

OFFICE FOR CULTURE  
(KUNDHA KABUDAYAN)  
SPECIAL REGION OF YOGYAKARTA

GUIDELINES FOR  
HERITAGE IMPACT ASSESMENT  
SPECIAL REGION OF YOGYAKARTA  
2021

**FOREWORD**

Praise and gratitude we continue to pray for the blessings and grace that God Almighty has granted us until finally the Guidelines for Heritage Impact Assessment of the Special Region of Yogyakarta could be finished properly and on time. The HIA Guidelines is one of government's effort in keeping the harmonization between cultural heritage conservation and sustainable development in the Special Region of Yogyakarta. It is expected that through this HIA, development can be controlled in order to reflect the cultural values of Yogyakarta more broadly. This is mainly because the City of Yogyakarta is rich of meanings and philosophy as integral parts of its Historic Urban Landscape which values should be preserved and conserved.

The HIA Guidelines is developed by using standards and provisions that have been suggested by world class heritage bodies and adjusted to the situation in the Special Region of Yogyakarta. In this Guidelines, HIA mechanisms such as the actors involved, when and where it should be performed, and the HIA procedures have been defined.

We would also like to thank for the cooperation from various parties involved in the process of developing this HIA Guidelines. Through this process, the Office of Culture Special Region of Yogyakarta has taken the cultural heritage conservation to the next phase. This Guidelines is expected to benefit the community and to the image of Special Region of Yogyakarta as a conserved cultural center. We are certainly open to any critics, advice, and input, considering that this Guidelines is the first to be developed and has not been practiced widely.

Yogyakarta, 26 May 2021

Drafting Team

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## **CHAPTER I INTRODUCTION**

### **A. Background**

Cultural Heritage has long been recognized as an important part of human life. Therefore, it is not surprising that cultural heritage from centuries ago has been preserved. Cultural heritage could have historical, cultural, nostalgic, and even bear the sense of self of a person, a group of people, or a nation. Cultural heritage has also been recognized as part of the national treasure.

Although awareness of the importance of cultural heritage has existed for a long time, it turns out that the fate of cultural heritage is not always favorable. Many natural phenomena and especially human activities that in fact left the cultural heritage unpreserved. The growth of the many, diverse, and constantly increasing human needs has proven to be one of the factors causing more and more cultural heritage to be neglected, destroyed, and even vanished. Development planning and implementation has recently been increasingly perceived as a threat to cultural heritage. Whereas, cultural heritage should be seen as an asset for development itself.

At the moment, in the midst of the push to implement sustainable development, cultural heritage is recognized as a cultural capital, which of course is considered important in development. In that context, efforts should be made so that cultural heritage is no longer a victim of development. On the other hand, cultural heritage must be a resource capable of supporting sustainable development efforts. For this reason, cultural heritage must remain sustainable and must be taken into account in development planning. To realize the demand for cultural heritage to remain sustainable and play a role in development, a mechanism is needed to assess the impact of development plans and implementation on cultural heritage. Heritage Impact Assessment is the answer to the needs of assessing the impact of development on the preservation of cultural heritage.

### **B. Definition of HIA**

HIA is basically a review mechanism or procedure designed to evaluate the impact of a policy or activity that (will) occur against the important values and attributes of a cultural heritage. The results of this impact evaluation will be used as a basis for making decisions on policies, plans or development implementation whether it could be continued as planned, continued with certain changes or mitigations, suspended, or cancelled. The decision will also determine the sustainability of the cultural heritage itself.

The HIA procedure is a series of processes for identifying, estimating, assessing, and discussing the impacts that may be generated by a policy or development activity on cultural heritage, on both of its important values and its material and non-material attributes. The goal is to eliminate or reduce potentially damaging impacts through mitigation and increasing positive impacts. HIA is one of the tools for controlling change and reducing the risk of losing important values of a cultural heritage in development. This decision should be included and made as an important part of the existing development planning. Thus, this impact estimation is also intended to identify development alternatives to be more

sustainable and to identify potential negative or positive impacts on cultural heritage as an important resource for development itself.

### **C. The need of HIA in the Special Region of Yogyakarta**

The Special Region of Yogyakarta is one of the regions in Indonesia that has an extraordinary asset of cultural heritage both in terms of diversity and number. This cultural heritage represents the long history of human occupation in this region since the Prehistoric Age, tens of thousands of years ago, proven by the existence of prehistoric cave settlements in the Sewu Mountains, to the Age of the Struggle for Independence, and even until now it continues to present superior cultural works. For a long period, The Special Region of Yogyakarta has also become one of the centers of Ancient Mataram civilization (7th to 10th centuries) as evidenced especially by the remains of large and small temples. Since the 16th century, The Special Region of Yogyakarta has also become the center of the establishment and development of the Islamic Mataram kingdom, so that the cultural heritage of this kingdom is widely found in this area. In fact, in 1756, Prince Mangkubumi built the Kraton of the Ngayogyakarta Hadiningrat Sultanate in the center of the city of Yogyakarta today. During the struggle for independence for the Republic of Indonesia, Yogyakarta was also the capital of the Republic of Indonesia. This long historical journey with traces of its very diverse cultural heritage, as well as its commitment to continue to develop a distinctive culture, has placed Yogyakarta as the center of cultural development in Indonesia, so it is not surprising that Yogyakarta is also known as the City of Culture.

Based on the aforementioned background, it is undeniable that cultural heritage is one of the important elements for the uniqueness of The Special Region of Yogyakarta. Culture as a Distinct Feature of the Special Region of Yogyakarta has been formally recognized in the Law of the Republic of Indonesia Number 13 Year 2012 concerning the Privileges of the Special Region of Yogyakarta. This recognition is manifested in the granting of special authority to the Special Region of Yogyakarta Government to regulate the cultural sector. The authority to regulate culture (article 7 and article 31) is intended to maintain and develop the outcome of creativity, taste, initiative, and work in the form of values, knowledge, norms, customs, objects, arts, and noble traditions rooted in the community of the Special Region of Yogyakarta.

