in the process of undertaking training on gender mainstreaming and gender integrated planning and a gender specialist has been hired to support the implementation of the updated project Gender Action Plan. IEF now has a gender focal point, is using Gender Analysis Pathway as a tool for program development in the institution as well as is in the process of setting up a gender task force. The gender perspective has also been fully integrated into the project ESMP and SEP. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.2.5 in the ESMP mitigation table.
Activity 1.3 Communication, knowledge management and adaptive management		
1.3.1 Risk that communication materials and knowledge management strategies in REDD+ initiatives are presented in a form that is difficult for stakeholders to understand, especially Adat/local communities and other vulnerable peoples. Also, a risk that the concerns of these groups are not adequately integrated into communication materials.	UNDP social and environmental management system requirements emphasize the need for full stakeholder engagement and response including through effective information sharing and communication mechanisms.	IEF will prepare communication materials and knowledge management strategies that specifically describe how to include the concerns of Adat communities (and other local communities), ensuring that the materials are user-friendly and accessible to all. The project ESMP includes a baseline, indicator and MoV related to this. See risk 1.3.1 in the ESMP mitigation table.
Output 2: Decentralized sustainable forest governance is supported (<i>Note: Output organization below follows 5 thematic areas used for the PBP SES indicators</i>)		
Activity 2.1 Support the establishment and operationalization of Forest Management Units (FMUs), as well as SFM investments inside and outside FMUs		
2.1.1 Increase in Forest Management Units		
2.1.1.a. Risk of land tenure disputes/conflicts related to the granting of social forestry permits. This is particularly	UNDP SES Standard 5.8 on Displacement and resettlement. Avoid, minimize, and mitigate physical and economic displacement. While social forestry activities are not expected to result in physical displacement and resettlement, there is a need to ensure clarity	Before social forestry permits for PBPs are approved, these will be checked to ensure that SF permit objectives are in line with the functional forest classification (RTRW) (<i>SES indicators 1.1 and 6.6 in the M&E table, Annex 2 of the ESMP</i>)

