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THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

GOVERNMENT REGULATION
NO. 27/1999 ; DATED : MAY 7, 1999

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ANALYSIS OF ENVIRONMENTAL IMPACTS

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

- Considering :**
- a. that in the framework of executing environment oriented development as a conscious and planned effort to manage resources wisely in the context of sustainable development in order to promote living welfare and quality, it is necessary to maintain the harmony in various businesses and/or activities;
 - b. that every business and/or activity *basically gives rise to environmental impacts* which must be analyzed from the early stage of the planning so that measures to control the adverse impacts and the development of the favorable impacts may be prepared as early as possible.
 - c. that an analysis of environmental impacts is needed in a process of making decisions on the execution of plans on businesses and/or

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activities with major and significant impacts on the environment;

- d. that with the promulgation of Law No. 23/1997 on environmental management, it is necessary to introduce adjustment to Government Regulation No. 51/1993 on an analysis of environmental impacts;
- e. that on the basis of the matters referred to above it is deemed necessary to stipulate a government regulation on the analysis of environmental impacts.

**Bearing
in mind**

- 1. Article 5 paragraph (2) of the Constitution of 1945;
- 2. Law No. 23/1997 on Environmental Management (State Gazette No. 68/1997, Supplement to State Gazette No. 3699);

HAS DECIDED :

To stipulate : THE GOVERNMENT REGULATION CONCERNING AN ANALYSIS OF ENVIRONMENTAL IMPACTS

CHAPTER I GENERAL PROVISIONS Article 1

Referred to in this government regulation as :

- 1. an analysis of environmental impacts (AMDAL) is a study on the major and significant impacts on businesses and/or activities planned in a particular environment which will be needed for the process of making decisions on the execution of the businesses and/or activities;
- 2. major and significant impacts are highly basic change in the environment which result from a particular business and/or activity;
- 3. a framework of reference is the scope of the analysis of environmental impacts which will be the result of scope-delineation;
- 4. a study of environmental impacts is a careful and in depth study of the major and significant impact of a business plan and/or a plan of a particular activity;
- 5. an environmental management plan (RKL) is an effort to handle the major and significant impacts on the environment brought about as the consequence of a business plan and/or a plan of a particular activity;
- 6. an environmental monitoring plan (RPL) is an effort to monitor the components of the environment exposed to the major and significant impacts as the consequence of a business plan and/or plan of a particular activity;
- 7. an initiating party is a person or a statutory body responsible for a business plan and/or a plan of a particular activity which will be executed;

8. an authorized government agency is a government agency authorized to issue a decision on a license to undertake businesses and/or activities;
9. a responsible government agency is a government agency authorized to make a decision on the worthiness of an environment in the sense that the authority at the central level will be in the hands of the head of a government agency assigned to control environmental impacts and at the regional level in the hands of governors;
10. a government agency in charge of businesses and/or activities is one the technically fosters the said businesses and/or activities;
11. a commission of assessment is a commission assigned to assess the documents of an analysis of environmental impacts in the sense that at the central level this will be conducted by a central assessment commission and at the regional level by regional assessment commissions;
12. the Minister is the minister assigned to manage the environment;
13. a government agency assigned to control environmental impacts is one responsible in the area of control over environmental impacts
14. the Governor is the governor/head of a first-level region or the governor/head of a special region or the governor/head of the Special Region of the capital City of Jakarta.

Article 2

- (1) An analysis of environmental impacts constitutes part of the feasibility study of business plans and/or plans on activities.
- (2) The result of an analysis of environmental impacts is used as the material for regional development planning.
- (3) The drawing up of an analysis of environmental impacts may be undertaken through the approach of a study of business and/or individual and integrated activities or activities in regions.

Article 3

- (1) Businesses and/or activities which are likely to give rise to major and significant impacts on the environment encompasses;
 - a. the conversion of the forms of land and natural extends;
 - b. the exploitation of natural resources, either renewable or non-renewable;
 - c. processes and activities which can potentially lead of environmental squandering, pollution and damage and degradation in natural resources in their utilization;
 - d. processes and activities whose results can affect the environment, artifical environment and social and cultural environment;

- e. processes and activities whose results can affect the conservation of areas for the conservation of natural resources and/or protection of cultural reserves;
 - f. the introduction of the species of vegetation, animals and micro organisms;
 - g. making and use of biological and non-biological materials;
 - h. the application of technology estimated to possess a big potential to affect the environment;
 - i. activities with high risks and/or those affecting state defense.
- (2) The types of businesses and/or activities as meant in paragraph (1) which are obligated to have an analysis of environmental impacts will be stipulated by the Minister after hearing and observing the suggestions and opinions of other ministers and/or heads of relevant non-ministerial government institutions.
 - (3) The types of businesses and/or activities as meant in paragraph (2) which may be reviewed at least within 5 (five) years.
 - (4) As for business plans and/or plans on activities outside the businesses and/or activities as meant in paragraph (2) they will be obligated to make an effort to manage the environment and an effort to monitor the environment fostering of which will be the responsibility of the government agency in charge of businesses and/or activities.
 - (5) Officials of a government agency authorized to issue licenses to conduct businesses and/or activities are obligated to mention the effort to manage the environment and the effort to monitor the environment in the licenses to undertake businesses and/or activities.
 - (6) Further provisions on the requirements for and obligations for the effort to manage the environment and the effort to monitor the environment as meant in paragraph (5) will be stipulated by a government agency in charge of the businesses and/or activities after input from the responsible government agency has been taken into account.

