PT PLN (PERSERO)

ENERGY TRANSITION AND SUSTAINABILITY DIVISION

Cultural Heritage

MANAGEMENT GUIDELINE

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1. Introduction

This cultural heritage management guideline explains the main considerations needed in defining and implementing management approaches to ensure PLN actions do not impact items of tangible and intangible cultural heritage. This guideline is intended to guide PLN in understanding the impact of the project on the cultural heritage (tangible and intangible) and ensure that the mitigation hierarchy is properly applied to ensure outcomes consistent with the E&S principles described within the ESMS Manual.

This is achieved through establishing systems capturing requirements that (i), at the beginning of the project/activity pre-feasibility and feasibility study process, initial identification of the existence of cultural heritages in the project area needs to be identified (ii) electricity infrastructure located nearby the cultural sites must be equipped with cultural heritage management plans and chance find procedure strategies. The guideline aims to ensure that a project or an activity conducted by the PLN achieves the following objectives:

- To protect cultural heritage from the adverse impacts of project activities and support its preservation.
- To address cultural heritage as an integral aspect of sustainable development.
- To promote meaningful consultation with stakeholders regarding cultural heritage.
- To promote the equitable sharing of benefits from the use of cultural heritage.

This guidance is developed based on international standards for cultural heritage as well as main guidance on handling cultural heritage in PLN. The main reference for Cultural Heritage Management Guideline (CH MG) is detailed in Chapter 9 (References).

2. Disclaimer

This guideline provides an overall guidance to the PLN staff for all projects and activities; however, additional requirements may be applied to respective projects or activity depending on the policy or standard of the financier. This guideline will also be updated from time to time based on the changes in applicable policies, standards and regulations.

This guideline should not be taken as a standard, regulation, or manual, and it is not described to a detailed level of a work instruction. In settings where a more relevant or updated standard, regulation, manual, procedure or framework is available and demands for revision of this guideline, then such revision is permitted under the terms and conditions in the ESMS' Management of Change. If any revision is made; references, rationales and amended parts should be clearly defined.

To be able to serve its purpose, this guideline should be reviewed, implemented, and/or enforced by and to PLN staff with relevant authorities and competencies specified in the ESMS Manual Chapter 3. Any changes to this guideline may potentially trigger the need to update those who implement other associated guidelines or procedures.

Any update, deviation, or suggestion upon implementation of this guideline should be informed to the Safeguard Team (consisting of TEK Div and K3L Div).

Where relevant, other sections and guidelines in this guideline should also be applied as they relate to Cultural Heritage Management. Any changes to this guideline may potentially trigger updates to such procedures.

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3. Process Overview

Environmental and social assessment for all projects must consider direct, indirect, and cumulative project-specific risks and impacts on cultural heritage. Through the environmental and social assessment, PLN will determine the potential risks and impacts of the proposed activities of the project on cultural heritage, with the Cultural Heritage Management aspects defined in this guideline to follow these core processes:

- Conduct Cultural Heritage Screening;
- Identification of risk and impact;
- Avoidance and Mitigation Measure; and
- Monitoring and Review of the mitigation measure implementation.

4. Screening

During the project preparation process, PLN conducts a screening process by using Rapid Environmental and Social Assessment (RESA). As a first principle, it is highly recommended to avoid locations which are considered as sensitive areas to cultural heritage (within or nearby project footprint). To aid this, PLN may engage with experts at the provincial and national level to develop the cultural heritage aspect in RESA. The screening requires a combination of approaches such as database searches, site visits and stakeholder consultation to determine the potential presence, and type, of cultural heritage in the vicinity of a project. This needs to capture both tangible[1] and intangible[2] cultural heritage.

The options for avoiding, reducing or preventing impact to cultural heritage (tangible and intangible) may include a combination of approaches like site screening and secondary data collection[3] to understand the types of cultural heritage identified and protected by the government.