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
relevant where Adat Communities are still awaiting recognition of customary forests (ie: Adat communities utilization zones may not be accommodated in the RPJHP document for FMU areas that have customary forests)	concerning land tenure rights and relationships of potentially affected persons to affected lands and resources, including the recognition of customary rights and collective or communal forms of land tenure. UNDP SES Standard 6.6 on Indigenous peoples. Lands, territories, and resources. See above. UNDP SES programming principle on Grievance Redress Mechanism (Accountability and Social and Environmental Management System Requirements). See above.	Existing forest maps (RPHJP) will be synchronized with social forestry permits, and any areas where there are existing Adat communities and/or pending land claims will be blocked to avoid conflicts. Project KPI quality indicators include a quality check of approved social forestry planning documents for areas subject to PBP requests to ensure that they meet minimum quality standards Stakeholders, including Adat communities, will be able to voice grievances and have these responded to through the implementation of an appropriate GRM. As indicated above, the GRM is being revised to ensure it responds to project (and SIS-REDD+) requirements. Efforts are underway to ensure that the GRM will also be appropriate for use by Adat communities. <i>(SES indicator 6.3 in Annex 2 of the ESMP)</i> In the ESMP there is a specific mitigation measure to ensure that, where requests for payments are made, the RPHJP document must be clear and free from conflicts related to Adat community land. There must also be evidence that Adat communities have been consulted for any social forestry permits where the FMU territory includes Adat communities. <i>(SES indicators 6.5 and 6.7 in Annex 2 of ESMP)</i> The project ESMP includes a baseline, indicator and MoV related to this. See risk 2.1.1.1 in the ESMP mitigation table.
2.1.1.b. Risk of exclusion and marginalization of Adat and other vulnerable communities, including women, from the decision-making process and benefits of FMU activities (ie: that Adat communities are excluded from the process of preparing RPHJP documents for KPH areas).	Leave no one behind (UNDP programming principle). See above. UNDP SES programming principles of gender equality and women empowerment seeks to ensure women's needs are fully integrated into all processes. See above.	The project includes active measures to improve gender equality and women (including Adat women) empowerment in forest management planning and social forestry. For example, training on gender integrated planning and implementation with staff members in Ditjen PHL as well as gender-responsive related stakeholder consultations and small-scale community investments will be undertaken. These are outlined in detail in the updated project GAP and are also included in the ESMP. <i>(SES indicator 6.6 in Annex 2 of the ESMP)</i> The project ESMP includes a baseline, indicator and MoV related to this. See risk 2.1.1.3 in the ESMP mitigation table.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
2.1.1.c. Risk that FMUs do not have the tools and capacity to become a receiving and managing institution for complaints at the subnational level, related to activities under their jurisdiction.	UNDP SES programming principle on Grievance Redress Mechanism (Accountability and Social and Environmental Management System Requirements). See above.	The ESMP includes measures to address this, as already outlined above under risks 1.2.2, 1.2.3 and 2.1.1.a.
2.1.2 Land and forest rehabilitation		
2.1.2.a. Risk that land rehabilitation activities (either ecosystem restoration, mangrove replanting and/or peatland restoration) in or around customary forests or areas claimed as customary forest, do not get the needed approval from Adat communities	UNDP SES Standard 6.10 on Indigenous peoples. Full, effective, and meaningful participation and FPIC At the earliest stage of project conceptualization and design, and iteratively throughout implementation and closure, mechanisms are identified and implemented to guarantee the meaningful, effective, and informed participation of indigenous peoples on all matters. Culturally appropriate consultation should be carried out with the objective of achieving agreement and FPIC is ensured on any matters that may affect—positively or negatively—the indigenous peoples’ rights and interests, lands, territories (whether titled or untitled to the people in question), resources, traditional livelihoods, and/or tangible and intangible Cultural Heritage. This includes any potential relocation and activities proposing the development, utilization or exploitation of mineral, forest, water or other resources on lands and territories traditionally owned, occupied or otherwise used or acquired by indigenous peoples, including lands and territories for which they do not yet possess title. Project activities that may adversely affect the existence, value, use or enjoyment of indigenous lands, resources, or territories are not conducted unless agreement has been achieved through the FPIC process. Principle 3 SIS REDD+ criteria 3.1 emphasizes the importance of identifying and respecting the rights of Adat and local communities, while criteria 3.2 refers to the process of obtaining FPIC for communities potentially impacted by REDD+ activities.	Before land and forest rehabilitation PBPs are approved, existing forest maps (RPHJP) will be checked for the location of Adat communities, and cross checked with planned land and forest rehabilitation activities to identify possible areas of overlap and conflict. A priori, these areas will be noted and excluded from selection to avoid conflict. Existing Adat communities are accommodated through traditional zones/blocks. If for some reason these cannot be avoided, free, prior and informed consent will be required prior to the implementation of rehabilitation activities. <i>(SES indicator 2.1 and 2.3 in Annex 2 of the ESMP)</i> Relevant government authorities will be required to implement an effective stakeholder engagement process to ensure that all stakeholder concerns are addressed during the planning of land and forest rehabilitation activities. Support will be provided to strengthen this process; this is included in project ESMP. GRMs are also being updated to ensure that any grievances related to this process can be documented and addressed. <i>(SES indicators 2.4 and 2.5 in Annex 2 of the ESMP).</i> All stakeholders will have free and easy access to information pertaining to land and forest rehabilitation activities This will include non-digital forms of information, and support will be provided as needed to ensure high quality information access. <i>(SES indicator 2.6 in Annex 2 of the ESMP)</i> The ESMP includes measures to address all of the above points. See the risks and mitigation measures under Activity 2.1.2 in the ESMP mitigation table.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
2.1.2.b. Risk of exclusion and marginalization of Adat communities and other vulnerable groups (including women) from the decision-making process and benefits of forest and land rehabilitation, forestry partnerships and ecosystem services	Leave no one behind (UNDP programming principle). See above.	The project includes active measures to ensure the equitable and meaningful participation of Adat communities (including women) in land and forest rehabilitation, forestry partnerships and ecosystem services. For example, gender-responsive related stakeholder consultations will be undertaken and women's equal access to benefits and meaningful participation in rehabilitation planning and implementation activities will be ensured. <i>(SES indicators 2.7a and 2.7b in Annex 2 of the ESMP)</i> The project ESMP includes a baseline, indicator and MoV related to this. See risks 2.1.2.3 and 2.1.2.4 in the ESMP mitigation table.
2.1.3 Forest fire management		
2.1.3.a. Risks of exclusion and marginalization of Adat communities and other vulnerable groups from participation on fire prevention and access to knowledge/skills related to forest fire management	UNDP SES Stakeholder engagement and response (Social and Environmental Management System requirements). See above.	MoEF has measures to ensure equitable participation, including by Adat communities, in training related to forest and land fire management. The ESMP includes mitigation measures to ensure more pro-active targeting of both women and Adat communities. <i>(SES indicator 5.1 in Annex 2 of the ESMP)</i> The project ESMP includes a baseline, indicator and MoV related to this. See risks 2.1.3.3 in the ESMP mitigation table.
2.1.4 Sustainable livelihoods		
2.1.3.a. Risk that activities aimed at strengthening sustainable livelihoods (knowledge and technology transfer) will cause a shift in local habits and culture (local wisdom) of Adat communities	UNDP Standard 6 on Indigenous peoples, S6. Special considerations. Cultural Heritage: UNDP will respect, protect, conserve and not take or appropriate the cultural, intellectual, religious and spiritual property of indigenous peoples without their free, prior and informed consent. Without prejudice to this requirement, Standard 4: Cultural Heritage will apply where a project may affect Cultural Heritage of indigenous peoples. Principle 3 SIS REDD+ (criteria 3.4) emphasizes the importance of recognizing traditional knowledge.	Sustainable livelihood activities will be implemented with consent of any Adat communities in the areas, as well as full consideration for local customs and will, as relevant, integrated elements of local wisdom. This will be done through effective stakeholder involvement during the activity development process. <i>(SES indicators 7.1, 7.3 in Annex 2 of the ESMP)</i> The project ESMP includes a baseline, indicator and MoV related to this. See risks 2.1.4.1 in the ESMP mitigation table.
2.1.4.b. Risk of exclusion of Adat communities (including women,	Leave no one behind (UNDP programming principle). See above.	There will be effective and gender-responsive stakeholder participation and consultation during the sustainable livelihood activity development