Article 4

- (1) Businesses and/or activities which will be established in an area for which an analysis of environmental impacts has been drawn up is no longer obligated to make an analysis of environmental impacts.
- (2) The businesses and/or activities as meant in a paragraph (1) will be obligated to undertake control over environmental impacts and protection of the function of environmental in accordance with the RKL and the RPL of the area.

Article 5

- (1) The criteria for the major and significant impacts of a particular business and/or activity on the environment constitute among other things:
 - a. the number of human beings which will be exposed to the impacts;
 - b. the extent of the area where the impacts will spread;
 - c. the intensity and the length of time of the occurrence of the impacts;

- d. the number of other environmental components hit by the impacts;
 - e. the cumulative nature of the impacts;
 - f. the reversibility or the irreversibility of the impacts.
- (2) A guideline for the determination of the major and significant impact as meant in paragraph (1) will be stipulated by the head of a government agency controlling the environmental impacts.

Article 6

- (1) An analysis of environmental impacts as meant in article 3 paragraph (2) need not be drawn up in the case of plans of business and/or activity to manage a situation of emergency.
- (2) Other ministers and/or heads of non-ministerial government institution in charge of the businesses and/or activities concerned will be determined after a situation of emergency has taken emerged.

Article 7

- (1) An analysis of environmental impacts constitutes a requirement which must be fulfilled to obtain a license to conduct a business and/or activity issued by an authorized official.
- (2) An application for a license to conduct a business and/or activity as meant in paragraph (1) will be filed by the initiating party to an authorized official pursuant to the prevailing laws and in this respect it is compulsory to attach a decision on the environmental worthiness of a business and/or activity as meant in Article 19 paragraph (2) given by the responsible government agency.
- (3) The authorized official as meant in paragraph (2) will mention the requirements and obligation as stipulated in the plan for environmental management and the plan for environmental monitoring as provisions in the license to conduct a business and/or activity he issue.
- (4) It is obligatory that the provisions by the initiating party in conducting his/its business and/or activity.

CHAPTER II COMMISSION OF ASSESSMENT OF AN ANALYSIS OF ENVIRONMENTAL IMPACTS

Article 8

- (1) A commission of assessment is set up :
- a. at the central level by the Minister;
 - b. at the regional level by the governor.
- (2) A commission of assesment as meant in paragraph (1);
- a. will, at the central level, be domiciled in the government agency assigned to control environmental impacts;
 - b. will, at the regional level, be domiciled in government agencies assigned to

control environmental impacts of second-level regions.

- (3) A commission of assessment will assess the framework of reference, the analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring.
- (4) In performing its tasks, the commission of assessment as meant in paragraph (1) will be assisted by a technical team assigned to provide technical consideration on the framework of reference, an analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring.
- (5) In performing its tasks, the central commission of assessment as meant in paragraph (1) letter a will be assisted by a technical team from each sector.
- (6) The commission of assessment as meant in paragraph (1) will submit the result of its assessment to the responsible government agency in order to be made a basis for a decision on the framework of reference, an analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring.
- (7) The provision on the working system of the said commission of assessment, either at the central or regional level, will be stipulated by the Minister, after hearing and observing the suggestions/opinions of the Minister of Home Affairs and other ministers and/or heads of relevant non-ministerial government institutions.
- (8) The provision on the working system of the technical team as meant in paragraph (5) will be further stipulated by the Central Commission of Assessment.

Article 9

- (1) The central commission of assessment as meant in Article 8 paragraph (1) letter a will be made up of representatives of a government agency assigned to manage the environment, a government agency assigned to control environmental impacts, the Ministry of Home Affairs, a government agency assigned in the health sector, a government agency assigned in the defense and security sector, a government agency assigned in the national development planning sector, a government agency assigned in the investment sector, a government agency assigned in the land affairs sector, a government agency assigned in the science sector, ministries and/or non-ministerial government institutions in charge of the business and/or activity concerned, relevant ministries and/or non-ministerial government institutions, representatives of the provinces/first-level regions concerned, representatives of regencies/municipalities/second-level regions, experts in the environmental sector, experts in the relevant sectors, environmental organizations in accordance with the business areas and/or activities under assessment, representatives of the community hit by the impacts and other members deemed necessary.
- (2) Further provisions on the composition of the central commission of assessment as meant in paragraph (1) will be stipulated by the Minister.

Article 10

- (1) A regional commission of assessment as meant in Article 8 paragraph (1) letter b will be made up of representatives of the Agency for Development Planning of a First-Level

Region, a government agency assigned to control environmental impacts, a government agency assigned to control environmental impacts in a first-level region, a government agency assigned in the land affairs sector in the region, a government agency assigned in the defense and security sector in the region, a government agency assigned in the health sector in a first-level region, representatives of central government agencies and/or regional government agencies in charge of the business and/or activity concerned, representatives of relevant government agencies in the province/first-level region, representatives of the regency/municipality/second-level region concerned, centers of environmental studies in regional universities concerned, experts in the environmental sector, experts in the relevant sectors, environmental organizations, in the region, environmental organizations in accordance with the business and/or activity under assessment, members of the community hit by the impact and other members deemed necessary.

- (2) Further provisions on the composition of members of the regional commission of assessment as meant in paragraph (1) will be stipulated by the governor.

