

GOVERNMENT REGULATION
OF THE REPUBLIC INDONESIA
NUMBER 51 OF 1993

REGARDING ENVIRONMENTAL IMPACT ASSESSMENT

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering :

a.that, within the framework of implementation of environmentally-oriented development as part of deliberate and systematic efforts to wisely manage natural resources for sustainable development in order to improve the quality of life of the people, it is necessary to maintain harmony among various businesses or activities;

b.that any business or activity will, in principle, generate impacts on the environment which need to be evaluated in the early planning stages so that actions to deal with any negative impacts and to enhance any positive impact can be incorporated as early as possible;

c.that an assessment of environmental impacts shall be deemed necessary for the decision-making process regarding any proposed business or activity which may have significant impacts on the environment;

d.that Government Regulation No. 29 of 1986 regarding Environmental Impact Assessment, which was promulgated as a means of implementing, the provisions of Article 16 of Act Number of 4 of 1982 regarding Basic Principles for Management of the Living Environment, now needs to be improved as a result of various new developments;

e.that, in keeping with the foregoing, it is deemed necessary to formulate a Government regulation for the above improvement;

In View of:

- 1.Article 5, Paragraph (2) of the 1945 Constitution;
- 2.Act Number 4 of 1982 pertaining to Basic Principles for Management of the Living Environment (State Gazette, 1982, Number 12, Supplement to the State Gazette Number 3215).

HAS DECIDED

By revoking Government Regulation No. 29 of 1986 regarding Environmental Impact Assessment (State Gazette 1986 Number 42).

To Establish:

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA REGARDING
ENVIRONMENTAL IMPACT ASSESSMENT

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CLARIFICATION OF GOVERNMENT REGULATION OF THE REPUBLIC INDONESIA
NUMBER 51 OF 1993

PART I

GENERAL PROVISIONS

Article 1

For the purpose of this Government Regulation the following terms are defined :

- 1.Environment management is an integrated effort for the purpose of the utilization, regulation, maintenance, supervision, control, rehabilitation and development of the environment;
- 2.Environmental impact assessment (Analisis Mengenai Dampak Lingkungan, or AMDAL) is the process of studying the significant impact of a proposed business or activity on the environment, which is required as part of the decision-making process;
- 3.AMDAL Kegiatan Terpadu/Multisektoral is the process of studying the significant impacts of a proposed integrated business or activity on environment, where that business or activity is located in a single ecosystem type and also involves more than one authorized government agency;
- 4.AMDAL Kawasan is the process of studying the significant impacts of proposed business or activities located in a single ecosystem type, which are under the authority of a single authorized government agency.
- 5.AMDAL Regional is the process of studying the significant impacts of proposed businesses or activities located in a single ecosystem type in a development planning area as defined by regional spatial plan, which involves more than one authorized government agency as part of the decision-making-process;
- 6.Kerangka Acuan is the terms of reference for the scope of the environmental impact assessment (AMDAL) study which result from the scoping process;
- 7.Scoping is the process of focusing the environmental study on the key aspects related to significant impact;
- 8.An environmental impact statement (Analisis Dampak Lingkungan or ANDAL) is a detailed and in-depth research study on the significant impacts of a proposed business or activity;
- 9.Significant impacts are fundamental changes to the environment which result from a proposed business or activity;
- 10.An environmental management plan (RKL) is a document presenting those efforts that will be made to manage the significant environmental impacts which will result from a proposed business or activity;
- 11.An environmental monitoring plan (RPL) is a document presenting those efforts that will be made to monitor the environmental components which will be subjected to significant impacts arising from a proposed business or activity;
- 12.The proponent shall be the person or institution responsible for the proposed business or activity to be undertaken;
- 13.The authorized government agency is the government agency authorized to make decisions on the implementation of a proposed business or activity, with the understanding that the authority shall lie with the relevant minister or the head of the non-departmental government agency which has jurisdiction over the relevant business or activity and with the provincial governor for a business or activity under his jurisdiction;
- 14.The Minister shall refer to the Minister responsible for the management of the environment or the agency which is responsible for control of environmental impacts;
- 15.The Agency which is responsible for the control of environmental impacts is defined as that agency which has as its main duty to assist the President in

undertaking the control of environmental pollution and damage, mitigate significant impacts, and restore the quality of the environment;

16. The environmental impacts assessment commission (Komisi AMDAL) is the commission established by the Minister/minister or head of a non departmental government agency by the Minister/minister of head of a non departmental government agency at the central level of government, or by the Governor at the provincial level, which has the task of assisting in the implementation of the environmental impact assessment (AMDAL) process as part of the decision-making process.