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
and other local communities and vulnerable groups) from the process of planning implementing, monitoring and evaluating sustainable livelihood strengthening activities		process, according to the revised and improved stakeholder engagement process that is also being developed as part of this project (see above). In addition, the updated GAP includes measures to promote women's equitable and meaningful participation in sustainable livelihood activities undertaken. (SES indicators 7.5 and 7.7 in Annex 2 of the ESMP) The project ESMP includes a baseline, indicator and MoV related to this. See risks 2.1.4.2 and 2.1.4.3 in the ESMP mitigation table.
Activity 2.2 Expand and enhance implementation of the Social Forestry Programme		
2.2.1. Risk of exclusion and marginalization of Adat communities and other vulnerable groups from the social forestry decision-making process (including risk of elite capture of social forestry permits and an unequitable distribution of benefits)	Leave no one behind (UNDP programming principle). See above.	As noted above (risk 2.1.1.a) the project will follow a rigid process of checking maps and comparing the subjects and objects of each social forestry permit application prior to approval. Efforts will be made to ensure that there is a fair distribution of social forestry permits, and training and capacity building will be provided to encourage this. (SES indicators 1.1 and 1.3 in Annex 2 of the ESMP). The project will also support the process of land tenure security where relevant, to ensure Adat community control over their resources and to facilitate their access to social forestry permits in Adat forests. (SES indicator 1.2 in Annex 2 of the ESMP). The project EMSP includes a baseline, indicator and MoV related to this. See risks 2.2.1 in the ESMP mitigation table.
2.2.2 Risk that expected benefits from the social forestry schemes will not accrue as expected to the different target groups (people living near the forest, the poor, and those with limited/no land, Adat communities) because stakeholders lack the knowledge, capacity, and financial support to participate actively in applying for	UNDP SES Stakeholder engagement and response (Social and Environmental Management System requirements). See above.	Currently there are only informal mechanisms in place for targeting the intended social forestry beneficiary groups. The project will monitor and support a more active stakeholder targeting and feedback process by ensuring that there is an operational procedure in place for ensuring that potential beneficiaries are targeted and encouraged to apply. To ensure that the appropriate procedures and capacity is in place to mitigate this risk, specific capacity building support initiatives will be implemented as follows: The proposed SOP for technical verification of SF permit applicants will be supplemented by additional guidance on how to effectively