Article 11

- (1) The central commission of assessment will assess the result of the analysis of environmental impacts with respect to the types of businesses and/or activities which fulfill the following criteria:
- a. strategic businesses and/or activities those concerning the state defense and security;
 - b. businesses and/or activities whose location will encompass more than one territory of a province/first-level region;
 - c. businesses and/or activities location in a territory being disputed with another country;
 - d. businesses and/or activities located in a sea territory;
 - e. businesses and/or activities located in the border are between the Unitary State of the Republic of Indonesia and another country.
- (2) A regional commission of assessment will assess the analysis of environmental impacts with respect to the types of businesses and/or activities beyond the criteria as meant in paragraph (1).

Article 12

- (1) The technical team as meant in article 8 paragraph (4) comprises experts from technically relevant government agencies in charge of the businesses and/or activities concerned and government agencies to control environmental impacts and other experts with relevant scientific areas.
- (2) Further provisions on the composition of the members of the technical team as meant in paragraph (1), will be stipulated by the Minister, in the case of the central commission of assessment, and by the governor, in the case of commission of assessment in a first-level region.

Article 13

In performing its tasks, the commission of assessment as meant in Article 8 paragraph (1) will be obligated to observe the national policy on environmental management, the plan for regional development, the plan for regional spatial layout design and the interest of defense and security.

CHAPTER III MANAGEMENT Fisrt Part Framework of Reference Article 14

- (1) The framework of refernce as the basis for the making of an analysis of environmental impacts will be drawn up by the initiating party.
- (2) *The framework of reference as meant in paragraph (1) will be drawn up on the basis of a guideline stipulated by the head of a government agency assigned to control environmental impacts.*

Article 15

- (1) The framework of reference as meant in Article 14 paragraph (1) will be submitted by the initiating party to the responsible government agency under the provision that :
 - a. at the central level; to the head of a government agency assigned to control environmental impacts through the central commission of assessment;
 - b. at the regional level; to the governor through a commisison of assessment in a first-level region.
- (2) The commission of assessment as meant in paragraph (1) will be obligated to give an evidence of receipt to the initiating party by writing down the day and the date of receipt of the framework of reference for the drawing up of the analysis of environmental impacts.

Article 16

- (1) The framework of reference as meant in Article 15 will be assessed by a commission of assessment along with the initiating party in order to come to an agreement on scope of assessment of the analysis of environmental impacts to be implemented.
- (2) *It is obligatory that a decision on the assessment of the framework of refernce as meant in paragraph (1) should be given by the responsible government agency within a maximum period of 75 (seventy-five) days as from the date of receipt of the framework of reference as meant in Article 15 paragraph (2).*
- (3) If the responsible government agency does not issue a decision within the period as meant in paragraph (2), the responsible government agency will be considered as having received the said framework of reference.

- (4) The responsible government agency will be obligated to reject the framework of reference as meant in paragraph (2) if the plan for the location of the execution of the business and/or activity lies within an area not conforming to the plan for a regional spatial layout design and/or the plan for territorial spatial layout design.

Second Part
Analysis of environmental impacts,
the plan for environmental management and
the plan for environmental monitoring
Article 17

- (1) An initiating party will draw up an analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring on the basis of the framework of reference which has obtained a decision from the responsible government agency.
- (2) The drawing up of an analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring will have as their guideline the guideline for the drawing up of an analysis of environmental impacts, the for environmental management and the plan for environmental monitoring stipulated by the head of the government agency assigned to control environmental impacts.

Article 18

- (1) An analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring will be submitted by the initiating party to :
- a. at the central level; the head of the government agency assigned to control environmental impacts through the central commission of assessment;
 - b. at the regional level; the governor through the commission of assessment in a first-level region.
- (2) The commission of assessment as meant in paragraph (1) will be obligated to provide an evidence of receipt to the initiating party by writing down the day and the date of receipt of the analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring as meant in paragraph (1).

Article 19

- (1) An analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring will be assessed;
- a. at the central level; by the central commission of assessment;
 - b. at the regional level; by a regional commission of assessment;
- (2) The responsible government agency will issue a decision on environmental worthiness of a business and/or activity on the basis of the result of the assessment of an analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring as meant in paragraph (1).
- (3) In a decision environmental worthiness as meant in paragraph (2) it is compulsory that

the consideration as the basis for the issuance of the decision and the consideration regarding the suggestions, opinions and responses filed by community members as meant in Article 34 paragraph (1) should be set forth.

Article 20

- (1) The responsible government agency will issue a decision on environmental worthiness of a business and/or activity as meant in Article 19 paragraph (2) within a maximum period of 75 (seventy-five) working days as from the date of the receipt of the documents of the analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring as meant in Article 18 paragraph (2).
- (2) If the responsible government agency does not issue a decision within the period as meant in paragraph (1), the plan for the business and/or activity concerned will be deemed as environmental worthy.

Article 21

- (1) The responsible government agency will return as analysis of environmental impact, a plan for environmental management and a plan for environmental monitoring to the initiating party for improvement if the quality of the analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring do not conform to the guideline for drawing up of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring.
- (2) The improvement of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring will be submitted again to the responsible government agency pursuant to the provisions in Articles 17, 18, 19, and 20.
- (3) An assessment of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring and the granting of a decision on environmental worthiness of a business and/or activity will be undertaken pursuant to the provision in Articles 19 and 20.