Article 2

1. The types of businesses or activities which predicted to have significant impacts on the environment shall include:
 - a. modifications of landforms and the natural landscape;
 - b. exploitation of renewable and non-renewable natural resources;
 - c. processes and activities with the potential to cause waste, damage and a decline in natural resource utilization;
 - d. processes and activities which may affect the social and cultural environment;
 - e. processes and activities which may affect the preservation of natural resource conservation areas and/or the protection of cultural reserves;
 - f. the introduction of new species of plants, animals and micro organisms;
 - g. the production and use of biotic and abiotic substances;
 - h. applications of technology which are predicted to have considerable potential to affect the environment;
 - i. activities having high risks and affecting national security;
2. The Minister shall establish the types of business or activity referred to in paragraph (1), after taking account of the opinions and recommendations of the authorized government agencies.
3. An environmental impact statement (ANDAL) shall be prepared for the types of business or activity as referred to in paragraph (2).
4. The selection of the types of proposed businesses or activities as referred to in paragraph (3) shall be reviewed periodically, at least once in every five years period.

Article 3

1. The significant impacts of a business or activity on the environment shall be determined by :
 - a. the number of people affected;
 - b. the extent of the affected area;
 - c. the duration of the impact;
 - d. the intensity of the impact;
 - e. the number of other environmental components affected;
 - f. the cumulative nature of the impact;
 - g. the reversibility or irreversibility of the impact.
2. Guidelines concerning criteria for the determination of significant impacts as referred to in paragraph (1) shall established by the agency responsible for the control of environmental impacts.

Article 4

1. No environmental impact statement (ANDAL) as referred to in paragraph (3) of article 2, shall be required for any business or activity which is proposed for immediate implementation to cope with an emergency.

2. The minister and/or the head of the non-departmental government agency in charge of the relevant business or activity shall determine that an emergency has occurred, based upon recommendation of the agency responsible for the control of environmental impacts.

Article 5

The granting of a final operating permit (izin usaha tetap) by the agency responsible for type of business or activity as referred to in Article 2 shall only be done after the implementation of the environmental management plan (RKL) and the environmental monitoring plan (RPL) which have been approved by the authorized government agency.

Article 6

1. The environmental impact assessment (AMDAL) process shall form part of the feasibility study for proposed business or activity.

2. The findings of the environmental impact assessment (AMDAL) process shall be used as input for regional development planning

PART II

MANAGEMENT

Section One

Terms of Reference

Article 7

1. A proponent for a proposed business or activity as referred to in Article 2 shall prepare a terms of reference for the preparation of an environmental impact statement (AMDAL).

2. The terms of reference as referred to in paragraph (1) shall be submitted by the proponent to the responsible environmental impact assessment (AMDAL) commission.

3. In the event that within 12 (twelve) working days as of the receipt of said terms of reference, the environmental impact assessment (AMDAL) commission shall have not given a written response, said terms of reference shall be officially adopted as the basis for the preparation of the environmental impact statement (AMDAL), by authority of this Government Regulation.

4. The terms of reference shall be prepared by the proponent based on general of technical guidelines.

5. The general guidelines for the preparation of terms of reference as referred to in paragraph (1) shall be established by the minister or head of the non-departmental government agency responsible for the relevant business or activity.

Section Two

Environmental Impact Statement,
Environmental Management Plan and
Environmental Monitoring Plan

Article 8

1. The environmental impact statement (ANDAL), the environmental management plan (RKL) and environmental monitoring plan (RPL) shall be submitted together at the same time by the proponent to the authorized government agency.
2. The authorized government agency shall issue a receipt to the proponent for the document referred to in paragraph (1), stating the date of receipt.
3. General guidelines for the preparation of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be established by the Minister.
4. Technical guidelines for the preparation of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be established by the Minister or head of the non-departmental government agency responsible for the given business or activity, based on the general guidelines as referred to in paragraph (3).