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
and managing social forestry permits.		target potential permit applicants, including women and other vulnerable target groups (stakeholder engagement) Development of a separate SOP to guide facilitation on access to capital (with the aim of increasing the viability and sustainability of SF activities) The project EMSP includes a baseline, indicator and MoV related to this. See risks 2.2.1 in the ESMP mitigation table.
2.2.3 Risk of land tenure disputes/conflicts related to the granting of social forestry permits. This is described above under the FMU activity.	UNDP SES Standard 5.8 on Displacement and resettlement. <i>Avoid, minimize, and mitigate physical and economic displacement.</i> See above. UNDP SES Standard 6.6 on Indigenous peoples. Lands, territories, and resources. See above. UNDP SES programming principle on Grievance Redress Mechanism (Accountability and Social and Environmental Management System Requirements). See above.	The mitigation measure for this risk is described in risk 2.1.1.a above. (SES indicator 1.1 and 1.3, 1.4 in Annex 2 of the ESMP). All of the SES indicators related to the Forest Management Units also apply.
2.2.4 Risk of exclusion and marginalization of Adat women from decision making process and benefit of social forestry. Women's participation in activities and decision-making process as well as access to benefit related to social forestry could be constrained by cultural and social barriers (for instance, widely held perception that forestry is a male domain). Women are likely to face an additional layer of vulnerability as their tenurial rights are often more tenuous because of cultural	UNDP SES programming principles of gender equality and women empowerment seeks to ensure women's needs are fully integrated into all processes. See above.	The mitigation measures for this risk include those in 2.1.1.b above (SES indicator 1.6 in Annex 2 of the ESMP). In addition, the project will also promote the equitable access to capital by women only/women led KUPS and enhance women's land tenure security by providing licenses to female-headed households. See updated project GAP and risk 2.2.2 of the ESMP for more information.

Potential risks	UNDP SES triggered (based on UNDP SES policy update OPG approved 2019) and comments / observations	Avoidance and Mitigation Measures
and legal barriers for women land rights and ownership.		

6 Grievance Processes

Indonesia has several different GRMs that apply both generally, and specifically within the forestry sector. There are, however, challenges to implementing these effectively. There are questions related to the comprehensiveness of the existing mechanisms and their ability to encompass and address the full range of potential grievances that may arise. There are also concerns about their real or perceived legitimacy/impartiality, the actual authority of the responsible agencies to effectively resolve conflicts and grievances raised, as well as their access to the needed financing and trained human resources. Grievance redress should, as a minimum, follow the GRM design principles established in the UNDP [SES Supplemental Guidance: Grievance Redress Mechanisms](#), which include legitimacy, accessibility, predictability, equitability, transparency, rights compatibility, and a focus on enabling continuous learning. While these are general concerns, they apply equally to any grievance process related to Adat communities.

Based on the SEP assessment of the existing GRM mechanisms and building on the analysis and concerns raised in the ESMF that was a part of the project preparation phase, the following two-pronged approach to grievance redress will be implemented for this project. The aim is to establish workable, accessible, and responsive grievance redress procedures linked to PBP activities as well as to more general REDD+ issues and concerns that may arise. As noted above, these mechanisms will need to 'mainstream' to ensure they incorporate both a gender as well as an Adat community 'lens'.