Article 22

- (1) If the result of the assessment of the commission of assessment concludes that :
 - a. the adverse major and significant impacts which will be brought about by the business and/or activity concerned cannot be overcome by the technology available, or
 - b. the cost of overcoming the adverse major and significant impact is bigger than the benefit of the favorable major and significant impacts which will be brought about the business and/or activity concerned.
the responsible government agency will decide that the plan for the business and/or activity concerned is not environment-worthy.
- (2) The authorized government agency will reject an application for a license to conduct a business and/or activity concerned if the responsible government agency gives a decision as meant in paragraph (1).

Article 23

- (1) A copy of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring and a copy of the decision on the environmental worthiness of a business and/or an activity will be submitted by :
 - a. at the central level; a government agency assigned to control environmental impacts to the government agency authorized to issue a license to conduct the business and/or activity concerned, interested relevant government agencies, governors and regents/municipality heads/heads of second-level regions concerned.
 - b. at a regional level; a governor to the minister, the head of a government agency assigned to control environmental impacts, a government agency authorized to issue a license to conduct the business and/or activity concerned and relevant government agencies.

Third Part

Expiration and cancellation of a decision on the result of an analysis of environmental impacts, a plan for environmental management, a plan for environmental monitoring

Article 24

- (1) A decision on environmental worthiness of a business and/or activity will be declared as having expired by the force of this government regulation if the plan for a business and/or activity cannot be implemented within a period of 3 (three) years as from the issuance of the said decision on worthiness.
- (2) If a decision on environmental worthiness is declared to have expired as meant in paragraph (1), the initiating party will, in order to implement the plan for the business and/or activity, be obligated to file again an application for approval of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring to the responsible government agency.
- (3) With respect to the application as meant in paragraph (2), the responsible government agency will decide;
 - a. that the analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring already approved may be fully used again; or
 - b. the initiating party will be obligated to make a new analysis of environmental impacts pursuant to the provision in this government regulation.

Article 25

- (1) A decision on environmental worthiness of a business and/or activity will be canceled by the force of this government regulation if the initiating party moves the location of the business and/or activity.
- (2) If the initiating party would like to carry out a business and/or activity at the location as

meant in paragraph (1), the initiating party will be obligated to make an analysis of environmental impact in accordance with the government regulation.

Article 26

- (1) A decision on the environmental worthiness of a business and/or activity will be canceled by the force of this government regulation if the initiating party changes the design and/or the process and/or capacity and/or raw materials and/or auxiliary materials.
- (2) *If the initiating part would like to carry out a business and/or activity as meant in paragraph (1), the initiating party will be obligated to make a new analysis of environmental impacts pursuant to the provision of this government regulation.*

Article 27

- (1) A decision on the environmental worthiness of a business and/or activity will be canceled by the force of this government regulation if there is a basic environmental change as a result of a natural event or because of other causes prior to and at time of the implementation of the business and/or activity concerned.
- (2) If the initiating party would like to carry out the business and/or activity as meant in paragraph (1), the initiating party will be obligated to draw up a new analysis of environmental impacts pursuant to the provisions of this government regulation.

CHAPTER IV F O S T E R I N G

Article 28

- (1) A government agency assigned to control environmental impacts will undertake technical fostering of the central and regional commissions of assessment.
- (2) The government agency in charge of the business and/or activity will undertake technical fostering of the implementation of environmental management and monitoring which constitute part of the license.

Article 29

- (1) *Education, training and development in the sector of analysis of environmental impacts will be conducted with coordination with the government agency assigned to control environmental impacts.*
- (2) Education and training institutions in the sector of analysis of environmental impacts will be run with coordination with the government agency assigned to control environmental impacts with account being taken of the accreditation system pursuant to the prevailing provision.

Article 30

The qualification of the parties drawing up an analysis of environmental impacts by means of the granting of a license/certification and its regulation will be stipulated by the head of the government agency assigned to control environmental impacts.

Article 31

The drawing up of an analysis of environmental impacts in the case of a businesses and/or activities undertaken by the economically weak will be assisted by the government and further stipulated by the Minister after observing the suggestions and opinions of the government agency in charge of the business and/or activity concerned.

CHAPTER V SUPERVISION

Article 32

- (1) The party initiating the business and/or activity will be obligated to submit a report on the implementation of a plan for environmental management and a plan for environmental monitoring to the government agency in charge of the business and/or activity concerned the government agency assigned to control environmental impacts and the governor.
- (2) The government agency assigned to control environmental impacts will undertake :
 - a. supervision and evaluation of the application of the laws in the sector of analysis of environmental impacts;
 - b. testing of the reports submitted by the initiating party of the business and/or activity as meant paragraph (1);
 - c. the report on supervision and evaluation of the result will be submitted to the Minister periodically at least twice a year with copies to the authorized government agency issuing the license and the governor.

CHAPTER VI TRANSPARENCY OF INFORMATION AND ROLE OF THE COMMUNITY

Article 33

- (1) It is obligatory that every business and/or activity as meant in Article 3 paragraph (2) should be announced first to the community before an initiating party draws up an analysis of environmental impacts.
- (2) The announcement as meant in paragraph (1) will be undertaken by the responsible government agency and the initiating party.
- (3) Within a period of 3 (thirty) working days as from the announcement of the plan for the business and/or activity as meant in paragraph (1), the community members concerned will be entitled to put forward suggestions, opinions and responses regarding the implementation of the plan for the business and/or activity.
- (4) The suggestions, opinions and responses as meant in paragraph (3) will be submitted in writing to the responsible government agency.
- (5) It is obligatory that the suggestions, opinions and responses as meant in paragraph (1), and the procedure for the conveyance of the suggestions, opinions and responses as meant in paragraph (3) will be stipulated by the head of the government agency

assigned to control environmental impacts.