Article 9

1. The evaluation of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) documents as referred to in paragraph (3) of Article 17 paragraph (3) of Article 18 and paragraph (1) of Article 19 shall be carried out at the same time.
2. In the event that the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) documents are considered to have not fulfilled the requirements of the technical guidelines, the proponent shall be obliged to undertake the necessary revisions in accordance with the directives of the responsible environmental impact assessment (AMDAL) commission.
3. Based on the findings of the environmental impact assessment (AMDAL) commission regarding the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) documents submitted by the proponent, the authorized government agency shall issue a decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL).

Article 10

1. The decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) as referred to in paragraph (3) of Article 9 shall be issued by the authorized government agency not later than 45 (forty-five) days after the receipt on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL).
2. In the event that the decision as referred to in paragraph (1) is a rejection due to the lack of adherence to the technical guidelines for the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL), the decision on the revised environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be issued by the authorized government agency not later than 30 (thirty) days after the submission of the revised environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL).
3. In the event that authorized government agency shall not have issued a decision within the time limits specified in paragraphs (1) and (2), the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall accordingly be deemed approved by authority of this Government Regulation.

Article 11

1. In the event that the environmental impact statement (AMDAL) concludes that the negative impacts can not be mitigated based on existing science and technology, or that the mitigation costs are higher than the positive impacts, the authorized government agency shall decide to reject the proposed business or activity.
2. In the event of a decision to reject is referred to in paragraph (1), the proponent may submit an objection there to an authority superior to the authorized government agency, along with a copy to the agency responsible for the control of environmental impacts, not later than 14 (fourteen) days after receipt of said decision.
3. Said authority superior to the authorized government agency shall issue decision on the proponent's objection as referred to in paragraph (2) after receiving the opinion of the agency responsible for the control of environmental impacts.
4. The decision as referred to in paragraph (3) shall be issued within 30 (thirty) days following receipt of the objection and will constitute the final decision.

Article 12

1. An AMDAL Kegiatan Terpadu/Multisektoral shall be carried out for any proposed integrated/multisectoral business or activity.
2. The evaluation of the AMDAL Kegiatan Terpadu/Multisektoral shall be carried out by an integrated environmental impact assessment (AMDAL) commission established by the agency responsible for the control of environmental impacts.
3. The commission as referred to in paragraph (2) shall constitute a combined commission of which the membership will be comprised of representatives of the relevant provincial and regional government agencies and institutions as well as non-governmental organizations and other parties deemed necessary, as determined by the Minister.
4. Technical guidelines for the environmental impact assessment (AMDAL) for the an integrated/multisectoral business or activity shall be established by the agency responsible for the control of environmental impacts, taking into account the technical guidelines established by the authorized government agencies.
5. The approval of the environmental impact assessment (AMDAL) documents for an integrated/multisectoral business or activity shall be issued by the Minister.

Article 13

1. Criteria for proposed businesses of activities, whether or similar or different types, within a single area (kawasan) which is within the jurisdiction of an authorized government agency shall be established by said agency.
2. Technical guidelines for the implementation of environmental impact assessment (AMDAL) for such proposed businesses or activities shall be established by said authorized government agency.
3. The evaluation of the environmental impact assessment (AMDAL) for such proposed businesses or activities as referred to in paragraph (1) shall be made by the environmental impact assessment (AMDAL) commission of said authorized government agency.
4. Approval of the documents for AMDAL Kawasan shall be issued by the minister/head of the non-departmental government agency responsible for the relevant business or activity.

Article 14

Provisions for the environmental impact assessment (AMDAL) for business and activities proposed for a regional development planning area shall be further established by the Minister, taking into account the recommendations and opinions of authorized government agencies.

Section Three

The Expiry and Annulment of the Decision
Approving the Environmental Impact Statement,
the Environmental Management Plan
and the Environmental Monitoring Plan.

