

Indigenous Peoples Planning Framework (IPPF)

Ecosystem Approach to Fisheries Management,
in Eastern Indonesia
(Fisheries Management Areas 715, 717, 718).

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EXECUTIVE SUMMARY

Introduction

The Indonesia GEF Coastal Fisheries Initiative (CFI) under the FAO will implement a Child Project in FMAs 715, 717, and 718 as part of an effort to improve environmental and economic benefits through the application of improved coastal fisheries management including EAFM principles, fisheries management projects, sustainable financing tools, and improved knowledge management and information dissemination. The Project comprises four components, of which three will be financed and implemented by the WWF-GEF agency in Indonesia, and the other by Conservation International with Kehati Foundation. The components under WWF are subject to WWF's Environmental and Social Safeguards Integrated Policies and Procedures (SIPP), for which this Indigenous Peoples Process Framework has been developed.

Of the Project components that are financed by GEF and implemented by the WWF GEF Agency, Project activities related to Component B have the most direct community involvement and impact on the dignity, human rights, livelihood systems, or culture of indigenous peoples, or affect the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset. The indigenous peoples affected include: Kei Islanders and people of Negeri Kataloka, both in Maluku province; and Wame, Yeresuab, Yaur and Umari tribes in Wondama Bay, West Papua province, as well as people from Serui and Nabire. Component B includes space for site-specific collaborations to be defined based on consultation during the Project implementation phase.

Consultation, Free, Prior and Informed Consent (FPIC) and Grievances

This Framework was prepared in consultation with Project preparation team members, proposed program stakeholders such as MMAF and WWF Indonesia personnel, and a small selection of PAP from East Seram and the Kei Islands (community members, indigenous peoples representatives) identified during the process between May and June, 2016. Efforts were made to achieve gender balance during these processes, however as noted in the recommendations section of this document, further effort at balanced consultation, as well as additional gender analysis and engagement will improve the safeguards and other aspects of the Project through its implementation phase.

The Project preparation team members have established relationships in each of the project sites, where they have been engaged prior to the design and startup of this Project. Based on a rapid assessment, it is clear that the consultations have been free of coercion and have taken place prior to Project implementation. The focus of the consultations have been activities related to the Project, rather than the Project itself. The FPIC requirement includes process and documentation of a higher order than has currently been provided by the teams. As part of the project preparation and early implementation, local indigenous peoples and local communities shall be provided specific and consistent information on the proposed Project as a whole, on the anticipated impacts, mitigations and M&E activities. This IPPF provides a framework and overview of how FPIC will be approached through future consultation and project implementation and monitoring activities, including for example with the use of the Grievance Redress Mechanism, and a grievance log that is monitored regularly by the PMU.

Impacts and Mitigation

A social assessment process was carried out as part of the preparation of safeguard documentation, drawing on documents provided by site teams, and consultations with site teams, management and affected peoples. The potential negative impacts on indigenous people's social economic conditions have been identified as negligible except in the case of Grogos islanders (East Seram); there is consensus for impacts to be mitigated through engagement, alternative livelihood support and payment for ecosystem services, as built into the project design and/or in alignment with ongoing activities with the same peoples. Preparation of three, site-specific implementation plans (Indigenous Peoples Plan / detailed activity work plan) will be carried out to ensure that the selection of individuals, the nature of assistance, the required contributions of each party, budget and time-bound targets are planned and agreed. Planned mitigations are summarized herein, and an outline of the IPPs to be developed specifically for each site, is provided.

Recommendations

Recommendations for actions to support the implementation of this IPPF, and the related preparation and implementation of the IPPs, include: clear division of responsibilities for safeguard supervision and implementation, as well as supervision and capacity building for relevant project preparation team members and key stakeholders; selected additional data collection to address gaps in baseline data; enhanced consultation, information disclosure and socialization of Grievance Mechanism, based on a Project Communications Strategy, with appropriate messaging, methods and efforts to ensure balanced gender participation; improved planning and documentation to ensure FPIC requirements are met.

1. INTRODUCTION

1.1 Project Description

The Indonesia GEF Coastal Fisheries Initiative (CFI) under the FAO will implement a Child Project in FMAs 715, 717, and 718 as part of an effort to improve environmental and economic benefits through the application of improved coastal fisheries management including EAFM principles, fisheries management projects, sustainable financing tools, and improved knowledge management and information dissemination. Coastal fisheries in Indonesia are defined as any fishing activity occurring within 12 nautical miles (NM) of shore.

The waters of eastern Indonesia which have the highest marine biodiversity of any place on the planet are included in three Fisheries Management Areas (FMAs 715, 717 and 718) encompassing approximately 1.6 million square kilometers of ocean. Approximately 12 million Indonesians depend on these eastern Indonesia waters for their food and livelihoods. Given their importance for fisheries and biodiversity, these are priority FMAs for the Indonesia government.

Against this backdrop, the EAFM in Eastern Indonesia Fisheries Management Area 715, 717 and 718 (hereinafter referred to as the “Project”) seeks to achieve the following overarching objectives:

- improve sustainability of protected area systems;
- reduce threats to biodiversity;
- sustainably use biodiversity; and
- mainstream conservation and sustainable use of biodiversity into production landscapes/seascapes and sectors.

These objectives will be achieved through the following project components with specific objectives:

Component A: Implementing Enabling Conditions in FMA 715, 717 & 718

Objective: Improved capacity and compliance of coastal fisheries stakeholders to EAFM policies and regulations by applying relevant rights-based and collaborative management mechanisms and financial incentive schemes at specific sites within the three FMAs.

Component B: Implementing Enabling Tools in FMA 715, 717 and 718.

Objective: Select coastal fisheries improved using MPAs, FIPs, and Best Management Practices (BMPs) as well as the application of EAFM principles at key locations in the three FMAs.

Component C: Permanently sustaining critical coastal ecosystem protection to support fisheries production in FMA 715 and 717.

Objective: Through the capitalization the Blue Abadi Fund in West Papua Province (FMA 715 and 717), permanently support a network of local institutions working to protect coastal

ecosystems, increase fisheries production, and enhance EAFM for the benefit of small-scale local fishers and their communities¹.

Component D: Implementing Knowledge Management, Monitoring & Evaluation for Sustainable Coastal Fisheries in FMA 715, 717 and 718.

Objective: Platforms established for project monitoring, evaluation, reporting, and knowledge management promote data sharing, communication of lessons learned and adaptive management.

Whereas Components A, B and D will be **XXXXXX** by the WWF-GEF Agency and executed by a PMU hosted by MMAF (see Section 7), the Project Component C will be financed and implemented by Conservation International (CI) and Kehati Foundation. As such, the safeguards planning and implementation for activities under Component C will follow CI's safeguards policy and is the responsibility of CI. WWF-US has responsibility for safeguarding the activities implemented under Components A, B and D.

1.2 Rationale for IP Planning Framework

In the EAFM-Eastern Indonesia Fisheries Project, each of the three Project regions is characterized by the strong presence of indigenous populations² in the overall population, and in the specific districts where main Project activities are to be implemented, indigenous populations have been identified as the main project-affected people (PAP). These indigenous peoples or *masyarakat adat* are recognized by domestic law and their presence has been noted in the Project areas.

Of these components that are financed by the WWF GEF Agency and executed by MMAF, Project activities related to Components B have the most direct community involvement and impact on the dignity, human rights, livelihood systems, or culture of IP or affect the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. Component B includes space for site-specific collaborations to be defined based on consultation during the Project implementation phase. A sample of activities under Component B includes:

- Conduct training assessment for postharvest stakeholders including women and traditional fisher groups.
- Conduct training on Seafood Ecolabel Certification and a training on Good Handling Practices designed for various stakeholder groups.
- Based on the outcomes of the feasibility study, identify potential stakeholders for collaborative funding agreements including women and community based groups.
- Conduct training on BMPs for sustainable fishing for private sector fishers (including women) at the site level.

¹ Component C's financing and implementation is the responsibility of Kehati Foundation and Conservation International, not covered under WWF safeguard preparations.

²As mentioned in WB data on Indigenous People Map and *KAT-Kelompok Adat Terpencil* (Remote Customary Community Groups). See also data on Remote Customary Community published by Ministry of Social, Directorate of Empowerment of Remote Customary Community (Direktorat Pemberdayaan Komunitas Adat Terpencil).

- Develop collaborative funding agreements to fund coastal ecosystem conservation that consider women and traditional stakeholder groups.
- Based on the outcomes of the feasibility study and stakeholder analysis, initiate two community based pilot Payment for Ecosystem Services or other financial mechanism projects.
- Continue to monitor whale shark population (FMA 717) and Leatherback turtles population (FMA 718) based on ongoing monitoring program for these species.
- Conduct training assessment for postharvest stakeholders including women and traditional fisher groups.
- Focus Group Discussion in three pilot sites to determined woman productive activities and possible project interventions.
- Promote the participation of women and small scale fishers in CFI exchanges.

A framework approach provides for clear, high-level preparation of provisions for appropriate adjustments in design, identification of particular data needs, engagement and related actions, to ensure the Project is sufficiently informed and prepared to avoid and mitigate impacts on indigenous peoples. It allows for further detail to be planned during implementation, at the same time providing assurance to stakeholders that adequate preparation has been made.