Types of Tangible Cultural Heritage that should be considered are:

1. Archaeological Sites and Material
2. Built Heritage
3. Natural Features with Cultural Significance
4. Movable Cultural Heritage

During the first site observation, PLN should identify the type of cultural heritage (tangible and intangible) and potential impact to cultural heritage through stakeholder consultation process and confirm the status of cultural heritage in national registration platform (Cultural Heritage

[1] Tangible cultural heritage includes archaeological sites and materials, built heritage, natural features with cultural significance, and moveable cultural heritage.

[2] Intangible cultural heritage includes practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities and groups recognize as part of their cultural heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature and their history.

[3] Definition of cultural heritage http://cagarbudaya.kemdikbud.go.id/informasi/cagarbudaya, registered intangible cultural heritage in UNESCO https://kwriu.kemdikbud.go.id/info-budaya-indonesia/warisan-budaya-tak-benda-indonesia/ or Consultation with Cultural Heritage Preservation Center (kebudayaan@kemdikbud.go.id)

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Preservation Centers). Even though the cultural heritage is not registered under national record, as long as the community values it, it still can be identified as one.

Given this variety in cultural heritage type and registrations, the site screening process calls for consultation with different stakeholders, including local and indigenous tradition bearers where appropriate, who may have different interests in, or attach different significance to, the cultural heritage. This must be conducted to understand the following:

(a) The way in which stakeholders recognize and understand the cultural heritage and the values they attribute to it;

(b) Any issues relating to the need for confidentiality regarding the cultural heritage, for example, location or details of traditional use of the cultural heritage and individuals involved,

(c) Any existing or potential conflicts arising from different views regarding the cultural heritage; and

(d) Any views of affected parties and other interested parties regarding ways to address project-related risks to, and impacts on, the cultural heritage, including on proposed mitigation measures.

In case of disagreement between project-affected parties and other interested parties, for example, national cultural heritage agencies or heritage experts about the significance of the cultural heritage affected by the project or the approach to its management, PLN is to consider engaging third-party experts to provide an opinion.

The outcome of this screening process is to be captured and reported within the RESA. When the probability of cultural heritage present is found and/or the project has identified potential/unavoidable negative impacts towards the cultural heritage, the project prepares a chance find procedure and cultural heritage management plan accordingly (see appendix 1). The measures taken/designed is site specific based on coordination with relevant authorities.

5. Identification of Risk and Impact

Where items of cultural heritage are identified as being present and where avoidance is not possible through adjustments to project design, impact assessment is to be conducted in accordance with the requirements of the ESMS. The impact identification and assessment must also consider community access to cultural heritage and if it will be affected by a project. This assessment is to be conducted in collaboration with relevant experts and characterise the significance of the cultural heritage, identify impact source, the significance of the impact, and develop appropriate management, mitigation, and monitoring measures. It is essential that these mitigation measures reflect prevailing regulations[4], capture outcomes of engagement with the Ministry of Culture and Tourism at the level of government directly involved in managing the items of cultural heritage, and the views of representatives of local and indigenous people's communities who utilised the cultural heritage sites.

Where only general information is known about the location of cultural heritage that may be affected by the project, appropriate mitigation measures are developed to protect the cultural heritage as far as possible despite the lack of knowledge of the precise location. This

[4] This includes Law 11 of 2010 (Cultural Heritage Law) and Law 5 of 2017 (Cultural Advancement).

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protection is best accomplished in consultation with project-affected parties who have knowledge of the specific location of the cultural heritage concerned. This must be clearly noted during and within the impact assessment process. Information on the detailed condition of the archaeological sites or intangible cultural heritage should be documented in the baseline report to understand their current state before implementing mitigation measures.

Example of potential project impact identified after site screening and during impact assessment:

Source of impact is construction activities: Excavation and Ground Disturbance; Access Road construction, Noise and Vibration

Excavation and Ground Disturbance: Construction activities related to electricity infrastructure, such as digging trenches for cables, installing poles or towers, or laying foundations for substations, can involve extensive excavation and ground disturbance. These activities may inadvertently encounter archaeological remains, burial sites, or cultural artifacts that are buried underground, potentially causing damage or destruction to the cultural heritage site.