Cultural Heritage as one of the distinctive features of the Special Region of Yogyakarta certainly needs more attention so that it can remain sustainable and be used to improve the quality of life of its people. However, in reality, this cultural heritage is often threatened by various activities in the present. Quite often, community activities and development plans, whether consciously or not, actually caused cultural heritage to lose its important values and experience damage and destruction of its material form. This situation then brings out controversial and latent problems. On the one hand, efforts to preserve cultural heritage are considered as an obstacle for development, while on the other hand development is considered as the root cause of the decline or loss of the quality of important cultural heritage values.

Nevertheless, the cultural heritage that is the Distinct Feature for the Special Region of Yogyakarta could be an important asset for development. Even in many places, cultural heritage is now the basic capital for development. Thus, the preservation of cultural heritage must be a part of development and therefore its existence must be taken into account. In

this context, HIA becomes a very important tool to take into account the existence of cultural heritage in development. Because, through HIA, all parties can consider important values of cultural heritage and the impact that will occur on these values when an activity or development plan is to be carried out. The results of HIA can be considered to determine the benefits of development against the loss of important cultural heritage values and attributes. On the other hand, it can also estimate the potential benefits of preserving cultural heritage for development. By implementing HIA, harmony will be achieved between the development and preservation of cultural heritage in the Special Region of Yogyakarta.

The importance of HIA being implemented in in the Special Region of Yogyakarta. is especially relevant because currently the Cosmological Axis as the core of the City of Yogyakarta which was designed and first built by Sultan Hamengkubuwana I or Prince Mangkubumi will be submitted as a World Cultural Heritage to the UNESCO World Heritage Committee. In the Operational Guidelines for the Implementation of the World Heritage Convention, 2019 it is stated that impact studies are very necessary for all efforts that can result in changes (interventions) to World Heritage attributes (Article 110). In addition, it also stated that (Article 118bis): *States parties must ensure Environmental Impact Assessments, Heritage Impact Assessments, and/or Strategic Environmental Assessments be carried out as a pre-requisite for development projects and activities that are planned for implementation within or around a World Heritage property.*

Based on all the reasons above, the provisions of HIA are urgently needed and must be implemented in the Special Region of Yogyakarta. In order to understand and implement properly the HIA Process, this HIA Guidelines for the Special Region of Yogyakarta could be used as directions and guidance for its practice.

#### **D. Legal basis**

- Law Number 13 Year 2012 concerning the Privileges of the Special Region of Yogyakarta. This law contains the regulation of the special rights of the Special Region of Yogyakarta, including the authority to regulate the cultural sector. This regulation also mandates the Special Region of Yogyakarta government to strive for the preservation, development, and protection of culture in the region.
- Law Number 11 Year 2010 concerning Cultural Heritage This legislation regulates the preservation and management of Cultural Heritage in Indonesia. This regulation also stipulates provisions to conduct studies, feasibility studies, and/or Environmental Impact Analysis in the utilization, development, and protection measures that may have an impact on Cultural Heritage.
- Law Number 5 Year 2017 concerning the Advancement of Culture This regulation includes the government's efforts and obligations to promote Indonesian culture, in particular the ten elements of objects of cultural advancement, namely oral traditions, manuscripts, customs, rites, traditional knowledge, traditional technology, arts, languages, folk games, and traditional sports. In this law, Regional Governments are required to participate in the planning, implementation, and supervision of the Advancement of Culture, as an effort to increase cultural resilience and the contribution of Indonesian culture in the midst of world civilization through the Protection, Development, Utilization, and Fostering of Culture.

- Law Number 11 Year 2020 concerning Job Creation  
This law is basically promulgated to regulate the adjustment of various provisions in order to facilitate job creation, so that the Indonesian people will have more opportunities to get jobs in the goal to improve their welfare. In this law, it is stipulated that the creation of business fields must comply with the provisions of the legislation related to the preservation of cultural heritage. It is also stated that cultural heritage falls under the category of a protected area so that the use of such space is limited to protect its sustainability.
- Regional Regulation of the Province of the Special Region of Yogyakarta Number 6 Year 2012 concerning the Preservation of Cultural Heritage  
The regulation which is one of the derivatives of Law Number 11 Year 2010 concerning Cultural Heritage stipulates various provisions regarding procedures for the protection, utilization, and development of cultural heritage. In this regulation, among other things, it is stated that efforts to preserve cultural heritage need to pay attention to the spatial context and original cultural landscape that strengthens the character of local culture and the image of regional distinctiveness.
- Governor's Regulation Number 62 Year 2013 concerning Preservation of Cultural Heritage  
This Governor's Regulation contains instructions for the management of the preservation of cultural heritage in the Special Region of Yogyakarta as an elaboration of Regional Regulation Number 6 Year 2012 concerning Preservation of Cultural Heritage. This regulation includes considerations of various aspects of utilization, supporting capacity, carrying capacity, significance, identity, and image as well as other technical aspects in carrying out protection, utilization, and development.
- Governor's Regulation Number 40 Year 2014 concerning Guidelines for the Architecture of New Buildings with the Style of Regional Culture  
Regulation that contains technical provisions to determine the procedure for the establishment of new buildings on cultural heritage sites and areas which essentially must maintain the attributes that constitutes the image of the area. It is also stated that the construction of new buildings at Cultural Heritage Site and Cultural Heritage Area must go through a licensing mechanism, and the implementation of planning and design must be made by experts through planning documents.
- Governor's Regulation of the Special Region of Yogyakarta Number 55 Year 2014 concerning the Management of Cultural Heritage  
This Governor Regulation includes guidelines for the management of cultural heritage in the Special Region of Yogyakarta as an elaboration of Regional Regulation Number 6 Year 2012 concerning Preservation of Cultural Heritage. This Regulation contains an Article that specifically provides a provision that every planning for the management of cultural heritage must be prepared according to a planning document through a feasibility study.
- Special Region Regulation Number 3 Year 2017 concerning the Maintenance and Development of Culture  
This Special Region Regulation (*Perdais*) was basically issued to implement the Law of the Republic of Indonesia Number 11 Year 2017 concerning the Advancement of Culture, in the Special Region of Yogyakarta, which is also on the basis of the Law of the Republic of Indonesia Number 13 Year 2012 concerning the Privileges of the Special Region of

Yogyakarta. This regional regulation includes an Article that regulates the development of documents for the Protection of Cultural Objects that should be preceded by a feasibility and technical study.