Article 34

- (1) It is obligatory that the community members concerned should be involved in the process of the drawing up of a framework of reference, the evaluation of the framework of reference, an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring.
- (2) The form and procedure of the involvement of community members as meant in paragraph (1) will be stipulated by the head of a government agency assigned to control environmental impacts.

Article 35

- (1) All documents of analyses of environmental impacts, suggestions, opinions and responses from the community members concerned, conclusions from the commissions of assessment and decisions on environmental worthiness of business and/or activities will be transparent to the public.
- (2) The responsible government agencies will be obligated to hand over the documents as meant in paragraph (1) to a documentation and/or archive institution.

CHAPTER VII

FINANCING

Article 36

The cost arising from the implementation of the activities of a commission of assessment and the technical team regarding analysis of environmental impacts will be charged to :

- a. at the central level; the budget of a government agency assigned to control environmental impacts;
- b. at the regional level; the budget assigned to control environmental impacts in a first-level region.

Article 37

The cost arising from the drawing up and assessment of a framework of reference, an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring will be charged to the initiating party,

Article 38

- (1) The cost arising from technical fostering and supervision as meant in Article 28 paragraph (1) and Article 22 paragraph (2) will be charged to the budget of the government agency assigned to control environmental impacts.
- (2) The cost arising from the announcement made by the responsible government agency as meant in Article 33 paragraph (2) will be charged to the budget of the responsible government agency.

- (3) The cost arising from the implementation of a plan for environmental management and a plan for environmental monitoring as meant in Article 28 paragraph (2) will be charged to the budget of the government agency in charge of the business and/or activity concerned.

**CHAPTER VIII
TRANSITIONAL PROVISIONS
Article 39**

An assessment of an analysis of environmental impact of a business and/or activity which at the time this government regulation comes into force:

- a. is in the process of assessment by a commission of assessment of an analysis of environmental impacts concerned; or
- b. is already submitted to a government agency in charge of the business and/or activity concerned;
will continue to be assessed by the commission of assessment of the government agency concerned, and must be completed at the latest 6 (six) months after this government regulation takes effect.

**CHAPTER IX
CLOSING PROVISIONS
Article 40**

When this government regulation comes into force, all laws on analysis of environmental impacts already existing will continue to be effective as long as they do not contradict this government regulation and have not been replaced by it.

Article 41

With the enforcement of this government regulation, Government Regulation No. 51/1993 on analysis of environmental impacts (State Gazette No. 84/1993, Supplement to State Gazette No. 3538) will be declared null and void.

Article 42

This government regulation will be effective 18 (eighteen) months after the date of promulgation.

For public cognizance, this government regulation will be promulgated by publishing it in the State Gazette of the Republic of Indonesia.

Promulgated in Jakarta
On May 7, 1999

Stipulated in Jakarta
On May 7, 1999

STATE MINISTER/STATE SECRETARY

PRESIDENT OF THE REPUBLIC OF
INDONESIA

sgd
AKBAR TANJUNG

sgd
BACHARUDDIN JUSUF HABIBIE

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 59/1999

Elucidation
To be continue

***** OFFICIAL ANNOUNCEMENT *****

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GENERAL

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THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

GOVERNMENT REGULATION**NO. 27/1999 ; DATED : MAY 7, 1999**

R E

ANALYSIS OF ENVIRONMENTAL IMPACTS

(Continuation From Warta CAFI No. 37)

ELUCIDATION**General**

The Development carried out by the Indonesian people is aimed at promoting people's welfare and living quality. The process of implementing development faces, on the one hand, problems related to a huge population number with a high rate of population growth, and on the other limited availability of natural resources. Development activities carried out to fulfill the people's needs will increase the demand for natural resources so that there will be a pressure on natural resources. Therefore, an efficient use of natural resources to promote the welfare and living quality of the present and future generation must be coupled with efforts to conserve the function of the environment. In this manner the development aimed at promoting the welfare and living quality of the present and future generations will be sustainable environment-oriented development.

The conservation of the function of the environment, which constitutes the purpose of environmental management becomes the pillar supporting the continuity of sustainable development. Therefore from the beginning the planning of a business and/or activity must already take into account the changes of the environment as a result of the establishment of a new environmental condition, be it advantageous or otherwise, which will arise as a result of the execution of a business and/or activity of development. Article 15 of Law No. 23/1997 on environmental management stipulated that every plan for a business and/or activity which may give rise to a major and significant impact on the environment must, by way of obligation, have an analysis of environmental impact.

With the inclusion of an analysis of environmental impact in the process of planning a business and/or activity, decision making will have a broader and more profound view of various aspects of the said business and/or activity so that an optimum decision may be made from various alternatives available. An analysis of environmental impacts is an instrument for a decision maker to consider the consequence that may be brought about by a plan and/or activity towards the environment in order that steps may be prepared to overcome the adverse impacts and develop the favorable ones.

The conservation of the function of the environment, which becomes the pillar supporting the continuity of development, constitutes the interest of the entire community.

