

APPENDIX I. ISSUES DISCUSSED DURING THE INTERVIEWS

One of the main sources of information for this report was a series of semi-structured interviews (face to face interviews) with two experts who have worked on issues related to environmental performance and ecological compensation.

A general list of questions – rather than a formal questionnaire – was prepared as the basis for the interviews. Each interview followed a continuously discussion related to their experiences and interest of the interviewee.

1. THE INTERVIEW WITH RUUD CUPERUS

He works at Rijkswaterstaat (State Water Board) Utrecht, Department of Planning and Advice (WFP) - Cluster Head Knowledge (WVPK). The interview had been done on June 9, 2008.

The interviews were guided by the following questions and issues:

a. *Related to possibility environmental impacts caused by projects, how are road projects assessed?*

Projects are assessed through EIA procedure. The EIA committee or other authorized agencies i. e Ministry of Transport propose the alternatives to reduce the impact: avoid, minimize, and compensation. If there is no appeal in the court, the decision or permit is issued to be implemented in practice.

b. *What is the goal of ecological compensation?*

The goal is related to ‘quantity and ‘quality’ of nature area associating with the question on how to improve or at least maintain the existing of nature area that has intended ecological value. ‘No net loss’ principle is the basis practice for ecological compensation.

c. *If compensation is decided as appropriate alternative should be taken, what approach could be taken for completing ecological compensation, and how it can be done?*

Ecological compensation must be related to land availability. To obtain the land, it can be based by voluntary approach or forced by law. Through voluntary approach, landowner intends to sell the land based on agreement between landowner and government. The agreement can be facilitated by land trust organization.

d. *What social issue that may be influenced by the implementation of ecological compensation*

To obtain the land as compensation area, it is possible to cause people to be resettled to another place. Because of that, most of people have to change their occupation due to the condition of new place. For example, the farmers resettled to harbour area may change their occupation to be fisherman. However looking at the Netherlands experience, the resettlement is not always dissatisfying the affected people. In fact, some of them get more advantages by changing their occupation.

e. How potential social conflict in the implementation of ecological compensation can be reduced?

- Starting for permit process, all projects have to be checked on economic and social implication. Based on that consideration, compensation may be an alternative that should be taken. However, if the impacts are too complicated, the projects will not get the permit.
- Making projects gradually in the long term like making plan for project in several fiscal years. It means that by extending the duration of project, it will provide more time to make reconciliation with landowner and other affected groups, hence social conflict can be minimized.
- The enforcement by law may be needed for a certain case to achieve a certain ecological targeted value.

2. THE INTERVIEW WITH AREND KOLHOFF

He works at Netherlands Commission for Environmental Assessment as technical secretaries international cooperation. The interview had been done on June 18, 2008.

The interviews were guided by the following questions and issues:

a. *Related to possibility environmental impacts caused by projects, how are road projects assessed?*

There is a sequence of environmental performance consisting of avoid, minimise and compensation actions.

b. *If compensation is decided as appropriate alternative should be taken, what approach could be taken for completing compensation, and how it can be done?*

The term 'compensation' in EIA relates to 'in case compensation' which is related to financial compensation, and 'in kind compensation' which is related to property compensation by offering another house or land to affected communities. However, to restore, enhance and replace the destructed land, the compensation approach is determined based on contextual condition.

Ecological compensation is guided by targeted ecological value which is indicated by value of ratio between compensation area and compensated area. Nevertheless, the ratio still becomes main topic in international environmental discussion, for example international standard is 1 : 5, meanwhile NCEA recommends 1 : 2,2-2,5.

c. *What social issue that may be influenced by the implementation of ecological compensation*

Compensation must be related to people or affected groups, because it has to deal with heterogeneous people in social classes and interest. Highly potential social conflict may be occurred when the land for compensation is obtained by resettling poor people living at squatters. However, in general, social issues that may be affected by ecological compensation policy are related with the issue in landownership and in participation mechanism for poor community. These social issues may be relevant to the condition in Indonesia.

d. *How potential social conflict in the implementation of ecological compensation can be reduced?*

- Making save projects from social conflict. It means that the projects are implemented in separated area from the land that mostly people used. For example, road construction is developed in the area that has distance from settlement area.
- Participation in contextual situation. However, the challenges of the participation is related to issue on:
 - How to make participation is independent from external pressure
 - How to accommodate poor people or other disadvantages people' interests. The mechanism should be suitable with contextual condition.

APPENDIX II. LIST OF ABBREVIATIONS

ACOE	: Army Corps of Engineers
AMDAL	: <i>Analisis mengenai Dampak Lingkungan</i>
CEQ	: Council in Environmental Quality
CLT	: Community Land Trust
CWA	: Clean Water Act
DEC	: Department of Environment and Conservation
EIA	: Environmental Impact Assessment
EIMA	: Environmental Impact Management Agency (BAPPEDAL)
ELI	: Environmental Law Institute
EMA	: Environmental Management Act
EPA	: Environmental Protection Agency
FHWA	: Federal Highway Administration
FWPCA	: Federal Water Pollution Control Act
GAO	: Government Accountability Office
ICEL	: Indonesian Center for Environmental Law
MBRT	: Mitigation Banking Review Team
NEPA	: National Environmental Policy Act
NIMBY	: Not In My Back Yard
NRC	: National Research Council
OECD	: Organization for Economic Co-operation and Development
PCSD	: President's Council on Sustainable Development
SIA	: Social Impact Assessment
TEA	: Transportation Equity Act
WCED	: World Commission for Environment and Development