- Governor's Regulation Number 76 Year 2019 concerning Licensing for the Preservation of Cultural Heritage

This regulation is a directive in the provisions for issuing licenses for the preservation of cultural heritage. One of the provisions in the regulation mentions the need to include an Environmental Impact Analysis document to obtain a license, if restoration, adaptation, and revitalization activities have the potential to cause negative impacts on the physical and social environment.

## **E. About this Guidelines**

- The Purpose of the Guidelines
  - HIA is a specific procedure and relatively unfamiliar and has not yet been practiced by the parties that will get involved. The presence of HIA Guidelines is expected to provide a clearer picture and common perception. In addition, the HIA Guidelines will have the capacity to provide direction and rules for implementation.
  - HIA process is often perceived as complex and highly distinctive. The availability of HIA Guidelines will facilitate the process of implementing HIA.
  - HIA process is carried out by involving many parties, including individuals, groups of people, and governmental and non-governmental institutions. Therefore, guidelines are needed in order to have a common reference in understanding and implementing HIA, so that all processes can be agreed upon and carried out in a transparent and accountable manner.
  - HIA process is one of the tools for controlling changes that have the potential to occur as a result of a policy, activity, or development, in accordance with the principles of sustainable development. The HIA process can be integrated into the activity and development licensing process. For this reason, this guide can be a technical guide for the implementation of HIA with regards to obtaining licenses.
- Who are the users of this Guidelines?
  - The initiator of activities or development, namely individuals, groups of people, legal or non-legal entities, and/or government institutions who are planning to make policies, or will carry out certain activities or developments that have the potential to have an impact on cultural heritage. Included in this group are designers (planners) and executors of activities, buildings, installations, infrastructure, facilities, regional plans, urban planning, as well as researchers, conservationists, and managers of cultural heritage. Executors of activities include parties who want to utilize or develop cultural heritage, for example, initiators of events that took place in a cultural heritage.
  - Authorities, namely the parties who are given the authority with regards of cultural heritage preservation both government and non-government institutions, at the provincial and district/city levels.
  - HIA implementers, namely experts or consultants (teams) appointed and authorized to carry out the impact analysis process on cultural heritage.





## **CHAPTER II HIA GENERAL PROCEDURE**

### **A. Basic Principles of HIA**

- Jurisdictional Status of HIA

In the statutory provisions in Indonesia, it has been regulated that every policy that will be enacted, planned activities, or development plans that will be implemented and has the potential to cause significant impacts on the environment is required to undergo an impact study. There are at least three types of impact studies that can be carried out, namely Strategic Environmental Assessment, Environmental Impact Analysis, and Heritage Impact Assessment.

Strategic Environmental Assessment is basically prepared before a policy is taken to ensure that the policy is in accordance with the principles of Sustainable Development. In this SEA, all resources (including cultural heritage) in a certain area will be recorded and analyzed for their condition and significance. This data recording will serve as a baseline or benchmark in assessing whether a policy or activity plan or development that will be carried out has a good or bad impact on existing resources. Therefore, Strategic Environmental Assessment is proactive step taken before any policies or activity plans are proposed, so they basically do not assess impacts. The results of the Strategic Environmental Assessment is needed more in the process of formulating policies or plans for certain development activities to direct that the decisions taken will not result in adverse impacts. On the other hand, the decision will be able to utilize resources efficiently and can even improve the quality of existing resources according to the principles of sustainable development.

In contrast to Strategic Environmental Assessment, Environmental Impact Analysis is a reactive step when a policy is about to be stipulated or a development activity plan has been submitted to obtain a permit for its implementation. The Environmental Impact Analysis must be able to identify and analyze the impact that will occur on all existing resources, with reference to the results of SEA and the actual conditions that exist. One aspect that must be studied in the Environmental Impact Analysis is the socio-cultural aspect, which includes cultural heritage. Therefore, HIA or Impact Assessment on Cultural Heritage is actually part of the Environmental Impact Analysis.

The difference between HIA or Heritage Impact Assessment and Environmental Impact Analysis lies in the focus and the details of the results of the study. HIA arises because in reality the identification and analysis of impacts carried out on cultural heritage in Environmental Impact Analysis is too general, not well targeted, and not carried out by experts. In addition, the difference between Environmental Impact Analysis and HIA also lies in their application. HIA is not only applied to development policies and activities, but also to efforts to preserve cultural heritage itself, especially its utilization and development.

In principle, HIA is an Environmental Impact Analysis that is carried out with specific methodologies and targets (including preservation) and is carried out by experts who have a good understanding of cultural heritage, so that it fits its purpose. Therefore, if the Environmental Impact Analysis carried out has applied methodologies and experts with qualities that are in accordance with HIA, then HIA has actually become an integrated part of the Environmental Impact Analysis process. With that being said, HIA can be carried

out: (a) as an integrated part of the Environmental Impact Analysis, (b) to complement the Environmental Impact Analysis, or (c) as a separate study as needed.

○ The Purpose of HIA

HIA is applied for various purposes, as follows:

- Ensure the existence of sustainable and proportional protection of cultural heritage from the impact of policies and plans for activities and development, including activities for preserving cultural heritage;
- Maintaining the important value of cultural heritage so that it is not reduced or lost by maintaining the authenticity and integrity of cultural heritage attributes;
- Finding common solutions so that the potential adverse impacts of policies, conservation, and development on cultural heritage can be avoided or minimized; and;
- Controlling the use and development of cultural heritage resources so as not to adversely affect their important values and attributes.

○ The Target of HIA

The objectives of HIA activities are specifically directed at obtaining a complete picture of policies, planned activities or developments, or plans for the preservation of cultural heritage and their potential significant impacts, which at least include the following;

- Description of policies, activities, development, or conservation that have the potential to cause impacts;
- Description of the cultural heritage potentially affected by the proposed policies, activities, development or preservation;
- Description of the important values and attributes of cultural heritage that are potentially affected;
- Identification of impacts that will occur, including how they will affect cultural heritage;
- Mitigation solutions or measures that allow impacts to be avoided, mitigated, reversed or compensated; and
- Agreements to implement solutions or mitigations.