The execution of a business and/or activity will change the face of the environment and this change will, in its turn, exert impacts on the community. Therefore, the involvement of community members who will be exposed to the impacts gains importance in the process of analysis of environmental impacts. Law No. 23/1997 on Environmental Management stipulates the right of everybody to play a role in environmental management. The role of the community constitutes the role in a decision-making process. This means that it is obligatory that community members should be involved in the process of making a decision on an analysis of environmental impacts. This involvement of community members will be helpful in identifying the problems related to environmental impacts early and completely and accommodating the aspirations and wisdom of the knowledge of local people and the community, which often becomes the key to solve the problems related to environmental impacts.

Every plan for a business and/or activity which is likely to give rise to major and significant impacts on the environment must, by way of obligation, have an analysis of environmental impacts. As part of a study of feasibility on the execution of a business plan and/or activity, an analysis of environmental impacts constitutes a requirement which must be fulfilled to obtain a license for the execution of a business and/or activity. This is the consequence of the obligation of everybody to take care of the conservation of the function of the environment and prevent as well as overcome environmental contamination and damage. The consequence is that the requirements and the obligations as stipulated in the plan for environmental management and the plan for environmental management must be set forth as a stipulation in a license to carry out the business and/or activity concerned.

ARTICLE BY ARTICLE

Article 1

Figure 1

Self-explanatory.

Figure 2

A major and significant impact constitutes a unity of meaning of a significant impact.

Figure 3

Self-explanatory.

Figure 4

Self-explanatory.

Figure 5

Self-explanatory.

Figure 6

Self-explanatory.

Figure 7

Self-explanatory.

Figure 8

Self-explanatory.

Figure 9

Self-explanatory.

Figure 10
Self-explanatory.

Figure 11
Self-explanatory.

Figure 12
Self-explanatory.

Figure 13
Self-explanatory.

Figure 14
Self-explanatory.

Article 2

Paragraph (1)

A feasibility study generally encompasses an analysis of the technical aspect and the economic and financial aspect. By virtue of this paragraph, a feasibility study of a business and/or activity which gives rise to major and significant impact towards the environment constitute the components of technical analysis, economic and financial analysis and an analysis of environmental impacts. Therefore, an analysis of environmental impacts must already be drawn up and obtain a decision from the responsible government agency before the construction activities of the business and/or activity concerned is executed.

The result of an analysis of environmental impacts may be used as an input for the drawing up of a policy on environmental management in addition to being used an input to the planning for regional development.

A analysis of environment impacts, particularly a document of a plan for environmental management and a plan for environmental monitoring also constitutes a basis in an environmental management system of a business and/or activity.

Paragraph (2)

As an analysis of environmental impacts constitutes part of a study of feasibility of a business and/or activity located in a particular ecosystem, the result of the said analysis of environmental impacts is very important to be made an input in a plan for regional development.

Paragraph (3)

A single business and/or activity is only one type of business and/or activity of which the fostering authority rests with a government agency in charge of businesses and/or activities.

An analysis of environmental impact of an integrated/multi-sectoral business and/or activity is the result of a study of the major and significant impacts of a planned integrated business and/or activity on the environment involving more than one government agencies in charge of the said activity.

The criteria for an integrated business and/or activity encompass the following :

- a. the said various businesses and/or activities are linked in terms of planning,

management and production process;

- b. the said business and/or activity is within a unified extent of ecosystem.

An analysis of environmental impacts of a regional business and/or activity is the result of major and significant impacts exerted by a business and/or activity towards a unified extent of ecosystem of the zone of territorial/regional development in accordance with the territorial spatial layout design plan and/or a regional spatial layout design plan.

The criteria for a business and/or activity in a zone of territorial/regional development encompasses;

- a. various businesses and/or activities which are interlinked in terms of their planning;
- b. the said various businesses and/or activities are located in/constitutes a unified zone of territorial/regional development plan in accordance with a territorial spatial layout design plan and/or a regional spatial layout design plan,
- c. the said businesses and/or activities are located in a unified extent of ecosystem.

Article 3

Paragraph (1)

Businesses and/or activities referred to in this paragraph constitute categories of businesses and/or activities which, on the basis of experience and the level of development of science and technology, is potential to give rise to major and significant impacts on the environment. Therefore, the mention of the said categories of businesses and/or activities is not limiting in nature and may change in accordance with the progress of science and technology. The said mention is alternative such as for example the following businesses and/or activities:

- a. construction of roads, dams and railway roads and forest clearing;
- b. mining and forest exploitation activities;
- c. land utilization not followed by conservation undertakings and use of energy not followed by a technology which may make this use efficient;
- d. activities which may give rise to changes or shifts in the structure of a value system, viewpoints and/or way of living of the local people;
- e. activities whose process and outcome give rise to contamination, damage to nature conservation areas or contamination of cultural reserve objects;
- f. the introduction of new species of plants or micro organisms which may cause new types of diseases to plants and the introduction of new species of animals which can affect the life of existing animals;
- g. the use of biological and non-biological materials also encompasses the sense of change;
- h. the application of a technology which may bring about adverse impacts on health.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Science and technology keeps on developing. Therefore, types of businesses and/or activities which are required to have an analysis of environmental impacts, which is based on science and technology, is subject to a review.