Access Road Construction: To facilitate the transportation of equipment and materials during the construction of electricity infrastructure, access roads are often constructed. These roads may need to pass through or near cultural heritage sites, potentially causing disturbance, access restriction for community to enter cultural heritage sites due to access road diversion, the fragmentation, or encroachment on the site. Increased human activity associated with road construction can also lead to the degradation of surrounding natural areas.

Noise and Vibration: The construction of electricity infrastructure typically involves the use of heavy machinery, drilling, and other activities that generate noise and vibration. Excessive noise and vibrations can have detrimental effects on delicate structures, historic buildings, or fragile archaeological remains. They may lead to structural damage, the dislodging of artifacts, or even the collapse of culturally significant structures.

6. Mitigation Measure

Management and mitigation measures are to be developed as part of the impact assessment process and designed to reduce residual impacts to as low as possible. Options include relocating or modifying the physical footprint of the project, documentation of in-situ cultural heritage values, relocation of the object, or integrating the cultural heritage into project design. All proposed mitigation measures must be developed in consultation with the stakeholders involved during the impact identification and assessment phase. Cultural heritage impact (tangible or intangible) mitigation approaches must be decided through an impact assessment process. Mitigation measures are designed in proportion to the nature of risks, impacts and vulnerabilities identified in the impact assessment process.

6.1 *Cultural Heritage Management Plan (CHMP)*

Based on the nature, scale and complexity of risks to the identified cultural heritage, a Cultural Heritage Management Plan (CHMP) may need to be prepared, in consultation with relevant stakeholders. The CHMP includes measures for identifying and managing the cultural heritage, together with monitoring arrangements.

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This is an individual, site-specific plan that needs to capture (i) description of the objects of cultural heritage at the site, (ii) the treatment for each form of cultural heritage to address identified impacts, (iii) roles and responsibilities, including role of regulatory agencies, (iv) schedule, (v) monitoring and reporting, and (vi) budget requirements. It must also describe any linkages with other management plans such as stakeholder engagement plan, Indigenous Peoples Plan, and Community Health and Safety Plan.

Further information on contents for a CHMP are described within Appendix 1.

6.2 *Chance Find Procedure*

All projects, including those for which a CHMP is not required, will be required to prepare a chance finds procedure (CFP). A CFP establishes stop work and evaluation protocols for any potential objects of cultural heritage significance encountered during the construction phase. Such finds, for example, include a single artifact, an artifact indicating the presence of a buried archaeological site, human remains, fossilized plant or animal remains or animal tracks, or a natural object or soil feature that appears to indicate the presence of archaeological material.

The structure of a CFP is to cover, at a minimum, the following: (i) description of Project setting and likelihood of items of cultural heritage being present, (ii) objectives, (iii) definitions and descriptions of cultural heritage chance finds that may reasonably be expected to be present, (iv) laws, regulations and authorities relevant to management of cultural heritage, (v) stop work procedures to be implemented where potential archaeological artefacts/chance finds are encountered, (vi) indicative actions that may reasonably be expected to be taken by cultural heritage specialist to characterise and manage the find, (vii) roles and responsibilities of all parties, and (viii) monitoring and reporting.

Further information on contents for a CFP are described within Appendix 1.

7. Mitigation Measure Implementation Monitoring and Review

Both the CHMP and CFP must define how monitoring of cultural heritage management activities will be conducted, in order to ensure compliance with the applicable national law and regulation or the international standard, as set in the management plan objectives. The Plan should specify:

- Indicators to be monitored;
- Monitoring location/position/timeline;
- The frequency of monitoring;
- Regulatory criteria (if applicable);
- The required qualifications of persons who will conduct the monitoring, and of any members of the public who may participate in monitoring;
- Records that must be kept and the person responsible for keeping the records;
- Budget allocation and utilisation

Reports that will be prepared, to whom the reports are to be submitted for review, and the length of time records will be kept. The monitoring frequency and reporting should also be based on commitments within PLN and Financiers. At a minimum, each activity should be

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monitored, periodically (at least every 6 month or annually) or at the end of the activity, depend on the type and time span. The frequency of monitoring should be specified for each activity, includes the resource/person in charge required for monitoring, person qualified to conduct the monitoring, and the record that must be kept. In the case of procedures being applied to removal or management of items of cultural heritage significance, monitoring is likely to be more frequently conducted with the frequency and type to be established in accordance with external parties such as relevant experts and regulatory authorities.