○ Where it is implemented

In general, it can be pronounced that HIA needs to be carried out in all places or areas that have cultural heritage resources or are designated as cultural heritage preservation environments, both in the form of tangible and intangible cultural heritage. In particular, HIA must be applied to every structure, building, site, or area that has been protected by certain statutory provisions, which require the implementation of an Environmental Impact Analysis or study in the context of preservation, as stated in the legal basis of HIA. For the Special Region of Yogyakarta, it can be detailed as follows:

- The Cosmological Axis of Yogyakarta City which has been nominated as a World Heritage, including the Nominated Area, buffer zone, and the protected environment (Historic Urban Landscape);
- Cultural Heritage Areas;
- Cultural Heritage Sites;
- Cultural Heritage Buildings and Structures; and
- Protected environment e.g., Historic Urban Landscape, the territory around the Delineation of Sites and Areas, the entrance corridor to the city of Yogyakarta.

- When it is implemented

HIA is a reaction to the existence of policies, activity plans, and development plans proposed by the proponent, similar to Environmental Impact Analysis in general. However, the principle of HIA studies could in fact already be carried out at the planning stage. Therefore, HIA can be implemented from the planning stage to the operation stage of activities.

- Planning or Design Phase

At this stage, the full HIA procedure has not yet been carried out, but the HIA procedure is used to predict the impacts that may occur if the design is implemented. Using the SEA Results (if available), the HIA procedure can simulate the possible impacts caused by the design. This prediction can be used to reconsider the original design whether the negative impact is greater than the positive impact, by redesigning it so that the least risky design is obtained. In this case, HIA provides feedback in the design process so that the impact has been taken into account from the start. This step will save time, effort, and resources, because it will reduce the risk of rejection of the final impact if it is considered to have negative impacts.

- License Application Stage

HIA at this stage is a requirement to obtain license from the authorities to carry out the activities or developments that were already planned. Thus, the complete planning should be in place and submitted to the authorities for evaluation. If the proposed proposal shows evidence that the design has been prepared based on a proper HIA procedure, then there is no need to do another HIA.

- Implementation Phase

HIA can also be carried out when development activities or work have been carried out. In this case, an unexpected overdo has occurred for one reason or another. Or, during the activity, an unexpected cultural heritage was discovered. When this situation occurs, then all activities that are being carried out must be suspended, and an HIA must be carried out. Work is postponed until the HIA review can provide specific recommendations. If circumstances allow, HIA can be carried out by stages per sections, so that certain overdo work can be immediately decided whether it should be proceeded and losses can be minimized.

- Operational Stage

HIA can also be carried out at the stage when the development results are already operational. This situation can occur because the mitigation carried out did not go correctly, or an unexpected condition occurs, that makes it necessary to carry out HIA.

## **B. General Stage of HIA Process**

In general, the HIA implementation process is carried out by following a step-by-step procedure. Before the implementation of HIA begins, by all means, there must be a process of initiation, planning, and preparations made by the proponent, so therefore, they can submit the desired policy, activity, or development design document. In this preparation process, the HIA procedure can be applied even though it is in the form of a more simulative advocacy. In many cases, HIA Implementation begins after the proponent

submits a proposed policy, activity, or development plan to the Authority, either as part of the licensing process or as part of the Environmental Impact Analysis.

The stages that are commonly carried out will take these following steps:

- Screening

The party in charge of cultural heritage preservation or licensing (hereinafter: Authority) examines the proposed policies, activities, or development plans submitted by the Proponent. The aim is to determine whether or not a proposed proposal must carry out HIA, in accordance with applicable regulations. To decide, sometimes the Authority needs to consult with other parties, including other government agencies and/or community representatives depending on the needs.

- Scoping

Based on the results of the examination and consultation, the authority determines the scope of the HIA study required, because HIA is not always carried out on all cultural heritages and all aspects. The authority can determine the scope of the study area, the aspects studied, and the cultural heritage that needs to be studied, according to the interests and character of the location, the proposed proposal, as well as the existing condition of the cultural heritage.

- Commissioning

The authority provides a document that contains the scope of the HIA study and provides guidance on the required expertise (people) who need to be involved in HIA, and emphasizes the independency of the HIA implementing party. Under certain conditions, the Authority may appoint the implementing party directly.

- Implementing

The HIA implementer who has been appointed and approved by the Authority applies the impact assessment in accordance with the directions in the HIA commissioning document. This process usually begins with a desk-study of data and documents, and continues with additional data collection and field observations or excavations if necessary, mapping of important cultural heritage values and their attributes, identifying threats and potential impacts. The authority supervises this process through to the final reporting.

- Report drafting

All results of the analysis obtained at the implementation stage are compiled in preliminary or interim reports, to be disseminated to stakeholders.

- Public consultation

The implementer disseminates the results of the initial study that has been prepared in the interim report to all stakeholders and discusses them. This public consultative meeting provides an opportunity for stakeholders to submit additional information, aspirations, suggestions, and input. This forum can also function as a means and platform for conflict resolution and open up the involvement of stakeholders in every step of HIA implementation.

- Moderating assessment and impact

The HIA implementer reviews and refines the results of the initial assessment by considering all the results of consultations with stakeholders again, and re-examines the suitability of the identified impacts with mitigation for solutions.

- Final reporting

The HIA implementer revises the initial report to develop the HIA Final Report, which contains the results of the formulation of impacts and mitigation after consultation with stakeholders. In this report the HIA Implementer can recommend new mitigation alternatives if they are relevant. The HIA Final Report is submitted to the Authority for approval and will be submitted to the proponent and other stakeholders.

- Implementing mitigation

The proponent or the appointed party implements the mitigation after a license has been issued by the Authority. Implementation must follow the mitigation directives contained in the Final Report under the supervision of the Authority and accompanied by the HIA Implementer.

- Monitoring and evaluation

The authority, accompanied by the HIA Implementer, monitors and evaluates the implementation of mitigation, to ensure that the work is completed.

- Decommissioning

The authority declares that the HIA implementation has been completed, after all mitigation work is considered completed, and all reports on the results of HIA implementation along with the results of monitoring and evaluation are submitted and approved.