(1) Strengthening grievance redress from site to national level — updating and revising grievance procedures for forestry and environmental issues from the site to the national level.

The current (partial) grievance redress mechanism needs to be revised and updated so that it can serve as a comprehensive forestry and environmental grievance redress mechanism. This should, ideally, be based on revisions and/or improvements to the existing MoEF Complaint Regulation.⁵² This will require a full and proper assessment of how the existing site to national GRM(s) are currently functioning, what the major gaps and/or challenges are to fulfilling the minimum GRM principles described above, and what strategy would be the most suitable and appropriate, from the point of view of all stakeholders and obviously MoEF and IEF; to undertake such a revision and updating. This assessment could also build on the initial experiences and learning from the field during the first round of PBPs, applying the SES indicators that have already been developed for this project.

(2) Project Grievance redress mechanism

Given the longer-term need to develop grievance redress more holistically, as described above, there will be a need to develop a project GRM in the immediate term, to ensure that grievances related to this project are adequately addressed, as per the UNDP SES requirements. Such a project GRM will be designed to address concerns related only to the social (including gender) and environmental impacts of this project, but could, eventually, be adapted to become a GRM for other REDD+ projects, or for the IEF.

Details on the GRMs are provided in the ESMP.

⁵² MoEF Regulation No. P.22/MENLHK/SETJEN/SET.1/3/2017 concerning Procedures for Management of Complaints of Alleged Pollution and/or Environmental Destruction and/or Forest Destruction

7 Benefit sharing

The details of how IEF will distribute the benefits derived from the RBP project is still under discussion. MOEF is expected to make a final decision during the first quarter of 2023. There are currently five proposed allocation categories:

- **Category 1:** Allocation the Priority Forestry Programme, including social forestry, forest and land rehabilitation (RHL), the village climate programme (Program Kampung Iklim – ProKlim), control of forest and land fire (Karhutla) and forest management units.
- **Category 2:** Allocation to the provinces and districts who contributed to verified emissions reduction between 2014 and 2016 (the reference period for the RBP project).
- **Category 3:** Allocation to support the achievement of Nationally Determined Contributions for all sectors.
- **Category 4:** Allocation to support the enabling conditions for REDD+ implementation at the subnational and provincial levels.
- **Category 5:** Allocation to strengthen the IEF system for fund disbursement.

There are several entry points for Adat communities to access funds.

Under Category 1, the priority forestry programmes all have elements where Adat communities can get benefits. In the social forestry programme, the increase in social forestry permits under Adat forest is a key priority. Under RHL, the selection of degraded and critical land needing rehabilitation does not differentiate by type of concession, licensing, or rights. MoEF always cooperates with surrounding communities for rehabilitation activities, and Adat forest or other Adat territories could become a priority for future rehabilitation. The Proklm 2023 target (# of villages) is high, and although not made explicit under current implementation, a specific focus on the identification and involvement of Adat community villages could be helpful in both providing needed support to Adat communities as well as contributing to the 2023 target. As with RHL, efforts in forest and land fire management (Karhutla) does not differentiate by area concession/license/rights. A focus for MHA involvement can be recommended going forward. In the case of KPH, this is straightforward, as it is indeed part of the mandate of KPH to incorporate all stakeholders (concessions/license/rights) in the KPH area and facilitate their needs in the forest management plans. This obviously includes Adat communities.

Under Category 4, funds will be specifically allocated to strengthening provinces for REDD+ implementation, to bring them to level on par with provinces which already have strong REDD+ architecture in place (i.e.: South and West Kalimantan and Jambi). Adat communities are always represented in the sub-national forums; in discussions and as beneficiaries of the program.