This Framework was prepared in consultation with Project preparation team members, proposed program stakeholders including a small selection of PAP from East Seram and the Kei Islands (community members, indigenous peoples representatives) identified during the process between May and June, 2016. Efforts were made to achieve gender balance during these processes, however as noted in the recommendations section of this document, further effort at balanced consultation, as well as additional gender analysis and engagement will improve the safeguards and other aspects of the Project through its implementation phase.

The project preparation team members have established relationships in each of the project sites, where they have been engaged prior to the design and start up of this Project. The potential negative impacts on indigenous peoples' social economic conditions have been identified as negligible, however there is consensus for them to be mitigated engagement, alternative livelihood support and payment for ecosystem services, as built into the project design and/or in alignment with ongoing activities with the same peoples. Such conditions will trigger WWF's safeguards policy requirements pertaining to IPs. An Indigenous Peoples Planning Framework (IPPF) is therefore necessary to provide policy and procedures to screen project impacts on indigenous peoples (IPs) and to prepare an appropriate planning document, Indigenous Peoples Plan (IPP) to safeguard their rights prior to the implementation of project activities affecting IPs.

2. OBJECTIVES AND POLICY FRAMEWORK

2.1 Objectives and Principles

The main objective of this IPPF is to help ensure that EAFM Eastern Indonesia Fisheries projects' three (3) regional sites' activities are designed and implemented in a way that fosters full respect for IP identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves to enable them to (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of the project; and (iii) can

participate actively in the project. This IPPF safeguards the rights of IPs to participate and equitably receive culturally appropriate benefits from the project. The IPPF is also to provide for the preparation, conduct and documentation of processes related to Free, Prior and Informed Consent (FPIC)³.

2.2 Legal Framework⁴

There are numerous legal provisions relevant to the protection of indigenous peoples' rights and interests in Indonesia, although no regulations or requirements that apply specifically to the type of project and nature of activities planned for the EAFM Project. The following provides an overview of the most relevant laws and regulations citing Indigenous Peoples in Indonesia.

1945 Constitution. The existence of *adat* communities is recognized in the Constitution, namely in Article 18 and its Explanatory Memorandum. It states that in regulating a self-governing region and *adat* communities, government needs to respect the ancestral rights of those territories. After amendments, recognition of the existence of *adat* communities was provided in Article 18 B Para. 2 (concerning “*adat* law community” and regional government) and Article 28 I Para. 3 (“traditional community” and Human Rights).

Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (or Basic Agrarian Law). Article 2 Para. 4, Article 3, and Article 5 provide general principles that accommodate recognition of *adat* communities, *ulayat* land rights, and *adat* laws. In later developments BAL recognition of *adat* law is straightforwardly tied to “national interest”.

1967 - Forestry Acts (Act No. 5 of 1967 and Act No. 41 of 1999). The Act divides the forest area into two categories, namely, state forest and proprietary forest. State forest is defined as forest growing on land not covered by any proprietary rights. Included in the category of state forest is *ulayat* or *adat* forest. Proprietary forest is forest growing on land covered by proprietary rights. By including *ulayat* forest as state forest, this Act ignores *ulayat* rights of *adat* communities over their forest area.

The Forestry Law of 1999 underwent scrutiny whereby the constitutional court in Indonesia in 2013 resolved a major ambiguity in Article 1 of the Forestry Law and ruled that the word “state” should be scrapped in the provision: customary forests are state forests located in the areas of customary communities. Article 5 of the same law was revised to also show that state forest does not include customary forest. The ruling was made in favor of a petition filed by Indonesia's national indigenous peoples' alliance, AMAN (Aliansi Masyarakat Adat Nusantara)⁵ in March 2012.

Act No. 5 of 1990 concerning the Conservation of Biological Resources and the Ecosystem. This Act, also using the eminent domain or right of control by the State as a legal base, places the State (Government) in the central position to manage protected areas (articles

³ See section 2.3

⁴ COREMAP 2013.

In 1999, a national congress of Indonesian indigenous peoples took place, attended by over 200 *adat* community representatives from 121 indigenous peoples. The Congress agreed to establish a national alliance of indigenous peoples, AMAN. By 2001, AMAN had 24 affiliated organizations in islands and provinces. It has several objectives, including the restoration to *adat* communities of sovereignty over their socioeconomic laws and cultural life, and control over their lands and natural resources and other livelihoods.

16 and 34). In this capacity, the Government is to direct and motivate people to participate in the conservation of biological resources (Article 37 Para.1).

Act No. 25. By 2000, Act No. 25 concerning the National Development Program (*Program Pembangunan Nasional; PROPENAS*), stresses that the legal system for management of natural resources must have the perspectives of sustainability, respect for human rights, democracy, gender equality, and good governance. It asserts the importance of active participation of communities in making use of, access to, and controlling the use of, natural resources in the framework of protecting public rights and rights of *adat* communities (Annex Chapter X).

Act No. 32/2004 concerning Local Government – establishes state respect of customary and traditional rights and laws, devolves authority to village or customary governance systems and empowers them to promulgate customary village rules that may affect projects e.g. levying land transaction tax.

Regulation No. 5 of 1999 by the Minister of State, Agrarian Head of National Land provides guidance for resolution of problems within *ulayat* lands of *adat* law communities.

Act No. 39 of 1999 on Human Rights. Article 6 Para. 1: “In the framework of maintenance of human rights, the differences in and the needs of, *adat* law communities are observed and protected by the law of society and Government.” Article 6 Para. 2: “Cultural identity of *adat* law communities, including rights to *ulayat* land, is protected in line with the evolvement of time.”

Under the **Universal Declaration of Human Rights**, *ulayat* land is considered a property right that must be respected and protected. Articles 36 and 37 of Act 39 of 1999 concerning property rights and acquisition of property rights protect *adat* communities’ *ulayat* right. Thus, acquisition of *ulayat* land by government must be done through due process of law following the free and prior informed consent of *adat* communities.

The GOI national legislation **Presidential Decree No. 111/1999** sets the criteria of identifying IPs as follows: (i) in form of small, closed and homogenous community; (ii) social infrastructure supported by familial relationship; (iii) in general geographically remote and relatively difficult to reach; (iv) in general live with subsistence economy; (v) its equipment and technology is simple; (vi) dependency to local environment and natural resources are relatively high; and (viii) limited access of social, economic, and political service.

The Law of the Republic of Indonesia Number 27 Of 2007 Concerning the Management of Coastal Zones and Small Islands was proclaimed in order to (i) to protect, conserve, rehabilitate, utilize, and enrich Coastal Zone and Small Islands Resources and their ecological system in a sustainable manner; (ii) to create harmony and synergy between the Government and the Local Government in the management of Coastal Zone and Small Islands Resources; and (iii) to strengthen community and government agencies participation, and motivate community initiative in the management of Coastal Zone and Small Islands Resources.

By 2009 a judicial review⁴ was petitioned by concerned sectors as to the constitutionality of some articles of Law 27. While Article 61 of Law 27/2007 clearly provides the recognition,

4 Excerpt From The Decision Of The Constitutional Court Of The Republic Of Indonesia. Decision Number 3/PUU-VIII/2010 Concerning Judicial Review of Law Number 27 Year 2007 regarding the Management of Coastal Areas and Small Islands under the 1945 Constitution of the State of the Republic of Indonesia.

⁵ Business undertaking in Coastal Waters is given in the form of HP-3. HP-3 as is stipulated in Law 27 includes business undertaking on the sea surface, water column down to the seabed.

respect and protection of customary law communities, the position of customary law communities is equal to that of other legal entities and natural persons. Article 18 of Law 27/2007 does not position customary law communities in the context of governmental entity, but it places them parallel to natural persons and other legal entities. It may be observed further that in Article 21 paragraph (4) sub-paragraph b of Law 27/2007, the existence of customary law communities is subordinated to the holders of HP-3 since it is stated that the holders of the HP-3⁵ must foster and empower customary law communities. It is a condition of regulation that is directly inconsistent with Article 18B paragraph (2) of the 1945 Constitution. Subsequently, another implication is limited access to information, transparency, public participation, public accountability.

The decision on the petition shows that some articles indeed were ruled inconsistent with the Indonesian Constitution of 1945 and non-binding, while other articles were upheld. To date, the contention of the petitioners is that Article 14 paragraph (1) of Law 27/2007 is inconsistent with the 1945 Constitution due to conspicuous partiality with businessmen in the regulation of the utilization of coastal water areas through Coastal Water Area Concession (HP-3), which only involves Regional Government and the business sector. This exclusiveness is related not only to the proposal of strategic plan preparation, but also to utilization area size stating that, HP-3 includes the exploitation of sea level and water column up to the sea-bed surface [Article 16 paragraph (2) of Law 27/2007].

Petitioners to date persist in their effort to argue against the constitutionality of activities in the preparation of the strategic plan, zoning plan, management plan and action plan for the management of coastal areas and small islands being only conducted by Regional Government and business circles, thus decreasing the access and involvement of communities, , especially local and traditional communities.