## CHAPTER III GUIDELINES FOR PROJECT PROPONENTS

### A. Planning Process

A policy, activity or development by all means begins with an idea, which is then outlined in a plan or design document, and then only implemented, after obtaining license from the relevant authority. The planning process is a very important stage, because it forms the basis for every policy, activity, and development. Designs that are prepared by avoiding or at least minimizing negative impacts on environmental elements will certainly be more in line with the common desire to realize sustainable development. Therefore, the planning process by taking into account HIA will certainly produce a proper design. In addition, such a design will reduce the risk of being rejected or heavily revised which will result in a waste of time, effort, and cost.

The HIA carried out at the planning stage is essentially an effort to find out the existence of cultural heritage and examine the significant values and elements (attributes) that contain these important values. This information is important for designers to know, so that from the planning process there is an idea of what should not be done and what should be done to avoid negative impacts on existing cultural heritage, or on the contrary, it can increase its significance and sustainability. The HIA results should be used as feedback in the planning process. By considering the prediction of impact, improvements can be made from the start in each planning stage, so that in the end a design that is oriented towards sustainable development can be achieved.

It should be kept in mind that HIA in the planning process is not only needed by policy proponents and development activities, researchers, conservationists, and cultural heritage managers also need it. As regulated in the statutory provisions, in the context of the utilization and development of cultural heritage, the proponent is required to conduct an impact study on cultural heritage. In the context of cultural heritage conservation activities, HIA procedures can be included in a feasibility study or technical review before conservation activities are carried out. Prediction of negative impacts on cultural heritage should also be explained in research proposals or search for objects suspected of cultural heritage, because in essence, research has the potential to cause damage or other negative impacts.

To integrate HIA in the planning process, the following steps can be suggested.

- Conduct study on the laws and regulations (laws, regional regulation, special regional regulation, governor's regulation, etc.), other planning documents (Master Plan, Management Plan, Conservation Plan, SEA Results, etc.) that are enforced for the location or area where the policy or activity will be carried out.
- Carry out a literature review and/or observation to obtain information about the existence of cultural heritage, forms, important values, status, rankings, and other information about cultural heritage that will be affected.
- Consult with the Authority to obtain information or confirmation on cultural heritage, as well as obtain clarification on regulations related to cultural heritage.
- Obtain planning advice from the authorities, especially in the context of obtaining license in the future.

- Carry out HIA procedures (if needed) or get assistance from experts who understand HIA procedures to get input and suggestions on potential impacts that may occur due to the plan as a basis for consideration in the preparation of proposals or designs.
- Prepare proposal documents or draft policies, activities, or developments that have included consideration of impacts on cultural heritage in accordance with HIA procedures.
- Submit proposals or draft policies, activities and developments that have been prepared to the authorities for approval. Documents submitted must be detailed enough (Detailed Engineering Design), including the work plan (RKS).
- Provide additional information to the Authority if necessary.

## **B. Implementing Process**

After the proponent submits the proposal or draft document, the authority will examine it, assess its feasibility, and decide on a follow-up. There are at least four possible decisions, namely (a) fully approve the proposal or draft for implementation, (b) carry out limited revisions according to the direction of the authority, without the need for HIA, (c) mandatory to carry out HIA before it can be assumed, or (c) refuse altogether proposals or designs submitted. If it is decided (c) to carry out HIA, then the proponent is obligated to carry out HIA. To that end, the Authority will issue a HIA directive document that informs about the area, scope, methods and experts required to conduct HIA.

At the HIA implementation stage, the Initiator needs to prepare several things as follows:

- Provide funds for HIA implementation and appoint an independent HIA Implementation Team, in accordance with the conditions stated in the HIA directive issued by the Authority. Consultation with the Authority must be carried out to ensure that the Implementing team is qualified, with integrity, and independent, so that it is objective and neutral.
- Provide additional data or information required by the HIA Implementation Team, either in the form of documents or verbal information through interviews requested by the HIA Implementation Team.
- Participate in public consultations when requested by the HIA Implementation Team.
- Discuss with the HIA Implementation Team about possible mitigations that can be implemented, so that the most profitable and appropriate mitigation can be decided.
- Accept the HIA results which mainly contain mitigation directives from the Authority.

## **C. Implementation of Mitigation, Monitoring, and Evaluation**

After receiving the HIA results from the Authority, the Proponent must carry out the mitigation as outlined in the HIA document. In general, the mitigation outlined in the HIA results issued by the Authority is a mutual agreement reached in the HIA implementation process. Therefore, it is only natural that the proponent can also be the implementor. If there is a discrepancy, the proponent is entitled for an explanation from the Authority.

The proponent becomes the main actor in the mitigation implementation process. The steps that can be taken at this stage are as follows:



- Observe the results of the HIA, especially the mitigation that must be carried out;
- If there is ambiguity or unfitting mitigation, ask the Authority and/or the HIA Implementation Team to get additional information;
- Establish a task force to implement (all) agreed mitigations, as stated in the HIA results from the Authority; and
- Carry out mitigation activities according to directions and in transparent manner until the work is completed.

In the mitigation implementation process, both the Authority and the HIA Implementation Team will always monitor and evaluate the ongoing mitigation implementation process, so as not to deviate from the directions that have been given. In this regard, the proponent needs to do the following.

- Assist and cooperate with the Authority and the Implementation Team in the monitoring and evaluation process;
- Provide necessary explanations and information when requested by the Authority and the Implementing Team;
- Accept the results of monitoring and evaluation;
- Provide clear and reasonable responses if there are things that are considered inappropriate; and
- Provide mitigation implementation reports to the HIA Authority and Implementers when the work has been completed.

## **CHAPTER IV GUIDELINES FOR AUTHORITY**

The Authority plays a key role in the HIA process, because the Authority will always be involved in the entire process from mentoring until the mitigation is carried out completely. As described in the General Stage of the HIA Process section (see sub-chapter II.B above), in addition to initial assistance, the Authority must carry out screening, scoping, commissioning, supervision, and implementation of HIA, decides on mitigation and monitors and evaluates the implementation of mitigation (monitoring and evaluation) by the proponent, and declares the completeness of the HIA process.