Article 15

1. The decision to approve an environmental impact statement (ANDAL) environmental management plan (RKL) and environmental monitoring plan (RPL) shall be deemed to have expired by authority of this Government Regulation in the event that the proposed business or activity has not been implemented within 3 (three) years of the date of the approval.
2. In the event that an environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be deemed to have expired as referred to in paragraph (1) then in order to implement the proposed business or activity the proponent shall be required to resubmit an application for the approval of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) to the authorized government agency.
3. Upon application for approval as referred to in paragraph (2), the authorized government agency shall decide that:
 - a. the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) which have already been approved may be fully utilized again or;
 - b. the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be revised.

Article 16

1. In the event of fundamental changes in the environmental due to natural causes or any other reason before and during the implementation of the proposed business or activity, the approval of the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) shall be declared null and void by authority of this Government Regulation.
2. The authorized government agency, after consulting the agency responsible for the control of environmental impacts, shall establish the occurrence of said fundamental environmental change as referred to in paragraph (1) at the site originally approved, and this finding shall constitute the basis for the preparation of a revised environmental impact statement (AMDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) based on the new environmental profile, to be prepared in accordance with the procedures set out in this Government Regulation.
3. Criteria for assessing the occurrence of fundamental change shall be established by the minister and/or head of the authorized non departmental government agency, after consultation with the agency responsible for the control of environmental impacts.

Section Four

Commission

Article 17

1. The minister or head of the non-departmental government agency responsible for relevant businesses or activities or activities shall establish an environmental impact assessment (AMDAL) commission at the central government level consisting of permanent and temporary members.

2. The permanent members shall include those from within the relevant ministry or non-departmental government agency, a representative appointed by the

Minister of Home Affairs, a representative appointed by agency responsible for the control of environmental impacts, a representative appointed by the

Investment Coordination Board, a representative appointed by the National Land Agency, and experts from relevant field, while the temporary members shall

include those appointed from related ministries or non-departmental government agencies, non-governmental organisations, as well as other members as deemed necessary.

3. The central environmental impact assessment (AMDAL) commission as referred to in paragraph (1) shall:

a. prepare technical guidelines on the preparation of environmental impact assessment (AMDAL) documents, including the preparation of the term of

reference for the environmental impacts statement (ANDAL), the environmental management plan (RKL) and the environmental monitoring plan (RPL);

b. evaluate the term of reference for the preparation of the environmental impact statement (ANDAL);

c. evaluate the environmental impact statement (ANDAL) document;

d. evaluate the environmental management plan (RKL) document;

e. evaluate the environmental monitoring plan (RPL) document;

f. assist in issuing the decision on the environmental impact statement (ANDAL), environmental management plan (RKL) and environmental monitoring plan (RPL) document;

g. perform other duties as stipulated by the minister or head of the non-departmental government agency responsible for the relevant business or activity.

4. In performing its duties, the environmental impact assessment (AMDAL) commission, may be assisted by a technical team assigned to evaluate the environmental impact assessment (AMDAL) document.

5. Guidelines for the composition of the membership and work practices of the central environmental impact analysis (AMDAL) commission as referred to in paragraph (1) shall be established by the minister.

Article 18

1. The Governor shall establish an environmental impact assessment (AMDAL) commission at the provincial government level consisting of permanent and temporary members.

2. The permanent members shall include representatives of the Provincial Development Planning Board, the agency responsible for supervising the environment

the province, the Provincial Investment Coordinator Board, the provincial office of the National Land Agency, the government agency responsible for the

control of environmental impact in the province and the environmental study centre of the university in the relevant area, while the temporary members shall be

appointed from government agencies supervising the relevant sectors in the province, non government organizations, and others members as deemed

necessary.

3. The provincial environmental impact assessment (AMDAL) commission as referred to in paragraph (1) shall :

a. evaluate the terms of reference for the preparation of the environmental impact statement (ANDAL).

b. evaluate the environmental impact statement (ANDAL) document.

c. evaluate the environmental management plan (RKL).

d. evaluate the environmental monitoring plan (RPL).

e. assist in issuing the decision on the environmental impact statement (ANDAL), evaluate the environmental management plan (RKL), evaluate the environmental monitoring plan (RPL) document.

f. perform other duties as stipulated by the Governor.