Paragraph (4)
Self-explanatory

Paragraph (5)
Self-explanatory

Paragraph (6)
Self-explanatory

Article 4

Paragraph (1)
Self-explanatory

Paragraph (2)
Self-explanatory

Article 5

Paragraph (1)
The criteria determining the presence of major and significant impacts in this paragraph are stipulated on the basis of the existing level of science and technology. Therefore, these criteria may change in accordance with the development of science and technology so that they will not be limiting in nature.

Paragraph (2)
Self-explanatory.

Article 6

Paragraph (1)
Referred to as an emergency is a condition which is in such a way that it will require the implementation of an immediate action which entail a risk towards the environment for the sake of public interest, for example state defense or the management of a natural disaster. This condition of emergency is not the same as the condition of emergency meant in the law on emergency.

Paragraphh (2)
A condition of emergency not needing an analysis of environmental impact, for example the construction of a dam to contain lava, will be stipulated by the minister in charge of the said business and/or activity.

Article 7

Paragraph (1)
To undertake a business and/or activity there is a license which is dominant in nature. Without this license someone will not be able to conduct the said business and/or activity, for example an industrial business license in the industrial area, mining concessions in the

mining area, regional mining licenses in mining areas for C category minerals, forest concession license in the forestry sector, licenses of agricultural land title for business purposes in the agricultural sector. As for a decision on environmental feasibility, this is compulsory requirement for the issuance of a license to conduct a business and/or activity.

Paragraph (2)

An analysis of environmental impacts constitutes part of a process of licensing to conduct a business and/or activity which gives rise to major and significant impacts towards the environment. A license is a judicially preventive instrument. Therefore, a decision on environmental feasibility based on the result of an assessment of an analysis of environmental impacts, an environmental management plan and an environmental monitoring plan as already issued by the responsible government agency must be attached to the application for a license to conduct a business and/or activity which gives rise to major and significant impacts on the environment.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 8

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Article 9

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 10

Paragraph (1)

Representatives of government agencies assigned to control the impacts of the environment in regional commissions of assessment may also mean the representatives of government agencies to control regional environmental impacts in order that there may be integratedness in environmental management policies, particularly with regard to the control over environmental impacts and the program of control over environmental impacts in the regions. The appointment of experts from centers of environmental studies at universities as members of regional commissions of assessment is intended to consolidate the quality of the result of studies of analysis of environmental impacts in the assessment of analysis of environmental impacts. The presence of appointed representatives from the Regional Development Planning Boards and government agencies assigned in the land affairs areas in the regions is aimed at guaranteeing the integratedness of environmental management on a cross-sectoral basis in the regions. As for the appointed representatives, they are from the regional health sectors because in the end the impacts of all activities end up in the health aspect,

The presence of representatives of environmental organizations in a commission of assessment constitutes the actualization of the right of community member to play a role in a decision-making process.

In accordance with the field of business and/or activity studied, environmental organizations are the community's non-governmental organizations.

The presence of the representatives of the community exposed to the impacts of a business and/or activity is expected to be able to provide an input about the aspirations of the community hit by the impacts as a result of the said business and/or activity.

The presence of the representatives of government agencies in charge of the business and/or activity concerned will enable the provision of a technically relevant evaluation of a business and/or activity being assessed.

Paragraph (2)

Self-explanatory.

Article 11

Paragraph (1)

Letter a

Businesses and/or activities which are strategic in nature and/or activities which are concerned with the state's defense and security are for example; nuclear power plants, hydro-power plants, steam/geothermal power plants, oil and gas exploitation, oil refineries, uranium mining, petrochemical industry, aircraft manufacturing industry, ship-building industry, arms industry, explosive-making industry, steel industry, industry making heavy-duty equipment, telecommunications industry, dam construction, airports, seaports and plans for other businesses and/or activities which, according to the government agencies in charge of the said businesses and/or activities, are deemed strategic.

In the event that the businesses and/or activities which are strategic in nature constitute part of integrated/multi-sectoral businesses and/or activities, an assessment of an analysis of environmental impacts becomes the authority of the central commission of assessment of an analysis of environmental impacts.

Letter b
Self-explanatory.

Letter c
Businesses and/or activities located in an area of dispute with another country are for example plans for businesses and/or activities located on Sipadan Island, Ligitan dan The Timor Gap.

Letter d
Self-explanatory.

Letter e
Self-explanatory.

Article 12

Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Article 13

Self-explanatory.

Article 14

Paragraph (1)
The framework of reference for the drawing up of an analysis of environmental impacts constitutes a guideline which is needed in the drawing up of an analysis of environmental impact. On the basis of the result of scope delineation, namely the process of concentrating the study on important matters which are linked with the major and significant impacts, the framework of reference will particularly contain the components of aspects of businesses and/or activities which give rise to major and significant impacts on the environment as well as the parameter components which will be exposed to the major and significant impacts.

Paragraph (2)
Self-explanatory.

Article 15

Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Article 16

Paragraph (1)
Self-explanatory.

Paragraph (2)
The determination of a period of 75 (seventy-five) working days is aimed at giving certainty to the initiating party. This period of 75 (seventy-five) working days will encompass the

process of the conveyance of the document of the framework of reference of authorized government agencies through a commission of assessment, technical assessment, consultation with interested community members, assessment by a commission of assessment and the stipulation of a decision.

Paragraph (3)

Self-explanatory.

Paragraph (4)

To reject making a decision on a framework of reference is intended to protect public interest.