The monitoring result should be reported, where in the Plan should specify to whom the reports are to be submitted for review, and the length of time records will be kept. This will include summary reports at intervals and to which institution the monitoring report should be submitted.

At a minimum any project specific CHMP and CFP should be reviewed annually. Persons responsible for activities related with the management plan review should also be determined and described.

8. Notes on Disclosure

Project disclosure is typically an integral process for all PLN projects and commitment to transparency and informed consultation with communities remains central. However, there will be cases where PLN, in consultation with the financier, project-affected parties (including individuals and communities), and cultural heritage experts, needs to determine whether disclosure of information regarding cultural heritage would compromise or jeopardize the safety or integrity of the cultural heritage or would endanger sources of information. In such cases, sensitive information may be omitted from public disclosure. If the project-affected parties (including individuals and communities) hold the location, characteristics, or traditional use of the cultural heritage in secret, the PLN will put in place measures to maintain confidentiality.

In some cases, the disclosure of information relating to cultural heritage may put stakeholders or the cultural heritage itself at risk. It is important to consult with project-affected parties to determine whether information regarding the cultural heritage can or should be disclosed. Where consultation has determined that it is best not to disclose information regarding the cultural heritage in question, appropriate measures are to be taken to protect it. Such measures may include withholding information pertaining to the item from publicly disclosed documents such as impact assessment documentation, any maps identifying sensitive areas or information that would reveal the location or nature of the cultural heritage or the identity of the stakeholder.

9. References

National Law

- Law No. 5/2017 on the Advancement of Culture mandates that the Government (at the national and subnational levels)to protect cultural heritage.
- Law No. 11/2010 on Cultural Conservation stipulates the establishment of a national registry of cultural heritage objects and their protection and prohibits their illicit trafficking and export unless for research, promotional, or exhibition purposes

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- Law No. 5/1992 on Cultural Property governs the overall management of physical cultural resources, including criteria, protection measures in the event of discovery or ownership, use of cultural heritage, as well as legal penalties for infringement.
- Presidential Decree No. 78/2007 on ratification of the UNESCO Convention for Safeguarding of the Intangible Cultural Heritage (2003).

PLN Internal Standards

- PLN Procedure for handling cultural heritage for distribution network work with overseas funding, No: PT-HSSE-28, 15 January 2021

International Standards

- ESS8 World Bank Cultural Heritage
- Guidance Note Environmental & Social Framework for IPF Operations ESS8 Cultural Heritage

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10. Appendices

Appendix 1: Indicative Outline for Cultural Heritage Management Plan and Chance Find Procedure

The CHMP addresses the following as relevant to the project:

(a) A review of the legal and institutional framework applicable to cultural heritage;

(b) Roles and responsibilities of the different project and other interested parties, for example, the Borrower, contractors, project-affected people, and cultural heritage authorities;

(c) The steps to identify and manage cultural heritage throughout the project life cycle. Information on the detailed condition of the archaeological sites or intangible cultural heritage should be documented in the identification result of cultural heritage to understand their current state before implementing mitigation measures;

(d) Proposed mitigation measures to be undertaken;

(e) Steps for incorporating relevant requirements relating to cultural heritage into project procurement documents, including chance find procedures;

(f) Implementation schedule and budget; and

(g) Monitoring and reporting requirements.

Components of a CFP may include:

(a) An advance survey and monitoring of ground-disturbing activities, especially in locations with a high likelihood of cultural heritage;

(b) Steps for temporary work stoppages in the event of a potentially significant discovery;

(c) Steps to protect chance finds from the impacts of any further project activities;

(d) A contractor code of conduct with rules and guidance on how to address chance finds and training of contracted workers;

(e) Steps for appropriate intervention where chance finds have been discovered;

(f) A monitoring system for the implementation of the chance finds procedure;

(g) Arrangements with relevant government authorities; and

(h) Arrangements with relevant indigenous authorities, where appropriate.

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