4. In performing its duties, the provincial impact assessment (AMDAL) commission may be assisted by a technical team assigned to evaluate the environmental impact statement (ANDAL) document.

5. Guidelines for the composition of the membership and work practises the provincial impact analysis (AMDAL) commission as referred to in paragraph (1) shall be established by the Minister.

Article 19

In performing their duties, the central and their provincial AMDAL commissions as referred to in Articles 17 and 18 shall take into account the national policies on environmental management, regional development planning, spatial planning, national security and defence, and environmentally-oriented regional development.

PART III

DEVELOPMENT

Article 20

Education, training, research and development in the field of environmental impact assessment (AMDAL) in support of sustainable development shall be carried out under coordination of the agency responsible for the control of environmental impact.

Article 21

Government assistance in field of environmental impact assessment (AMDAL) for business or activities of weaker economic group which produce significant impacts shall be further established by the Minister, taking into account the recommendations and opinions of relevant government agencies.

PART IV

SUPERVISION

Article 22

1. All proposed businesses or activities for which an environmental impact analysis (AMDAL) must be carried out shall be disclosed to the public by the authorized government agency.

2. The environmental impact assessment (AMDAL) documents for all proposed businesses or activities and the approvals there to shall be open to the public.

3. The openness referred to in Paragraph (1) shall be implemented in the form of the participation of the public, which may offer recommendations and opinions orally and/or in writing to the central or the provincial environmental impact assessment (AMDAL) commission referred to in Articles 17 and 18 before the issuance of the decision on the approval of the environmental impact analysis (AMDAL) for a proposed business or activity.

Article 23

The provisions of Article 22 shall not apply in the case of proposed businesses or activities concerning state secrets.

Article 24

A copy of the environmental impact assessment (AMDAL) document for a proposed business or activity and of the approvals for said documents shall be submitted by the authorized government agency.

- a. at the central government level, to the agency responsible for the control of environmental impacts, the relevant governmental agencies, the relevant Governor, and the Head of District (Bupati) or Mayor (Walikotamadya) or
- b. at the provincial government level, to the agency responsible for the control of environmental impacts and the relevant agencies concerned.

Article 25

1. The agencies responsible for the control of environmental impacts shall utilize the environmental impact assessment (AMDAL) documents as the basis for examining;
 - a. environmental monitoring reports and the evaluation of those results, carried out by the proponent in accordance with the environmental management plan (RKL) and the environmental monitoring plan (RPL);
 - b. environmental monitoring reports and the evaluation of those results, carried out by the relevant government agency in accordance with the environmental management plan (RKL) and the environmental monitoring plan (RPL);
 - c. reports on the supervision of the implementation of the environmental management plan (RKL) and the environmental monitoring plan (RPL) as carried out by the authorized government agency.
2. The result of the examination referred to in paragraph (1) shall be submitted by the agency responsible for the control of environmental impacts to the minister or head of the relevant non-departmental government agency and to the relevant governor.
3. In carrying out this supervision, the agency responsible for the control of environmental impacts may establish measures for coordination in accordance with its tasks and authority.

PART V

FINANCE

Article 26

The expenses to perform the activities of the central and provincial commissions as referred to in Article 17 and 18 shall be charged to the budget of the authorized government agency.

Article 27

1. The expenses to prepare the environmental impact assessment (AMDAL) documents shall be included in the budget of the proposed business or activity and shall be borne by the proponent.

2. The environmental management and monitoring costs shall be charged to the operational budget of the relevant business or activity.

Article 28

The cost monitoring by the government of the implementation of environmental management and monitoring by the proponent shall be borne by the authorized government agency.

PART VI

CONCLUDING PROVISIONS

Article 29

This Governmental Regulation shall become effective as of the date enacted. In order to become known to all, it is hereby instructed that this Governmental Regulation be publicized the State Gazette of The Republic of Indonesia.

Promulgated in Jakarta
On 23 October 1993

THE PRESIDENT OF

THE REPUBLIC OF INDONESIA

signed

SOEHARTO

Enacted in Jakarta
On 23 October 1993

THE STATE MINISTER/STATE
SECRETARY OF
THE REPUBLIC OF INDONESIA

signed

MOERDIONO

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
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