A framework of reference is the basis for the drawing up of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring. A good and scientifically accountable framework of reference will also produce a good analysis of environmental impacts, a good plan for environmental management and a good plan for environmental monitoring and the other way around. As for the obligation to draw up an analysis of environmental impacts for businesses and/or activities which give rise to major and significant impacts. This is intended to protect the functions of the environment. The protection of the functions of the environment constitutes a public interest.

Referred to as a stipulated plan of regional spatial layout design is a plan of National Regional Spatial Layout Design which is stipulated by virtue of a governmental regulation, a Provincial/First-Level Region Plan of Regional Spatial Layout Design stipulated by virtue of the regulation of a first-level region and a Regency/Municipality /Second-level Region Plan of Spatial Layout Design stipulated by virtue of a regulation of a second-level-region.

Referred to as a stipulated plan of territorial spatial layout design is both a plan of spatial layout design for a particular territory which has been stipulated by virtue of a presidential decree and a plan of rural area spatial layout design and a plan of urban area spatial layout design as part of a Refency/Municipality/Second-Level Region Plan of Spatial Layout Design already stipulated by virtue of a regulation of a second-level region. Included in the sense of a plan of territorial spatial layout design is a detailed plan of spatial layout design in a regency/municipality/second-level region which encompasses a detailed plan of territorial spatial layout design in the territory of a regency/municipality/second-level region.

Article 17

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 18

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 19**Paragraph (1)**

Self-explanatory.

Paragraph (2)

From an analysis of environmental impacts we may find out the major and significant impacts which will be brought about by a business and/or activity on the environment. When these major and significant impacts are known we may then determine :

- a. the method of controlling adverse major and significant impacts and developing the favorable major and significant impacts, which are set forth in the plan for environment management; and
- b. the method of monitoring the said major and significant impacts, which are set forth in the plan for environmental monitoring.

What is set forth in the plan for environmental management and the plan for environmental monitoring constitutes the requirements and obligations which must be fulfilled by initiating parties if they want to execute their businesses and/or activities.

Therefore, the result of an assessment of analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring by a commission of assessment of an analysis of environmental impacts will be a basis for the responsible government agency to issue a decision to an authorized government agency.

Paragraph (3)

Self-explanatory.

Article 20**Paragraph (1)**

The stipulation of the period of 75 (seventy-five) working days is aimed at providing certainty to the initiating party. This period of 75 (seventy-five) working days encompasses the process of conveyance of the documents of an analysis of environmental impacts, the plan for environmental management and the plan for environmental monitoring to the responsible government agency to a commission of assessment, technical assessment, consultation with interested community members, assessment by a commission of assessment as well as the issuance of a decision on environmental worthiness.

Paragraph (2)

Self-explanatory.

Article 21**Paragraph (1)**

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 22

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Paragraph (1)

In line with the swift development of regional development, within a period of 3 (three) years it is very likely a change in the face of the environment will have occurred so that while previously used as a basis for the drawing up of an analysis of environmental impacts it is now no longer suitable to be used to estimate the environmental impacts of a plan for the business and/or activity concerned.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 25

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 26

Paragraph (1)

A change in the design and/or process and/or capacity and/or raw materials and/or auxiliary materials for a business and/or activity will give rise to different major and significant impacts. Therefore, a decision on environmental worthiness based on the result of an assessment of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring already issued will be cancelled.

Paragraph (2)

Self-explanatory.

Article 27

The occurrence of a basis change in the environment means the loss or change of the face of the initial face of the environment which becomes the basis for the drawing up of an analysis of environmental impacts. This condition gives rise to the consequence that the decision on environmental worthiness based on the result of an assessment of an analysis of environmental impacts, a plan for environmental management and a plan for environmental monitoring will be cancelled.

Paragraph (2)

Self-explanatory.

Article 28**Paragraph (1)**

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 29**Paragraph (1)**

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 30

Self-explanatory.

Article 31

The said aid is intended for the economically weak group and may take the form of funds to cover the cost arising from the drawing up of an analysis of environmental impacts or experts for the drawing up of an analysis of environmental impacts or other forms of aid. The aid is extended by a government agency in charge of the business and/or activity concerned.

Article 32**Paragraph (1)**

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 33**Paragraph (1)**

An announcement constitutes the right of everybody to have information on the environment which is linked with the role in environmental management.

Paragraph (2)

An announcement by the responsible government agency may be made by means of for example, the print media and/or the electronic media. As for an announcement made the initiating party, this can be made by means of putting up a notice board at the location where the business and/or activity will be conducted.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Suggestions, opinions and responses in writing are needed for documentation.

Paragraph (5)

All suggestions and opinions put forward by community members must be reflected in the drawing up of a framework of reference, studied in the analysis of environmental impacts and given choices of solution in the plan for environmental management and the plan for environmental monitoring.

Paragraph (6)

An announcement that a business and/or activity will be carried out will contain at least what the business and/or activity concerned will turn out, the types and volume of waste to be generated and the method to manage it and the environmental impacts which are likely to be given rise to.

Article 34**Paragraph (1)**

Self-explanatory

Paragraph (2)

Self-explanatory

Article 35**Paragraph (1)**

Self-explanatory

Paragraph (2)

Self-explanatory

Article 36

Self-explanatory

Article 37

The cost arising from the drawing up and the assessment of an analysis of environmental impacts, which includes among other things the cost incurred to invite community representatives and experts involved in the assessment of the analysis of environmental impacts, will be charged to the initiating party.

Article 38**Paragraph (1)**

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

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