Indonesia is a signatory to the **2008 UN Declaration on the Rights of Indigenous Peoples**. The United Nations (UN) General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples during its 61st session on 13 September 2007. While it is not a legally binding instrument under international law, according to a UN press release, it does “represent the dynamic development of international legal norms and it reflects the commitment of the UN's member states to move in certain directions”; the UN describes it as setting “an important standard for the treatment of indigenous peoples that will undoubtedly be a significant tool towards eliminating human rights violations against the planet's 370 million indigenous people and assisting them in combating discrimination and marginalization”.¹⁰

While an official definition of “indigenous” has not been adopted by any UN-system body, the UN has developed a modern understanding of this term based on the following:⁷ (i) Self-identification as indigenous peoples at the individual level and accepted by the community as their member; (ii) Historical continuity with pre-colonial and/or pre-settler societies; (iii) Strong link to territories and surrounding natural resources; (iv) Distinct social, economic or political systems; (v) Distinct language, culture and beliefs; (vi) Form non-dominant groups of society; and (vii) Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

⁷ Frequently Asked Questions: Declaration on the Rights of Indigenous Peoples United Nations Permanent Forum on Indigenous Issues.

Indonesian government officials argue, however, that the concept of indigenous peoples is not applicable, as almost all Indonesians (with the exception of the ethnic Chinese) are indigenous and thus entitled to the same rights⁸.

Environmental Protection and Management (Law No. 32 of 2009). Article 1 Traditional Community shall be a group of communities living traditionally in a specific geographic area because of binding in origin of ancestor, strong relations with the environment as well as system of values determining economic, political, social and legal structures. Article

63 (2n) tasks local governments to stipulate policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respects to environmental protection and management, and (3k) implement policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respect to environmental protection and management in the regency/municipal level.

Regulation of the Minister of Home Affairs No. 30/2010. This provides the guidance for managing resources in maritime territory. This Regulation provides for the management of resources in maritime territory, which shall be a maximum of 12 nautical miles from coastline towards offshore or archipelagic waters. The management of resources shall include exploitation, exploration, conservation, adaptation and climatechange, spatial regulation, maritime wealth management, etc. For the exploitation and exploration of resources, and for the management of maritime wealth a license shall be obtained from the government. For the management of resources in maritime territory the Regional Administration shall formulate strategic plans, zoning plans, management plans and action plans as provide for in the Regulation. The Regulation further provides for: empowerment of traditional communities and social organizations in executing the management of resources, funding, fostering and supervision of the management of resources, etc.

Article 18 states that in formulating a plan for managing resources in maritime territory, regional governments shall be obliged to include substances containing efforts to adapt and mitigate impacts of climate change. Article 20. The adaptation and mitigation of climate change as meant in Article 18 shall be executed by observing aspects: (i) social, economy and culture of communities; (ii) environmental conservation; (iii) benefit and effectiveness; as well as (iv) scope of territory.

Chapter VI Public Participation Article 29 stipulates the following: (i) Regional governments shall involve communities and stakeholders in every activity of planning and management of resources in maritime territory. (ii) Regional governments, legal entities and individuals managing resources in maritime territory shall observe traditional law and custom effective in local communities.

Act No. 2 of 2012 on Land Acquisition for the Development in the Public Interest and Its implementation Regulations Chapter 40 and its elucidation of this law recognizes that customary community are entitled for compensation. The project location determination will only be issued by provincial/district/city government if it has been agreed by the entitled parties and affected communities. The Presidential Regulation No. 71 of 2012 (implementation regulation of the law) further stipulates that the existence of the customary community be recognized by a research and determined by the local government regulation.

^{10 8} http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

¹¹ <http://www.iwgia.org/regions/asia/indonesia>

The House of Representatives is currently discussing the possible legalization of the **Recognition and Protection the Rights of Indigenous Peoples Bill** (PPHMA). Once legalized, the Act will provide recognition, protection, and service to indigenous peoples of the archipelago as citizens of Indonesia.¹³

The concept of ancestral domain is also acknowledged and to this effect, the Indonesian Indigenous Peoples' Alliance of the Archipelago, together with the Network for Participatory Mapping (JKPP), have officially handed over 265 ancestral domain maps of ancestral domains, covering 2,402,222 hectares, registered in the Ancestral Domain Registration Agency (BRWA) to the Indonesia's Geospatial Information Agency (BIG) and the Presidential Delivery Unit for Supervision and Control of Development (UKP4)⁹.

2.3 WWF Safeguard Policy requirement¹⁰

WWF recognizes the unique cultural and socioeconomic circumstances, historic and current vulnerability, place-based culture, and internationally recognized rights afforded indigenous peoples.

International instruments recognize the right to free, prior, and informed consent (FPIC) for indigenous/tribal peoples alone. However, in practice, the principles underlying FPIC are increasingly extended to local communities and project-affected communities, as well. This extension is consistent with the Convention on Biological Diversity (CBD), which recognizes that both indigenous and local communities have rights to FPIC. In short, FPIC has emerged as a best-practice standard for all project-affected communities.

In WWF's work, the processes of consultation and obtaining FPIC will be applied to all project-affected communities, with the distinction that indigenous peoples enjoy a higher standard of protection based on their vulnerability and place-based culture. Thus, for indigenous peoples, WWF would place greater priority on avoidance of adverse impacts compared with other local communities, for which mitigation or compensation may be more feasible without damage to the community.

WWF's Safeguards Integrated Policies and Procedures (SIPP) apply to projects that affect indigenous peoples, whether adversely or positively. Such projects need to be prepared with care and with the participation of affected communities. Policy requirements include early screening for indigenous peoples; an environmental and social impact assessment with the participation of indigenous peoples to assess risks and opportunities and to improve the understanding of the local context and affected communities; a consultation process with the affected indigenous peoples' communities to fully identify their views and to obtain their free, prior, and informed consent to project activities affecting them; and development and inclusion of the elements of a project-specific Indigenous Peoples Plan (IPP) with measures to avoid adverse impacts and enhance culturally appropriate benefits in each project. The level of detail necessary to meet the requirements of this planning framework is proportional to the complexity of the proposed project and commensurate with the nature and scale of its potential effects on the indigenous peoples, whether adverse or positive.

⁹ <http://www.aippnet.org/home/daily-sharing/1005-press-release-indonesian-government-accepts-ancestral-domain-maps-making-indigenous-peoples-visible-within-the-nation-state>

¹⁰ WWF Environmental and Social Safeguards Integrated Policies and Procedures (SIPP), Annex 7. See www.worldwildlife.org/pages/safeguards-resources.

3. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES

3.1 Indigenous Peoples in the Project Area

Maluku Tenggara, Kei Kecil (FMA 718): The Kei Islanders in the western part of Kei Kecil may be considered indigenous people based on the dominance of their language, social structures, governance systems and territorial attachment to natural resource areas, also recognized by law. The project affected people include both IP and others that are also native to Kei Islands but have intermarried extensively and adopted Islam as their religion, are more in the mainstream system of village organization such that for Project purposes they are considered non-IP. The later are users of the MPA who do not have traditional custodial rights to the area, but conduct fishing for livelihood purposes.

The indigenous and local communities of West Kei Kecil district dwelling in coastal and inland areas of Kei Kecil Island, in particular the people of NuVit, where leatherback turtle hunting restrictions are being strengthened, the Kei Islanders of Ohoi Debut who have traditional custodianship and responsibility for Nay Island and Hoat Island, which are closest to the no-take zone in the MPA. It is noteworthy that these people do not traditionally fish in the no-take zone, but rather are focused on tidal areas and dryland agriculture. Another group of impacted people is fishermen from an area north of Langgur town, including Dunwahan and Sidni Ohoi villages, Krus Island and Ut Island. These fishermen are also Kei Islanders and are known as capable fishermen who venture further from their villages to fish in areas where they have no traditional custodianship, including into the MPA area and its no-take zone opposite Nay Island.

The Project team relies on WWF (2013) Study of West Kei Kecil Community Institutions (*Studi Kelembagaan Masyarakat Lokal Kei Kecil Bagian Barat Kabupaten Maluku Utara, Analisis Kelembagaan Lokal Wilayah Tujuan Kawasan Konservasi Perairan*). There is also abundant literature in the form of ethnographies of the Kei, Aru and Tanibar island groups.

East Seram, Koon Islands and surrounds (FMA 715): The people of Negeri Kataloka are part of the wider Maluku islands ethnic groups; they have embraced Islam and retained to some degree elements of their traditional institutions and practices. They self-identify as indigenous people based on their historical ties to territory, dominance of a traditional governance system and various other local traditions. The project-affected people include a majority of people that identify as the members of the indigenous group of Negeri Kataloka, and some others that are also native to East Seram islands and/or are from other parts of Indonesia and have intermarried. They live mostly on Gorom and Grogos islands, though their kinfolk are likely found further afield, in Ambon and beyond. The Kingdom system of traditional rule is such that the land and sea areas are under the jurisdiction of the King of Negeri Kataloka. The people reside on the islands based on his approval, but they are not owners. The main population is on Gorom Island, however on Grogos Island, a small strip of island to the east approximately 70 households reside

and live exclusively from fishing activities. They have no agricultural land and fish mostly in the near-shore area of the MPA, but also to some extent in the no-take zone, which takes up less than 2% of the entire FMA 715.