For the use of funds under Category 2, a review process is being established to determine how the provinces will invest/disburse their allocated funding. The details of this review process are still under discussion. The concrete involvement of Adat communities will need to be a part of the discussions; how they can be involved in the planning and implementation, and how they can become beneficiaries of the funds to be allocated. In this process and given existing gender inequalities discussed in Section 4, it will be key that these decision-making processes are gender-responsive, wherein Adat women can equitably and actively participate to ensure their perspectives are taken into account and are also equitably rewarded for their emissions reduction efforts.

8 Training and capacity building

The Consolidated Environmental and Social Risk and Impact Mitigation Plan (Table 2) describes specific training and capacity building activities related to project outputs. The SES indicators described in Chapter 5 define the MoVs and assign responsibilities for the collection of information for each indicator. These SES indicators and MoVs are directly linked to management actions in the ESMP, ACP

updated GAP and SEP and support is included under Output 1 to ensure that the needed capacity will be in place to implement these actions. This includes, as relevant, a description of the steps to be implemented to support the legal and technical capabilities of relevant government institutions to strengthen compliance with obligations with respect to the rights of ALCs.

9 Monitoring of ACP implementation

The Environmental and Social Monitoring Plan (Annex 4 of the ESMP) presents the full set of SES indicators that will be used by both MoEF and the Independent Assessor to measure and ensure compliance to (1) the ESMP and the associated SEP, ACP and updated GAP, (2) safeguards related to the PBPs. These indicators are a common monitoring tool for all the safeguards plans.

For the activities under Output 1, which are generally not associated with SES indicators, monitoring will be carried out by the project PMU. Overall progress on project activities, including activities related to this ACP, will be monitored by IEA with support from the PMU.

The role of the Independent Assessor in the PBP process is to provide a neutral, impartial and independent assessment of whether the agreed development result has been achieved prior to issuing the agreed payment. Result(s) validation must be based on independent data collection or validation of existing data on the specified indicators. The Independent Assessor will assess the results reported using the agreed validation methodology, including assessing that the SES indicators are complied with and make a recommendation of payment to UNDP. In short, if these SES indicators in the validation methodology are not complied with or does not meet the materiality threshold, then reduced or no payments may be recommended.

10 Implementation Plan

There are three technical experts dedicated to ensuring the effective implementation of environmental and social safeguards (one each for social and environmental safeguards and one for gender). Two additional experts provide support to the REDD+ architecture, and forestry. These five technical experts are linked to specific units within MoEF, providing support and liaising with seven technical safeguards consultants hired to provide targeted support to the relevant MoEF units. These experts will be responsible for supporting the implementation of this ACP, working closely with the implementing partners.

In the REDD+ implementation framework, the SIS REDD+ is a key tool for implementing safeguards, including related to Adat communities. The SIS-REDD+ should thus also be seen as an important element in the ACP implementation. The structure of SIS-REDD+ is as follows.

- The SIS REDD+ structure consists of National Safeguards Information System Manager (PSIS-Nas) and the Sub-National Safeguards Information System Manager (PSIS-Sub-Nas/ PSIS-Prov/District/City) and the Safeguards Implementation Data and Information Unit at the Site/Ground level, which – depending on the preparedness – conveys information of safeguards implementation by the unit responsible from the ground level to PSIS-Nas.
- To accommodate complaints and tasks and functions to support the submission of safeguards information at the national and sub-national level as needed (Ad-Hoc), an Institution/Multistakeholder Forum (LFMP) can be established, which consists of Government (Ministry/related Institutions), Adat and local communities, private sector, civil society organizations, academicians, experts, and community leaders in accordance with social dynamics.

This is illustrated in the diagram teh following diagram.