To be able to carry out its duties, the Authority must have a correct and complete information regarding (a) cultural heritage under its authority, (b) applicable laws and regulations, (c) policies, plans, and conservation and/or management programs that exists, and (d) the results of thematic studies that have been carried out in the area of their authority. Completeness of information about cultural heritage including its types and components, status, rank, importance and attributes, as well as current conditions. These will serve as baseline data to assess the proposed policies, activities and developments, so that a decision can be made whether or not HIA is necessary. If HIA is needed, the scope should be decided. In order to be able to carry out these tasks properly, the Authority must be supported with appropriate and quality resources, with adequate knowledge of HIA procedures.

### **A. Initial mentoring**

In the planning process, it is possible for policy, activity and development proponents to request information and assistance from the Authority. After studying the request, the Authority may decide to provide direct assistance (advocacy) or direct the initiator to use other competent parties (experts).

During assistance, both the Authority and other appointed parties must be able to provide accurate and complete information (basic data) regarding cultural heritage, statutory provisions, conservation and management policies, as well as other plans at locations or areas under their authority, including Strategic Environmental Assessment results if available. In addition, the Authority or the appointed assistant must also be able to apply HIA procedures so that they are able to provide views or predictions about the potential negative and positive impacts that will occur if an intervention is carried out as initiated by the designer. This prediction will be input for the initiator or designer to rethink, replace, change or improve the design. Through this feedback mechanism, an appropriate design will be produced, without the potential for adverse effects on the existing cultural heritage.

### **B. Screening, Scoping, and Commissioning**

After the proponent have submitted the planning document of a policy, activity, or development about to be implemented, the Authority will assess in order to decide whether the proposal requires HIA or not. This stage is usually called the screening stage.

During the screening stage, the Authority will mainly conduct a thorough study of the policy, activity, or development planning, and assess it against criteria of the needs for HIA. Some tips to ease the screening process are as follows:

- Get to know the location or area targeted by the proposal: whether it is in the area mandatory for HIA. For this reason, the Authority needs to refer to all existing laws and regulations, as well as established preservation and management documents,

including management plans (if any). If the proposed plan is not in (the area where HIA is mandatory), it could be decided that HIA is not needed.

- In the opposite, if the proposed plan is clearly not in accordance with existing provisions (including management plans, if there is), then the plan can be immediately rejected by providing notes on how it is not in accordance with existing provisions.
- If the targeted location is included in the area where HIA is mandatory,
  - Check the completeness of documents and other information submitted,
  - Make sure if there is an Environmental Impact Analysis document and see whether HIA is included in it. If it is and the quality has met the requirements, it is not necessary (to conduct another HIA).
  - If there is no (Environmental Impact Analysis document), refer back to the proposal or design document and see if it already contains impact considerations. If it does and the quality meets the requirements, it is not necessary to conduct HIA.
  - If in all proposals or draft documents there are no elements that indicate the impact considerations as required, then HIA will be preferred.
- Whether HIA will be necessary or not, will also be determined by considering the cultural heritage in the target location: the degree of its distribution, or whether its attributes are of high significance and quality, the ranks, and how the conditions are. The more congested the distribution, the higher its significance and the quality of the attributes, and (the higher) the ranking, also the more prone it is, then HIA is more needed.
- Study the planned activity and predict potential impacts that can occur if carried out at the intended location. If the potential impact will affect the important value of cultural heritage, attributes, and the protection area, then HIA needs to be done.
- If needed, consult with other relevant parties, both with government institutions, non-governmental organizations, and/or community representatives to get information, suggestions, and other input. Authority indeed needs to develop an effective community involvement mechanism, so that all affected interest can be accommodated from the early stage.
- By considering carefully everything mentioned above, the Authority can decide whether HIA is needed or not for the proposal.

If the Authority decides that HIA needs to be carried out, the next stage is determining the scope of the study (scoping). By studying carefully, the proposal or design documents and the details of cultural heritage that is potentially affected, it is very possible that HIA does not need to cover everything, but only on certain area or aspects. Certain aspects referred to here, for example, are landscape, visual, aesthetic, air pollution, traffic, noise, visitations, traditions, and so on. Focusing in certain areas and aspects is necessary because there is a possibility that other area or aspects will not be significantly affected, so they can be ignored. In addition, it is possible that the results of the Environmental Impact Analysis have met the requirements for certain areas and aspects, but are still lacking in other areas or aspects, so therefore the recommended HIA is only to complement those that are not yet

available. To determine the scope of the area and aspects that must be assessed in HIA, there are some things that needs to be prioritized, as follows:

- Area with dense cultural heritage,
- Area in the strategic environment territory,
- Area that is potentially impacted heavily,
- Aspects that are the main attributes of significance,
- Aspects that have significant impact,
- Important aspects that have not been assessed for their impacts.

The next stage is the HIA commissioning. At this stage, the Authority will issue documents containing decisions for the implementation of HIA. In this document the direction of the scope of the area, aspects of the study, methodology (including the possibility of archeological excavation), and the expertise needed for the HIA will be determined. In the commissioning, the authority should provide sufficient information about the significance of cultural heritage and its attributes (the example of Document for the Commissioning of HIA Implementation is Attached). This document will become the Terms of Reference for the HIA Implementers.

There are several alternatives for the commissioning of HIA Implementers by the Authority:

- In certain situations, the Authority can decide to carry out HIA, especially if there are no experts or independent consultants who meet the required qualifications.
- Authority appoints experts or consultants directly, while still prioritizing their independence even though funding remains to be the responsibility of the proponents.
- Normally, the Authority will provide guidelines for expertise needed to perform HIA that are developed based on the needs of aspects to be studied, expert qualifications, and independency. This guidance will be followed up by the proponent by assembling HIA Implementer Team approved by the Authority.
- Another alternative would be appointing HIA Implemented by tendering.

### **C. HIA Implementation and Reporting of Result**

When the HIA implementation is carried out, the Authority must facilitate the HIA implementing consultant (team) to obtain the widest possible access to information about its cultural heritage. Authority must provide additional information or documents needed if the implementer of HIA request it, especially related to cultural heritage under its authority.

After the HIA implementation delegation to the proponent and the consultant is approved, the Authority must continue to supervise the process carried out by the consultant to make sure that it is conducted according to the guidelines. In accordance with the agreed period of time, HIA implementers must make initial reports and final reports. The initial report contains the temporary results of the study that is still need to be consulted with stakeholders or the community.