While Project negotiations respect and work through the King and his recently developed formal institution (Badan Perencanaan dan Pembangunan Negeri Atalo'a), the Project will also ensure it consults directly with affected community populations to gather balanced information and assess the implications of agreements made or to be made with the King.

The Project team commissioned a report from M. Korembina et al. (2015): Socio-Economic Survey of Gorom Island Sub-District, East Seram District. 2015. The local indigenous leader's organization has also provided its Strategy Document for the Development of the Atalo'a Nations Planning and Development Agency, established as the project's main indigenous organization reference for the area.

West Papua, Wondama Bay (FMA 717): The majority of Wondama Bay communities may be considered indigenous people based on the dominance of their language, social structures, governance systems and territorial attachment to natural resource areas, also recognized by Special Autonomy law 21/2001, which is specific to Papua region. The project affected people include both IP of the Wame, Yeresuab, Yaur and Umari tribes and others that are migrants that use the area periodically, predominantly from Sulawesi, but also from Nabire and Serui (Papua). The local indigenous peoples of 7 coastal villages in Wondama Bay District, comprising approximately 2274 people amongst 498 households are traditional users and custodians of the marine area, from various local tribes. Their clan-based social structure operates informally and predominantly in relation to natural resource use and social relations, whereas the local government structure and Protestant Church are dominant formal systems in use.

The Wondama peoples' traditional livelihoods are based on a combination of simple agriculture, hunting, gathering and fishing, primarily for subsistence. Incomes are also derived from forestry. Traditionally whalesharks were not hunted but rather were feared; Lola, trepang, grouper and lobster are other local economic products. Through facilitation and guidance from WWF-Indonesia over many years, the indigenous people of Kwatisore village and surrounds have embraced the whalesharks as a cultural icon and recognize its protection as potentially important for their livelihoods being sustainably complemented with income from tourism. By working with the regency government on park conservation strengthening, WWF-Indonesia also supports local government focus on these other potential community-based sustainable enterprise opportunities.

Information is based primarily on WWF-Indonesia reports including Tourism Potential of Cendrawasih Bay National Park (2013) and Social and Resource Participatory Mapping in Wasior (2013); Study of the Social Structure and Cultures of Communities on the Cenderawasih Bay National Park, in Nabire and Wondama Bay Districts (2014); and Report of Activities to Identify Natural Resource Use at Village level (2013).

4. SOCIAL IMPACT ASSESSMENT AND IP PLANNING

The presence of IPs in the project sites require a social assessment to generate the necessary baseline information on demographics, social, cultural, and political characteristics of affected IP communities as well as the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.

A social assessment process was carried out as part of the preparation of safeguard documentation, drawing on documents (see previous section) provided by site teams, and consultations with site teams, management and affected peoples.

Potential adverse and positive effects of the project were identified and the need for additional analysis and consultation have been outlined and incorporated into project planning and budgets, for site-specific Indigenous Peoples Plans (IPPs), which will define in greater detail the implementation of activities to mitigate project impacts on indigenous peoples at each site. Gender-sensitive analysis of IP vulnerability and risks brought about by the project in comparison to other groups (IP and non-IP) will be made a key focus of the planned gender assessment activities, including for monitoring purposes. As noted further below, however, there remain gaps in baseline information on household economics and gender preferences for livelihoods support.

A summary of the key impacts identified is provided below, followed by Table 1, a diagram outlining the impacts by source and planned mitigation approaches. Discussion of planning for impacts on Indigenous Peoples is provided in the subsequent section.

4.1 Restrictions on access to fishing grounds

The principle Project impact on local communities, including indigenous peoples, derives from the nature of the Project, which is ultimately about conservation and improved sustainability of fish stocks in the target Fisheries Management Areas. The Project is designed to build on existing classifications of marine areas, both as FMA and as Marine Protected Areas (MPA). As such it does not introduce new areas which would cause a fundamental change to ocean classification and fisheries maps, or to the allowable uses in marine areas. Rather, the Project is to strengthen capacity for the Ecosystem Approach to Fisheries Management (EAFM) amongst key stakeholders, which has already been formally adopted by the Government of Indonesia. By strengthening this approach, the rules of use for the marine areas where the Project will work are already designated, formal and have been communicated to some extent with local stakeholders such as communities and fishing industry companies. Many activities are designed to improve understanding and ability to work within the rules, to secure livelihoods in a manner which is sustainable and legal.

Improved understanding and enforcement of the MPA rules, which dictate areas for restricted use related to fish capture, aqua-culture and tourism, as well as no-take zones, will have the effect of stopping, or at least minimizing, fishing activities in the Project area, specifically in the no-take zone. Traditional activities such as Bamete, or gathering from reefs during low tide, are not forbidden. Traditional fishing in canoes, with hand lines and some types of nets, are also not forbidden. For the King of Kataloka as the traditional custodian, then there are not significant economic implications for increased enforcement of the no-take zone at Koon. However for his 'subjects', the

people of Grogos Island who have resided near Koon on the King's (ancestral) instructions to guard Grogos and Koon islands, there will be potentially significant impacts in terms of their household economy/income.

Grogos islanders' restricted access to the no-take zone affects their livelihoods; they catch a variety of fish for subsistence and sale, i.e. the majority of their incomes is derived from fishing and a large part of their catch was derived from the area being established as the no-take zone for Koon. Although the no-take zone represents a small area, it is the area where the Grogos islanders (and others) have used traditionally as it is known for its abundance. The area is referred to locally as 'pasar ikan' or fish market, and is the preferred fishing location for the islanders. Thus, while they can still fish in the wider MPA area, the impact on their capture for consumption or sale is considered significant. Based on a rapid assessment of the fishing community's environment, they do not have obvious alternative livelihood activities available to them (for example, seaweed farming is not suitable).

For the traditional custodians of the Kei Kecil MPA, there are implications in terms of their role in protecting the area from mis-use. The no-take zones are offshore, and there is an agreement by local government (marine-related agencies) that the indigenous communities monitor and enforce proper use of the areas. Given the (illegal) use of the no-take zones by outsiders, this has impact on indigenous custodians in terms of revitalizing their cultural function, potentially affecting their livelihoods, and also potential for conflict between custodians and outsiders, who are often kin from neighboring districts.

For the indigenous people and local communities of Wondama Bay (TMTTC within FMA 717), the Project activities will have limited cultural or economic impacts, but a potential for social conflict is noted, given the historical and political sensitivities of the region. As in other Project sites, the Project will not introduce new restrictions or expand MPAs within the FMA. The focus on strengthening capacity for EAFM means improved enforcement as well as diversified opportunities for livelihoods for the users of the marine area.

The Papuans of Wondama Bay traditionally subsist from inshore fishing activities, agriculture and forestry. Fishing in no-take zones is not an activity that affects the indigenous population, but rather affects the outsider (migrant) fishermen who are predominantly from Sulawesi and operate from mobile, pontoon-like structures called *bagan*. The Wondama Bay MPA has been in force since 2009 and migrant fishermen are generally accustomed to, and compliant with, the rules for fishing activity in the area.

4.2 Whaleshark-based ecotourism

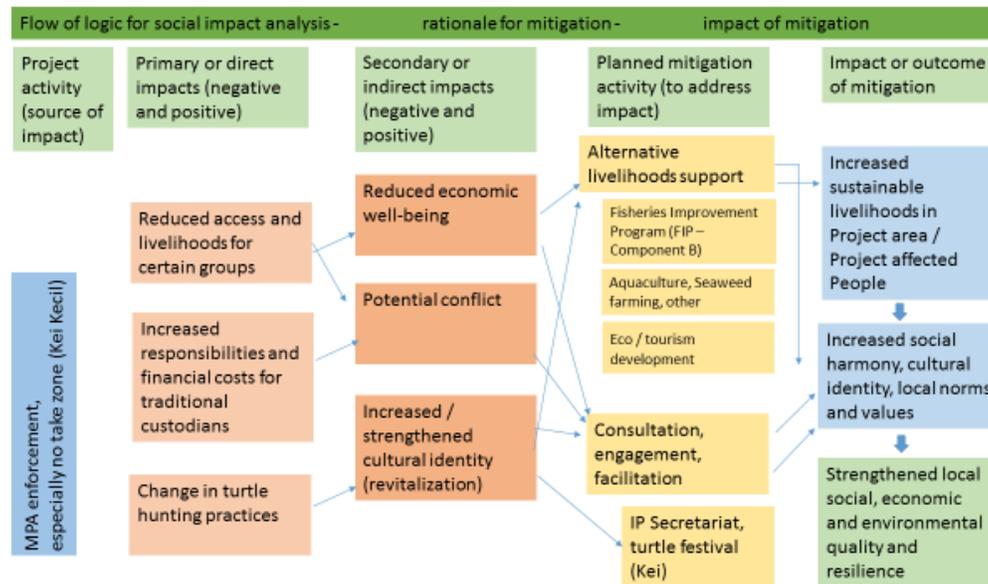
WWF-Indonesia has been working with the local community on whale shark conservation in the area, to support an ecosystem approach in the MPA. Whereas the indigenous people did not hunt whalesharks, but feared them, they are now prized as a natural asset that can attract eco-tourism revenue for local people. While strengthening this important activity, the increased enforcement of the MPA rules targeting migrant fishermen brings to light potential conflict, where the migrant fishermen are seen to be 'encroaching' on the whale shark ecotourism venture, for example by selling their baitfish directly to tourists, effectively cutting out the indigenous operators that are being developed as custodians of the MPA and whalesharks in particular. The whaleshark tourism is not directly affected by the Project, however through Project activities in Component B (Fisheries Improvement Program) there will be increased opportunities to support the local communities' livelihoods in a sustainable manner, with improved catch, handling and

traceability, linked to responsible buyers. These activities may positively impact the tourism-related social dynamics in the affected area by bringing economic improvement.