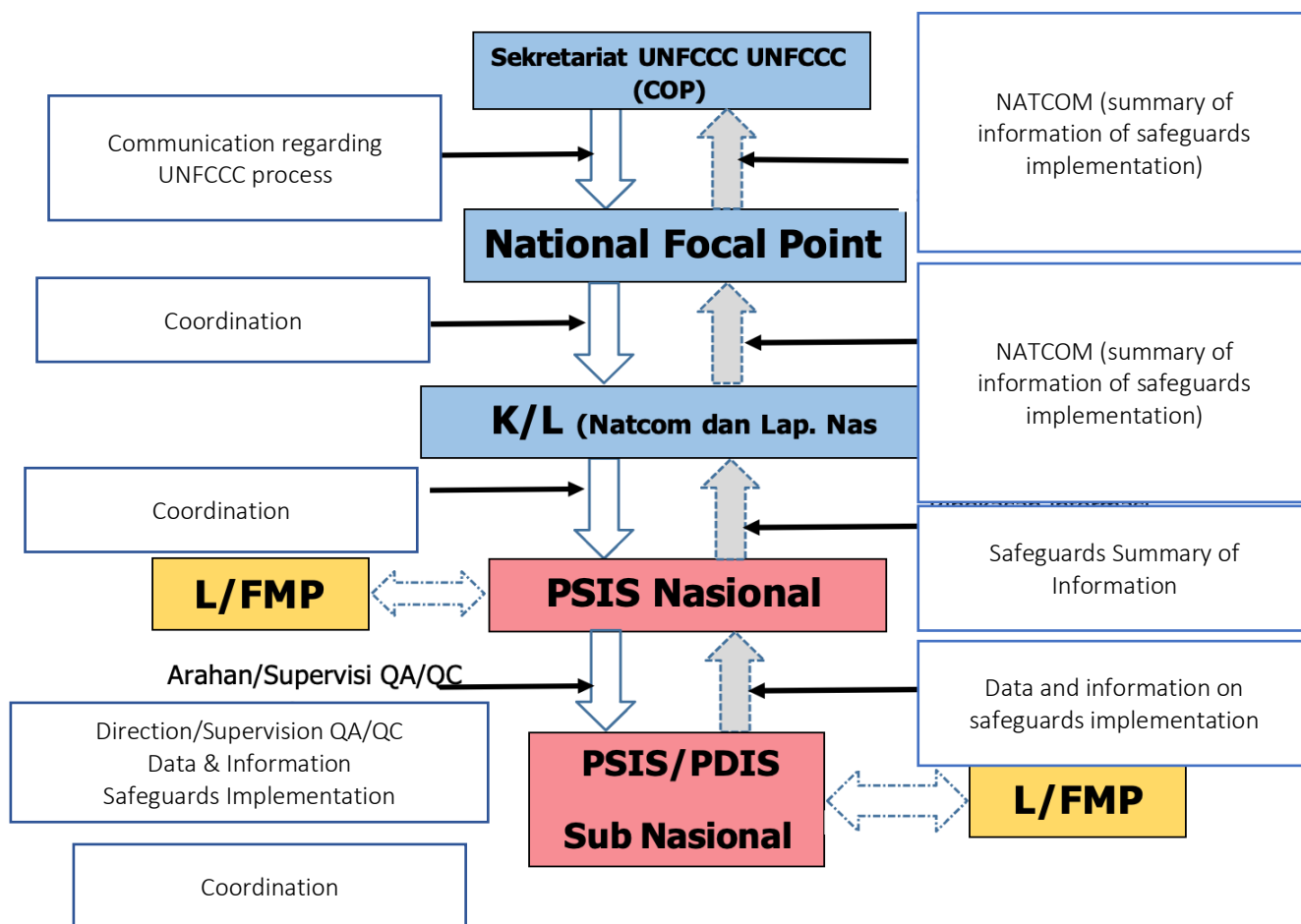


Figure 1 SIS REDD+ Infrastructure

During 2023, the PMU, supported by the international safeguards consultant, will further investigate how elements of this ACP can be integrated into the SIS-REDD+.

A budget of just over USD 3 million has been allocated to ensure effective social and environmental safeguards implementation on the project. This includes over USD 1.6 million in human resources (over 50% of the total), with the remaining divided between capacity development activities, monitoring and evaluation, stakeholder consultation and coordination. Support for ACP implementation will be financed by this budget.