After the stakeholder consultation has been carried out, HIA implementers will compile a final report that includes the results of the consultation and especially formulating the impact and mitigation. The final report is submitted to the authority for examination and

approval. In examining the final report, the authority must pay attention to the completeness of the contents and quality in accordance with the commissioning document of the HIA implementation that was previously issued. Suitability and clarity of reports that must be checked, among others, include the following elements (see also: Examples of HIA Report Formats attached):

- Accuracy of the scope of the area;
- Completeness of the aspects studied;
- The accuracy of identification of the significance of cultural heritage and its attributes;
- Accuracy in estimating impacts;
- Conformity, clarity, and mitigation breakdown;
- Time frame (schedule); and
- Monitoring and evaluation framework.

The final report that is considered to be not qualified may be referred back to the HIA implementer for improvement. Authority can add suggestions or make small changes (minor correction) if necessary. If the final report has been approved, the Authority will transmit it to the proponent for follow up, especially for carrying out the recommended mitigation. The final report can also be transmitted to other stakeholders as needed.

#### **D. Supervising, Monitoring, and Evaluation**

As mentioned earlier, Authority is required to conduct a supervising for the HIA process that is being carried out by the HIA implementing consultant, so that the provided guidelines can be carried out in accordance with its intentions and objectives. Authority should be involved in public or stakeholders' consultations carried out by Implementing Consultant as needed.

During the implementation of mitigation, the Joint Authority (Team) of the HIA implementing consultant conducted a supervising, monitoring, and evaluation. The framework of monitoring and evaluation procedures is usually included in the HIA result, so the Authority should only see how it fits with the real condition at the field. If there are differences, it is necessary to have a joint discussion involving the authority, HIA Implementing Consultant, proponent, and Mitigation Implementer. At this stage all mitigation activities must be well documented. In the case of large-scale development, the process of conducting, monitoring, and evaluating can involve other parties (supervisory consultants) appointed with the approval of the proponent.

After the entire mitigation implementation process is complete, the authority receives the mitigation work completeness report from the proponent. After approving the final report on the implementation of mitigation along with the results of monitoring and evaluation, the authority stated that the process of implementing the HIA has been completed (decommissioning).

## CHAPTER V GUIDELINES FOR IMPLEMENTERS

HIA implementers are (teams of) experts or consultants appointed to estimate the impact on cultural heritage, develop mitigation to avoid or reduce the impact, and supervise the implementation of mitigation to completion. The expertise needed in carrying out the HIA procedure depends on the aspects that need to be assessed in HIA. Because HIA is a study of the impact especially on cultural heritage, so such as Environmental Impact Analysis in general, the main expert or consultant appointed must understand the specificity of cultural heritage. If the aspects that need to be studied are quite diverse and complex, usually the consulting team will be appointed by involving a variety of appropriate expertise, with an adequate knowledge of cultural heritage. It is preferable, that the team is led by experts who are experienced and are familiar with the territory and cultural heritage to be studied. HIA implementers does not only need to have the appropriate expertise, but also must work professionally, ethically, and independently.

HIA implementers basically have two main tasks: (a) Estimating the impact on cultural heritage, and (b) formulating mitigation, which is finding ways to avoid or at least reduce adverse effects. The scope of the HIA implementation must be in accordance with what has been directed in the HIA commissioning document (a kind of Terms of Reference) issued by the Authority. The working methodology also follows existing guidelines, even though the implementers have the freedom to provide feedback and suggestions, even propose changes if it could improve the quality of the study.

Mitigation is also expected to increase the positive impact on cultural heritage. The results of estimating the impact and formulation of mitigation are outlined in the HIA report that must be submitted to the Authority. In addition to the main task, HIA implementers should continue to participate in the process of implementing mitigation to supervise, monitor and evaluate the mitigation work.

### **A. Estimating Impact**

Estimation of impacts is basically predicting and recognizing the impact that might occur on cultural heritage as a result of policies, activities, and development that have been proposed or carried out. The process of estimating impacts is usually carried out through several stages, namely: Assessing documents (desk study), Analysis of Significance and Threats Identification, and Impact Evaluation.

- **Assessing Documents (desk study)**

Document assessment is the collection, examination and analysis of information or data obtained mainly from literature sources, both in the form of draft, reports, archives, laws and regulations, maps, baseline data, thematic studies and other secondary sources. Nevertheless, in the implementation of HIA, sometimes there is an important information that is not yet available. Therefore, additional information can be obtained by interviews and direct observations. At the Document Assessment stage, there are two set of information that needs to be understood properly by the HIA implementers, namely (a) all matters related to cultural heritage in the location or target area, and (b) the details of policies, activities, and development that will be or has been done.

- **Information on the cultural heritage**

Considering the uniqueness and the contextuality of cultural heritage, a specific information is needed about the cultural heritage in its environment. However, as an initial guide, the baseline data needed related to cultural heritage, could include but not limited to (see also the example format of the contents of the HIA report):

- a) exact location (administrative and coordinates),
- b) form and type of cultural heritage with a detailed description,
- c) status,
- d) ranking,
- e) significance values and attributes,
- f) typical and interesting details about the cultural heritage,
- g) zoning and protection area,
- h) conservation and management plan (if any),
- i) statutory provisions that are imposed in the area where the cultural heritage is located.

Theoretically, the baseline data should be obtained from the database owned by the authority. However, in reality not all data is available. Therefore, the implementers are required to extract more detailed information, both through literature studies and field observations. If necessary, the implementer may propose archeological excavation.

Oftentimes, the information about cultural heritage that is difficult to obtain is on **the significance of cultural heritage and its attributes**. In fact, this information is very important and must be available for estimating impact. For World Cultural Heritage, the description of the significant value and attributes has been described in the Statement of Outstanding Universal Value (SOUV) which is part of the decisions of the UNESCO World Heritage Committee. However, for national, provincial, or district/city level cultural heritage, statements about the significance of cultural heritage and their attributes are usually not included in the decree of cultural heritage designation. In a better circumstance, the statement of significance under which a cultural heritage is designated is available in the recommendation of the expert team. Information on significant values and attributes is usually contained in the Management Plan document. In Indonesia, management plan documents are very rarely prepared. If, the information cannot be obtained in various sources, the implementing team must conduct a study of significant values and cultural heritage attributes to be affected. Therefore, the implementer of HIA must have expertise in cultural heritage.