4.3 Enforcement of bans on hunting Leatherback Turtles

For the NuVit peoples of southern West Kei Kecil, the Project will strengthen the enforcement of bans on hunting endangered species such as the Leatherback Turtle. While the ban already exists by law and is not being introduced by the Project, the indigenous peoples' practice of hunting the turtles for food (not for sale), will be targeted for change as part of Project activities. The process of engagement to reduce hunting by indigenous peoples and local communities has already begun as part of other, ongoing WWF-Indonesia activities in the area. Although some resistance is anticipated, and time will be required for the change to become widespread, based on consultations with the affected people, this Project activity will not have a negative cultural impact, but rather is anticipated to have a positive impact. The local indigenous leaders value turtle conservation as a way to revitalize traditional values, linking limited turtle capture to earlier practices that were more in harmony with nature and aligned with their own creation/migration legend. They see this change as a way to refocus indigenous youth on their cultural heritage, and strengthen community identity with the Leatherback Turtle as a cultural icon for NuVit.

Table 1. Flow of logic for impacts and mitigations



4.4 IP Mitigation Planning

The project preparation team members have consulted with affected persons at the community level, to define the mitigation approaches to be incorporated as Project activities and outlined in this Framework document. This has occurred through a series of meetings, including separate group meetings to focus on indigenous peoples’ village chiefs, men, and women, especially those who live in the subproject affected areas. As the Project enters implementation phase, effort at ongoing consultation and consistency of documentation across the different sites will be important. Preparation of three, site-specific implementation plans for the Project period (IPP/detailed activity work plan) will be carried out to ensure that the selection of individuals, the nature of assistance, the required contributions of each party, budget and time-bound targets are planned and agreed. During this process, in a multi-stakeholder meeting or workshop, the activities, impacts and proposed mitigation approaches and activities will be presented and discussed, with input received to support the site’s IPP. An outline for the IPP is provided in Annex 1.

Table 2, taken from the Project’s Resettlement Process Framework information, the overview below summarizes the anticipated impacts (or community concerns), suggested mitigation measures, and the feasibility of the implementation of these measures for each of the Project’s regions.

Table 2. Summary of anticipated impacts and mitigation measures

Region	Anticipated impact / concern	Mitigation	Feasibility of implementation (easy/medium/difficult)
FMA 718 Southeast Maluku (Kei Kecil)	<p>Restrictions on fisheries activities. The Marine Protected Area (MPA Kei Kecil) is located within the FMA 718. Restricted fisheries activities in the MPA, including a no-take zone within the MPA may affect selected community livelihoods.</p>	<p>Sustainable livelihood alternatives. Consultation and agreement with affected peoples on alternative livelihood activities consistent with their traditions and interests have been initiated. Seaweed farming groups and mud-crab cultivation groups based on indigenous rights ownership of the marine area have begun receiving technical support and basic equipment to generate alternative livelihoods as replacement activities for restricted fisheries access in Kei Kecil. For other users, who do not have indigenous rights to the area the Fisheries Improvement Program under Project Component B targets these fishing communities. Alternative livelihood assessment and community consultation may also be carried out to determine suitable activities for Project support.</p>	<p>Medium</p>
	<p>Restrictions on hunting leatherback turtles. Local communities, and in particular IPs, hunt for subsistence and pursuant to their cultural heritage and traditions (only men are involved in hunting leatherback turtles). However, hunting of endangered species is prohibited in FMA 718, and the increased enforcement of EAFM in the area</p>	<p>Cultural revitalization. The Project will collaborate with local IP leaders to support their decision making processes and socialization activities related to changes in turtle hunting permission. Along with this, supporting the IP community wishes to launch turtle festivals and promote aspects of their culture with local youth and eventually to tourists, are plans already under discussion in the Kei project area.</p> <p>Eco-tourism development. Within the MPA Kei Kecil, Indonesian regulations provide areas for limited uses including aquaculture, tourism and fish capture), as well as for traditional uses to support subsistence activities. In the southern area of the</p>	<p>Medium</p>

	will prevent the local community from hunting.	MPA where community tradition of leatherback turtle hunting has expanded beyond sustainable limited, the Project has begun working with indigenous institutions to review the tradition and revise the indigenous legal regime (<i>hukum adat</i>) to limit turtle hunting activities. The Project will collaborate with affected communities to support their legal transition and communication activities, as well as offering support for sustainable tourism development including training and technical support. Efforts to safeguard the relevant aspects of indigenous identity related to leatherback turtles will be made from the Project outset.	
FMA 715 (East Seram, Maluku Koon Island)	<i>Restrictions on fisheries activities.</i> The Marine Protected Area (MPA Koon) is located within the FMA 715. Restricted fisheries activities in the MPA, including a no-take zone within the MPA may affect selected community livelihoods.	<i>Sustainable livelihood alternatives.</i> Consultation and agreement with affected peoples on alternative livelihood activities consistent with their traditions and interests have been initiated. The Fisheries Improvement Program under Project Component B targets these fishing communities. Alternative livelihood assessment and community consultation will also be carried out to determine suitable activities for Project support. A program of eco-tourism based on payment for ecosystem services will be supported with the local indigenous community in exchange for protecting the fish spawning area of the MPA Koon.	Medium-Difficult
FMA 717, West Papua, Wondama Bay	<i>Restrictions on fisheries activities.</i> The Marine Protected Area (MPA Wondama) is located within the FMA 717. Restricted fisheries activities in the MPA, including a no-take zone within the MPA may affect selected community livelihoods. Whereas	<i>Sustainable livelihood alternatives.</i> Consultation and agreement with affected peoples on alternative livelihood activities consistent with their traditions and interests have been initiated. The FIP targets affected villages for training and support to improve fishing livelihoods. A program of eco-tourism based on whale shark protection has also been established with part of the indigenous people and local community. Roles for the non-indigenous fishermen and	Easy

<p>subsistence activities by indigenous peoples are not restricted, fishing limitations are in force that affect outsider fisherfolk.</p>	<p>increased participation and benefits for community members will be enhanced through Project involvement.</p>	
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5. CONSULTATION, PARTICIPATION AND DISCLOSURE including FPIC

5.1 Consultation and Participation

Previous consultation

The project preparation team members, which include WWF Indonesia field staff members at each of the Project sites, has an established relationship with most local stakeholders. Various forms of consultation have taken place at each site, depending on the need, purpose and configuration of parties involved. For example, for the formation of the Cenderawasih Bay marine park area (TMTC), government lead meetings arranged by Project preparation team members and partners, and including village heads and women’s representatives, in Ambon (December 2015) and Bali (January 2015). For Koon MPA, a series of consultations have been carried out, lead by Project preparation team members and/or the Fisheries Department of MMAF, and involving diverse parties, including the King of Katalaka as a ‘representative’ of the indigenous population that uses the Koon MPA.

Based on a rapid assessment, it is clear that the consultations have been free of coercion and have taken place prior to Project implementation. The focus of the consultations have been activities related to the Project, rather than the Project itself. For example, consultations to help develop an appropriate management body for the Koon MPA have taken place in May 2016 and in Kei, in December 2014, agreement on the map of zones within the MPA was reached based on consultations that demonstrated FPIC principles. Overall, however, local indigenous peoples and local communities have not been provided specific and consistent information on the proposed Project as a whole, on the anticipated impacts, mitigations and M&E activities. This IPPF provides a framework and overview of how FPIC will be approached through future consultation and project implementation and monitoring activities, including for example with the use of the Grievance Redress Mechanism, and a grievance log that is monitored regularly by the PMU.

Future consultation

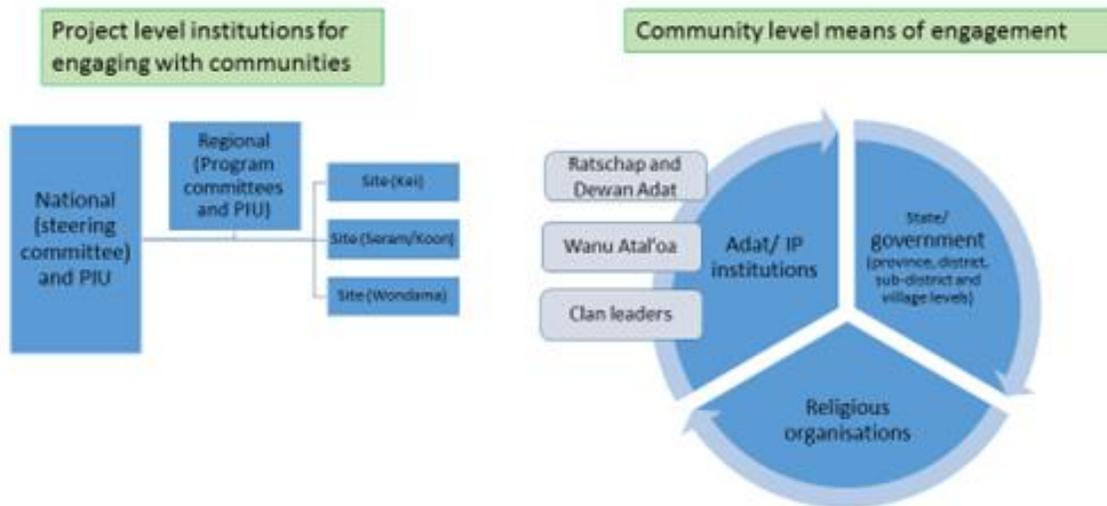
To ensure meaningful consultation and participation with IPs, PMU will ensure that (i) appropriate mechanisms and structures will be utilized; and (ii) specific activities that will enable IPs to engage in project activities will be conducted. IP consultation across project stages will be documented.

Free, prior, and informed consent of IP and local communities at each stage of the project will be achieved based on consultations designed to fully identify IP perspectives, issues and concerns by way of validating broad community support for the project. Consultation is a mode of social preparation that entails the process of informing and generating awareness and understanding of the concerned public about the Project in a manner that will enable them to effectively participate and make informed and guided decisions. The use of indigenous languages, local

syntax and terminology, and plans for various media and timing, all form part of a strong plan for ensuring FPIC during Project implementation.

The Project approach to engagement is outlined below in Figure 1, noting the importance in local settings of engaging the local village administrative parties, religious representatives and traditional community leaders. The names of the indigenous institution per site are also noted.

Figure 1. Community Engagement Model



Information dissemination to all members of the IP community will be conducted specifically targeting appropriate message routes in accordance with prevailing customs and traditions. The following shall be observed:

- (i) Notices of public meetings written in the commonly used IP language and authorized by IP community leaders shall be delivered and posted in conspicuous places or announced in the area where the meeting shall be conducted at least two (2) weeks before the scheduled meeting;
- (ii) All public meetings and proceedings shall be conducted in a process and language spoken and understood by the IPs; and
- (iii) The minutes of meetings or proceedings conducted shall be written in English or Bahasa Indonesia and in the language of the IPs and shall be validated with those who attended the meeting or assembly before the finalization and distribution of the same.

5.2 Disclosure

IPs should be provided relevant project information in language(s) and manner suitable to them. Through the Project implementation period, separate focus group discussions will be held with IPs groups to assess the project impacts and benefits to these groups, e.g via the annual consultations conducted as part of M&E activities. Accordingly, the project plans, including IPPs for each site, can be prepared in consultation with IPs. Outcome of social assessment and programs/measures for IPs will also be presented in community workshops/meetings as part of the IPP preparation for each site.

The following are required to be disclosed (i) draft IPP/activity work plans for local community impact mitigation, as endorsed by MMAF – this is based on the current IPPF and RPF and will be disclosed through site-specific workshops to develop the final IPP; (ii) final IPP, to be distributed and made available in each of the WWF Indonesia Offices and the MMAF District offices; (iii) new or updated IPP if any; and (iv) monitoring reports. These documents will be generated and produced in a timely manner, at any locally accessible place in a form and language understandable to the affected IPs and other stakeholders. The Project information will be made available to affected IPs as leaflets or brochure in Bahasa Indonesia or the prevailing IP local language, whichever is applicable for greater IP community comprehension. During project implementation, the Project Manager/PMU will prepare monitoring reports on the application of the IPP and submit the same for appropriate reviews.

6. GRIEVANCE REDRESS MECHANISM

Pursuant to the WWF policy, the Project should set up and manage a grievance redress mechanism (GRM) that would address PAPs' grievances, complaints, and suggestions. The GRM should be managed by the regional PMU staff in each of the sites and regularly monitored by the PMU. It should comply with the following requirements.

Figure 2. Requirement of the Grievance Redress Mechanism



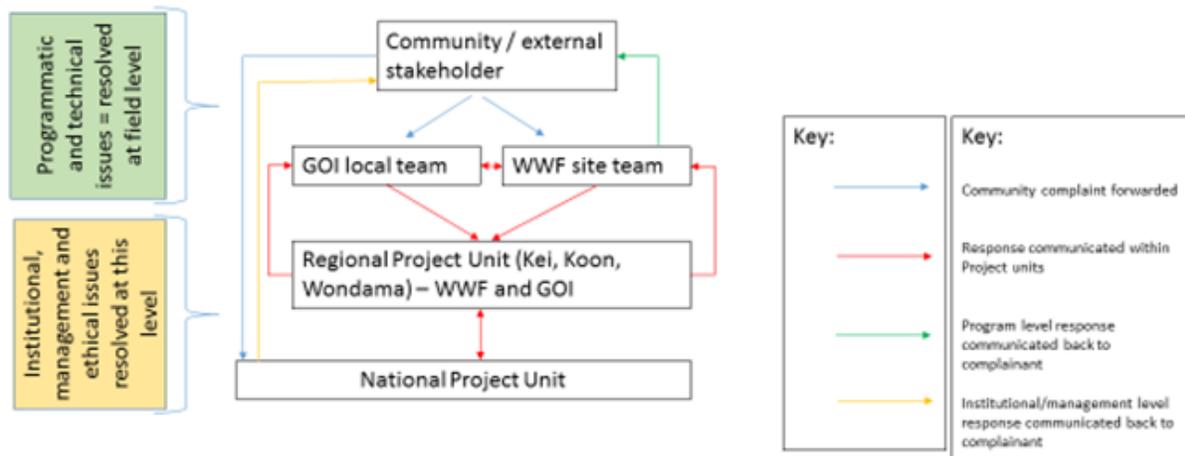
- a) **Uptake.** The GRM should have multiple uptake locations and channels. PAPs should be able to submit complaints or suggestions in person, via mail, email, phone, or complaint boxes located in strategic locations, etc. These channels should be locally appropriate, widely accessible and publicized in written and verbal forms on all project communication materials, and in public locations (e.g., local stores, community centers, local authorities' offices, etc.).
- b) **Sort & process.** All grievances should be registered. All complaints submitted to regional coordinator of the PMU should be registered and the complaint should be assigned a unique tracking number upon its submission. Each SPC should maintain a database with full information on all submitted complaints and responses taken. This data is important to assess trends and patterns of grievances across the Project regions and for monitoring & evaluation purposes.
- c) **Investigate & act.** Strict complaint resolution procedures should be developed and observed, and personnel should be assigned to handle the grievances. The central PMU and the SPCs in each of the regions should develop clear and strict grievance redress procedures, and assign responsibilities. Dedicated staff with social inclusion and social analysis capacity should be assigned in regional teams to investigate complaints and take appropriate actions. Such procedures should include a requirement to register all complaints, strict allocation of responsibilities, clear timelines for processing and handling complaints (e.g., responses to complaints must be provided within 15 days, or

25 days for particularly complex complaints), and regular communication with beneficiaries regarding the status of their complaints. To the extent possible, complaints should be handled at the lowest decision-making level, as close as possible to the complainant. Hence, complaints should be dealt directly by SPCs, and only brought to the attention of the central PMU if the RPCs are unable to find recourse. Complaints that are beyond the Project scope should be conveyed by RPCs to relevant local or regional authorities.

- d) **Provide feedback. Feedback should be provided in response to all registered grievances.*** SPCs can provide feedback by contacting the complainant directly (if his/her identity is known), by reporting on actions taken in community consultations and/or by publishing the results of the complaints on community bulletin boards and as part of project materials.
- e) **Enable appeals. Complainants should be notified of their right to appeal the decision taken by the regional Project team.*** If complainants are not satisfied with SPCs' response to their grievance, they should be able to appeal the SPCs' decision to the central PMU. All appeals should be registered and decisions should be taken within 15 days. PAPs will also have a right to bring their grievance to court if they are not satisfied with the Project's GRM.
- f) **Monitor & Evaluate. The performance of the GRM should be regularly monitored.*** As all information about the grievances and their resolution is expected to be recorded, the M&E of the grievance redress system in the three regions should not be challenging. This M&E data can be used to conduct in-depth analyses of complaint trends and patterns, identify potential weaknesses in the Project implementation, and consider improvements. It is also recommended that the safeguards specialist together with the M&E specialist follows up with a selection of male, female, indigenous and non-indigenous complainants to assess their satisfaction with the grievance redress process.

The effectiveness of the GRM depends to a large extent on PAPs' awareness and trust of the people involved in the Project, and the system of engagement generally, as well as specifically for grievance redress. The relationship between levels with the Project, and the centrality of the state-church/religion-adat (IP) cooperation in all three program sites, as demonstrated conceptually below. In order to encourage PAPs to actively use the GRM, it is necessary to ensure that they are fully aware of the grievance mechanism's availability and know how to use it. First, various channels could be employed to provide information about the GRM, explain how it works, and specify how it could be utilized. The Project's wider Communication Strategy should include specific sections with guidance on the socialization activities for the GRM.

Figure 3. Indicative grievance redress mechanism



7. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

7.1 Institutional Arrangements

The project will be managed through a Project Management Unit (PMU), which will be established for these purposes. The National Executing Agency is the MMAF, Directorate General of Capture Fisheries, Directorate of Fisheries Resources Management.

The central office of the PMU will be located at the MMAF office in Jakarta. Regional PMU staff will work at three regional offices in Kei Kecil (Langgur), East Seram (Grogon) and West Papua (Wondama). The PMU will be coordinated by the Project Manager. WWF-GEF Agency will provide necessary training and capacity building as well as overall oversight of safeguards implementation. The Project Manager is accountable to the Coral Triangle Program Director and the National Steering Committee. The Project will have a National Steering Committee (NSC), which will be chaired by the National Project Director and will be responsible for decisions regarding the overall project management, based on the PMU's recommendations. The NSC will also ensure that adequate resources are allocated for the effective implementation of the project.

Three Regional Steering Committees (RSC), will be established in the project regions: Kei, Goram and Wondama, in addition to the PSC, which will take decisions based on PMU recommendations. Site Project Coordinators (SPCs) will be responsible for the implementation of Project activities in the project in each of the MPAs. The general responsibility for the implementation of this Framework lies on the central office of the PMU. It will be responsible for the day-to-day organization and implementation of the measures recommended in this IPPF at the national level, as well as oversee the implementation of the different mitigation measures prescribed in this Framework and guide the SPCs to execute Project activities in light of the WWF's resettlement principles and provisions, as specified in this IPPF. The central office of the PMU will also serve as an appeal entity, dealing with any grievances not adequately addressed by regional teams.

The SPCs will be responsible for the day-to-day implementation of the measures recommended in this IPPF or the IPPs yet to be developed. They are responsible on the regional level, together

with other Project activities. They will ensure that the regional PMU team closely coordinates all Project activities with local and indigenous men and women from affected communities and holds bi-annual consultations to inform the community of ongoing Project activities, seek men and women’s views, and respond to questions or grievances. Each SPC will manage a grievance redress channel that will allow community members to lodge complaints or ask questions about any of the Project activities. The SPCs will regularly report on the implementation of the IPPF to the Project Manager of the PMU, in accordance with the indicators suggested in Section **Error! Reference source not found.**

An safeguards specialist/Consultant will report to the Project Manager will oversee the implementation of the Framework and report their findings to MMAF and WWF-USA on an bi annual basis. The purpose of this annual audit will be to verify that the mitigation measures specified in this IPPF are undertaken in a satisfactory manner.

The Table below summarizes the IPPF responsibilities of each of the Project stakeholders.

Table 3. Institutional framework

Entity	IPPF Responsibilities
WWF-GEF Agency	<ul style="list-style-type: none"> • Overall supervision and oversight of the IPPF implementation
PMU Project Manager with technical input from the Safeguards specialist /Consultant	<ul style="list-style-type: none"> • Day-to-day implementation of the measures outlined in the IPPF at the provincial level. • IPPF implementation at the central (national level) and oversight of the implementation in each of the regions • Ensuring that all project activities comply with the principles and provisions outlined in the IPPF • Consideration of appeals related to communities’ grievances and complaints that could not be satisfactorily resolved by the Site Programme Coordinators (SPCs) • Coordination of IP (including FPIC)-related activities among the SPCs
Site Project Coordinators (SPC) Maluku Tenggara, Seram and Wondama Bay	<ul style="list-style-type: none"> • Day-to-day implementation of the measures outlined in the IPPF at the site level • Holding bi-annual consultations and information sessions to inform local men and women of ongoing Project activities, seek their views, and invite questions and grievances • Management of the site grievance redress mechanism • Implementation of the IPPF in each of the regions according to the indicators specified in the IPPF

7.2 IPP Implementation

The Project is required to prepare an Indigenous Peoples Plan (IPP) for each of the three sites, to specify the plan of activities, including consultation, support (such as training, grants, logistical assistance and so forth) that has been agreed, as well as monitoring and evaluation information. The IPP shall be prepared prior to the implementation of activities at each site. During IPP

implementation, PMU and Safeguards Specialist/Consultant shall (i) make use of appropriate IP mechanisms and structures at the village/sub-village level (refer to the engagement model diagram), and; (ii) undertake specific activities, that will enable indigenous groups to meaningfully engage in sub-project activities.

The IPP may require updating should unanticipated impacts occur: (i) when newly identified indigenous peoples in the project area are found affected, (ii) when new types or scales of impacts from project activities are detected. PMU shall assess the significance of impacts and identify measures to mitigate these and ensure that benefits accrue to affected communities.

7.3 Unanticipated impacts

Indirect, and/or unanticipated impacts on IPs may become apparent during project implementation. Should this occur, the PMU/ Safeguards Specialist will consult the WWF-GEF Agency regarding those changes as they may trigger additional safeguards requirement and may need to provide additional social impact assessments including updated IPP or formulation of a new IPP covering all applicable requirements specified in this IPPF.

8. Monitoring and Reporting Arrangements

8.1 Purpose and indicators

The PMU will implement the project as per this IPPF. Compliance Monitoring will be conducted to include establishment and maintenance of an IP database, and monitoring arrangements to (a) track engagement of indigenous groups in the various project activities, and; (b) determine whether IPPs were carried out as planned, and in accordance with the IPPF. The PMU will conduct supervision and in-house monitoring of implementation of the IPP and the IPPF and RPF. Proposed indicators for the IPPF are provided below. A wider suite of potential indicators is provided in Annex 2.

Table 4. Safeguards M&E indicators

Indicator	Addresses	Means of Verification	Frequency
Percentage of FIP participants from PAP/IP villages by site	Potential impact	Survey and/or FGD; project implementation records	6 monthly
Percentage of IP/PAP household incomes increased from Project intervention (fisheries activities, tourism, seaweed farming, etc.)	Potential impact	Survey and/or FGD	annual
IP/PAP perception of livelihood empowerment activities targeting indigenous women	Potential impact	Survey and/or FGD	annual
Increased local awareness of cultural identity linked with natural resource	Potential impact	Survey and/or FGD; media records (event coverage)	annual

protection (e.g. leatherback turtles / others)			
Level of IP, PAP and wider stakeholder awareness of conservation objectives of MPA and how to engage, including grievance mechanism	Consultation, disclosure and grievance requirements	Survey and/or FGD; media coverage	annual
Number and nature of grievances raised and resolved, disaggregated to show IP concerns	Consultation, disclosure and grievance requirements	Survey and/or FGD; grievance log	6 monthly
Perception of IP / PAP that marine conservation is beneficial to them / in their interest	Consultation, disclosure and grievance requirements	Survey and/or FGD; media coverage; project records	annual

8.2 IP Community Participation in Monitoring

IP community participation in monitoring aims to strengthen the relationship between government (PMU and local governments) and the IP community, which in turn shall influence government to play a more proactive role in knowing more about the IP communities and respond to their needs. IP communities through their representatives may be engaged by project management to participate in the monitoring process at the village level and closely work with Project team on activities in the MPA areas.

9. BUDGET AND FINANCING

WWF has allocated funds for planning and implementation of activities to go under IP plans. Detailed budget shall be prepared and resources of funds for IP activities need to be agreed during annual consultation and monitoring, as input to the preparation of Annual Work Plans (AWPs) per site. The site-specific IPPs cover the duration of the Project, and are thus to be a key reference during the preparation of AWP. A budget for the preparation of the IPPs, including a multi-stakeholder workshop for each of the three sites, should be incorporated in the overall Project budget.

10. RECOMMENDATIONS – A Safeguards Work Plan

The Safeguards for the GEF-CFI project are an important means of ensuring the processes initiated through the Project activities are aligned with the WWF and GEF safeguard requirements, both as part of the design and preparation, and throughout the implementation of the Project. Of particular relevance to this project are the social safeguard policies related to indigenous peoples and to involuntary resettlement (economic displacement). The principle safeguard issues relate to consultation more generally and to Free, Prior and Informed Consent (FPIC) specifically. Baseline data gaps and gender focus have also been highlighted as an area for attention, both to ensure balanced gender participation in dialogues and decision-making, in

activities such as training and livelihoods support and other forms of impact mitigation and benefit-sharing related to the Project activities in the Project areas.

The following recommendations relate to the approach to safeguards supervision for the Project, and to particular activities at the project and site level, which reflect the commitments (plans) in the Project's Safeguard instruments for Components A, B and D, namely the RPF and the IPPF. These same recommendations are also provided in the RPF/PF document.

Responsibilities and Personnel for Safeguards

The Project's division of roles and responsibilities states that the MMAF as the executing agency through the PMU has overall responsibility for implementing the Project, and to ensure WWF Safeguard policies and procedures are followed when implementing the RPF or IPPF. WWF-GEF Agency provides oversight for safeguards. Safeguard reporting should be every 6 months and reports to include information on safeguards and gender. The PMU will hire a safeguards specialist on a consultancy basis to provide technical input and to coordinate implementation of the safeguards aspects at all three sites. This specialist will make regular visits to the MPAs to work directly with the MPA regional PMU staff. The Project Site Coordinators (PSCs) are responsible for safeguards implementation at site level. Reporting to GEF on safeguards is the responsibility of WWF-GEF Agency.

It is also recommended that the training and capacity building for PMU staff and consultants by the WWF-GEF Agency be conducted on an ongoing basis, along with the annual supervision mission by the WWF-GEF Agency safeguards coordinator.

Consultation and FPIC

A focus on FPIC is important for the Project, both due to WWF and GEF safeguard requirements in general, and because the project has many and diverse indigenous stakeholders identified at each of the 3 Project sites. Ensuring appropriate relationships and processes are maintained with the IP and IP organizations in the context of Project objectives and safeguard commitments across three diverse sites represents a challenge for the Project team. The FPIC requirement includes process and documentation of a higher order than has currently been provided by the teams.

Additional effort in planning Project communications is recommended. In particular, related to stakeholder consultation, advance planning with deliberate steps to provide project information in appropriate forms (format, frequency, composition etc.), and at documenting the process including IP stakeholder input, feedback and any project adaptations to IP (or other stakeholder input) should be ensured. Plans to participate in local radio programs, for example, should be formalized and purchasing of air time for particular messaging related to the Project should be considered as part of the consultation and communication strategy. Formalizing the plans with an agenda or program should include an outline in advance the project related topics to be covered, for example: MPAs in general; the Project objectives, activities and grievance mechanism; FIP target areas; traceability and sustainable seafood markets; and others tailored to local events, activities or incidents.

Baseline Data

The Project has general community profiles for the areas where Project activities will be implemented, and this information has been used as a basis for the baseline descriptions used in the RPF and IPPF. However for each site, there are gaps in the baseline data, particularly related to the economic status of potentially-affected peoples. There are also some gaps in gender information, as noted below. For the household economic conditions to be monitored, and impacts of FIP, seaweed farming and training activities to be measured, baseline data needs to be collected during the first three months of project implementation. In particular, community profile of the indigenous people who may be impacted by the no-take zone, who do not have traditional responsibility for the area in Kei site, should be profiled. For East Seram, the baseline of households living closest to the no-take zone, and other users of the same area, need to be documented in greater detail. It is possible that the data be gathered by the Project team in collaboration with community members, or it could be outsourced to previous or other research consultants as a short scope of work.

The site teams may consider preparing the key messaging, for example information about project impacts, mitigations and grievance procedure be prepared so that it can be communicated in conjunction with the collection of missing baseline information at the community level.

Gender

A focus on gender is recommended, as a good practice measure to ensure improved outcomes from any community level activity and from Project impact mitigation strategies in particular. Increased participation of women in livelihood activities is known to have a greater multiplier effect on household/family and community level welfare. The achievement of Project mitigation goals, for example related to economic displacement (seaweed farming, FIP, community-based eco- and cultural tourism) all rely on effective support and participation of local women. To engage this support, the Project is recommended to conduct further participatory baseline research, or use action research approaches to gather data and develop suitable activities with the indigenous communities in each site. This is to ensure there is a stronger baseline understanding of gender issues amongst the PAP groups and the Project teams, in order that simple but clear strategies and targets for gender participation be developed.

Annex 1: Guide to Preparing an IP Plan

This outline is part of the Safeguard Requirements for an Indigenous Peoples Plan (IPP). The IPP is required for all projects with impacts on indigenous peoples (IP). Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on IPs. This serves as guide but not necessarily in the order shown.

A. Executive Summary of the Indigenous Peoples Plan

This section will concisely describe the critical facts, significant findings, and recommended actions.

B. Description of the Project

This section will provide a general description of the project; discusses project components and activities that may bring impacts on IPs and identify project area.

C. Social Impact Assessment

This section will:

- (i) Review the legal and institutional framework applicable to IP in project context.
- (ii) Provide baseline information on the demographic, social, cultural, and political characteristics of the affected IP communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) Identify key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with IP at each stage of subproject preparation and implementation, taking the review and baseline information into account.
- (iv) Assess, based on meaningful consultation with the affected IP communities, the potential adverse and positive effects of the subproject. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected IP communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) Include a gender-sensitive assessment of the affected IP' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) Identify and recommends, based on meaningful consultation with the affected IP communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

This section will (i) describe the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation; (ii) summarize their comments on the results of the social impact assessment and

identify concerns raised during consultation and how these have been addressed in project design or adjustments in implementation; and (iii) in the case of project activities

requiring broad community support, documents the process and outcome of consultations with affected IP communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities; (iv) describes consultation and participation mechanisms to be used during implementation to ensure IP participation during implementation; and (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

These steps in the IPP are to help provide a process and record of effort to obtain and maintain FPIC prior to, and during, Project implementation.

E. Beneficial Measures

This section will specify the measures to ensure that the IP receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigation Measures

This section will specify the measures to avoid adverse impacts on IP; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

G. Capacity Building

This section will describe how the social, legal, and technical capabilities of (i) government institutions, and (ii) IP organizations in the project area will be strengthened to ensure effective implementation of the IPP.

H. Grievance Redress Mechanism

This section will describe the procedures to redress grievances by affected IP communities. It also explains how the procedures are accessible to IP and culturally appropriate and gender sensitive.

I. Monitoring and Evaluation

This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected IP in the preparation and validation of monitoring and evaluation reports.

J. Institutional Arrangement

This section will describe the institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.

K. Budget and Financing

This section provides an itemized budget for all activities described in the IPP.

Annex 2: Possible Additional Indicators for M&E

Examples of process and outcome indicators are shown in two tables below. These are not exhaustive, and should be selected as required with reference to the GEF and Prodoc as well.

Example of Process Indicators	
Demographic baseline	<input type="checkbox"/> The numbers of affected Indigenous Peoples (IP) by category of impact, gender, age, habitat (village etc), income, status and position <input type="checkbox"/> Number of households with handicapped, elderly or invalid members <input type="checkbox"/> Number of female headed households <input type="checkbox"/> Number of vulnerable households (poor, elderly) <input type="checkbox"/> Number of households by ethnic group <input type="checkbox"/> Number of births and deaths
Consultation and participation	<input type="checkbox"/> Number of consultation and participation activities that occur—meetings, information dissemination, brochures; flyers, training <input type="checkbox"/> Percentage of IP women as participants; number of meetings exclusively with IP women <input type="checkbox"/> Percentage of vulnerable IP groups represented / attending meetings; number of meetings exclusively with vulnerable IP groups. <input type="checkbox"/> Languages used at meetings <input type="checkbox"/> Good faith negotiations—recording of process, participants, locations, correspondence <input type="checkbox"/> Broad community support—record of processes, participants, locations and agreement obtained <input type="checkbox"/> Consultation and participation progress against plan and budget
Mitigation measures	<input type="checkbox"/> Progress of implementation of mitigation / beneficial measures against plan <input type="checkbox"/> Number of activities that occur/completed—such as construction, livelihood restoration, disbursements, training <input type="checkbox"/> Percentage progress against timelines and budget
Grievance redress	<input type="checkbox"/> Total number of people/groups using the grievance redress procedure. <input type="checkbox"/> Number of distinct people/groups. Any IP group with significantly more grievances? <input type="checkbox"/> How many times has a household submitted the same grievance? <input type="checkbox"/> Number of grievances resolved? <input type="checkbox"/> Length of time taken to be resolved? <input type="checkbox"/> Types of grievance categories and prevalence
Implementation problems	<input type="checkbox"/> Identified delays—(days, cost) due to personnel, capacity, insufficient funds, etc <input type="checkbox"/> Number of times implementation schedule revised

Example of Outcome Indicators	
Consultation and participation program	<input type="checkbox"/> Awareness of IP issues among implementing stakeholders in each sector <input type="checkbox"/> Awareness of IPP mitigation and beneficial measures amongst recipients <input type="checkbox"/> Awareness of project details amongst stakeholders <input type="checkbox"/> IP perception of effectiveness, cultural appropriateness and inclusiveness of consultation measures <input type="checkbox"/> Attendance at consultation and participation activities Level of involvement by IP and representatives in the design and implementation of consultation and participation
Enhanced dignity of IP	<input type="checkbox"/> Changes in religious/cultural practices <input type="checkbox"/> Changes in cultural governance

groups,
integrity of

Participation in cultural governance (by gender, status)

Number of people (age and sex) who can speak national language and/or local

Example of Outcome Indicators	
traditional kinship networks and livelihood patterns	dialect <ul style="list-style-type: none"> <input type="checkbox"/> Changes in condition of schools, community buildings, temples structures <input type="checkbox"/> Numbers of religious/cultural events and persons (monks shamans, priests etc.) <input type="checkbox"/> Participation in cultural/religious events (by gender, time/resources allocated)
Livelihoods and living standards	<ul style="list-style-type: none"> <input type="checkbox"/> Major asset inventory—e.g. vehicle, phone, tools, kitchen equipment <input type="checkbox"/> Changes in patterns of IP occupation, production, and resource use <input type="checkbox"/> Changes in income and expenditure patterns among IP households <input type="checkbox"/> Savings <input type="checkbox"/> Change in food used by IP—amount, nutrition source <input type="checkbox"/> Cost of living changes—market prices etc. <input type="checkbox"/> Changes in key social parameters—gender roles of production <input type="checkbox"/> Vulnerable groups—status, relative income, livelihood <input type="checkbox"/> Education—literacy and numeracy level in national/ethnic language <input type="checkbox"/> School attendance of IP children (by sex and age) <input type="checkbox"/> Key health indicators of IP (by gender, age)