Understanding the significance of the cultural heritage and its attributes is the primary task because the main focus of this impact assessment is precisely on this element. Impact is assessed based on changes that will occur in these elements.

- **information on the policy, activity, and development plan**

Other information needed in estimating impacts is the details of (planned) policies, activities, or development. This information is by all means very diverse and very specific depending on many aspects. However, there is at least some information

about the design that will greatly contribute to the estimation of the impact, including, but not limited to (see also the example format of the contents of the HIA report)<sup>1</sup>:

- a) Location and the spatial width of the plan (administrative and coordinates),
- b) Goal and purpose,
- c) Beneficiaries (personal, community, community, and/or government),
- d) Urgency,
- e) Details of the design (shape, style, aesthetics, etc.), as well as
- f) Details of how to carry out the proposed plan (action, equipment, time period, intensity, area, etc.)

In general, the information will be contained in the DED (Detail Engineering Design) document or RKS (work plan and conditions). Details of the design and description of the planned implementation of the plan are the most needed information, because the impact will usually be detected by understanding these details. The details should include all designs and actions at each stage ranging from preparation, workmanship, and use (operational). However, oftentimes, information cannot be obtained completely. HIA implementers can explore information further from those who are considered to have this information, for example proponent, designer, funder, implementer (if the project is ongoing), and other experts.

- **Analysis of significance and threats**

Based on all information, an analysis is carried out to reveal in detail: (a) the significance of cultural heritage and its attributes, and (b) actions that have the potential to cause impacts, especially in the form of threats to the significance of cultural heritage and its attributes. Analysis of the significance of cultural heritage is often carried out by mapping values, namely identifying, evaluating, and then establishing aspects of the significance of cultural heritage and its attributes in detail in the scope of the study area. In this analysis, historical elements, cultural heritage conditions (authenticity and integrity), relationships between cultural heritage attributes on a site or region, as well as their roles and relationships with the context of the social and natural environment are also revealed. The results of the analysis of the significance of cultural heritage can be presented in the form of matrix that ranks the degree of its significance.<sup>2</sup>

Analysis of threats is prioritized in estimating impacts, because HIA is indeed aimed to especially avoid and reduce adverse effects. In this analysis it is necessary to identify policies or actions that can change the significance of cultural heritage and its attributes. If the changes will improve the quality of the significance and attribute conditions, it will be called a positive impact (beneficial). Conversely, if the changes that will occur actually reduce or even eliminate the significance and condition of cultural heritage attributes, then it will be called a negative impact (adverse). This negative impact indication is considered a threat. An analysis of threats will recognize that there are ascertained threats that have occurred or will definitely occur that will cause an

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<sup>1</sup> The list of Cultural Heritage and Environmental Protection is attached, taken from the list owned by the Office of Culture of the Special Region of Yogyakarta

<sup>2</sup> Is example of Matrix needed?



obvious impact, and there are also potential threats. Potential threats occur as an effect of actions taken or require certain conditions to cause adverse effects. Both ascertained and potential threats can occur at each stage of the project, be it during preparation, construction, and utilization, the threat can be mapped at each stage along with the degree of the threat.

- **Impact Evaluation**

Impact evaluation is to estimate and assess how and to what extent the proposed plan will result in changes of the significance of cultural heritage and its attributes. This study can be done by cross-referencing the threat with the state of significance of cultural heritage and its attributes. Some variables that need to be studied in this impact evaluation, including (but not limited to):

- a) Types of activities that are the source of impact,
- b) Types of impact (ascertained, potential, direct, indirect),
- c) The stage where the impact will occur,
- d) Significance and attributes of cultural heritage that are affected (in part and as a whole),
- e) Degree of the impact (can be ignored, minimal, moderate, high, very high),
- f) Intensity of impact (once, several times, recurring, temporary, permanent).

- **Formulation of temporary mitigation**

After the description of the impact of the proposed plan on the significance of cultural heritage and its attributes can be recognized and assessed, the next stage is to find a solution so that the plan can be carried out, but the impact that will occur can be avoided or at least reduced to minimal with mitigation action. Mitigation is an effort to find alternatives so that the adverse effects of the implementation of the planned project can be eliminated, reduced, restored, and/ or compensated so that it becomes a beneficial or at least acceptable impact.

Mitigation is certainly very diverse depending on the problems caused by the impact, so it is difficult to formulate a way or direction of how mitigation can be figured out and determined. However, by all means, the right mitigation is not a momentary solution, but must be a solution that can immediately overcome problems and be able to protect cultural heritage and its attributes in the long run.

Sometimes, efforts to find the right mitigation cannot be achieved because the significance of cultural heritage and attributes is indeed very high and unique, so there is no proper mitigation except to maintain the cultural heritage at the current situation. That means, the proposed plan submitted must be rejected altogether. However, to reject or accept a proposed plan, the cost and benefit in the long run based on the principles of sustainable development must be compared. Sometimes, cultural heritage should be sacrificed for greater and long-term interests or compensated with other benefits that can be accepted by all parties. In addition, it is possible that cultural heritage will only be affected temporarily and the initial situation will be recovered (rehabilitated), so it is possible that the proposal of activities that cause impacts will be accepted. Therefore, mitigation must be realistic, feasible, attainable, and provide prospective alternatives.

## **B. Initial Report and Public Consultation**

After the results of the analysis of the proposed policies and activities, the condition of cultural heritage, the results of the estimation of impacts, and mitigation, the implementer must prepare the initial or temporary HIA reports. This initial report then needs to be consulted to the public or stakeholders.

- **Drafting on initial report**

The results obtained in the entire series of Document Assessment (desk study) to the formulation of temporary mitigation need to be stated in the initial report. There is no special format for making this temporary report. This report is intended to be consulted with the community or stakeholders. Thus, this report is expected to be presented briefly, straightforwardly, and easy to understand. The report contains at least the main points that include: the purpose of the assessment, problems, methods and processes of the assessment, the results of the study of the significance of cultural heritage, the results of the study of impacts, alternative mitigation, and list of information or problems that need to be confirmed to stakeholders. If the implementing team feels that there is a data gap or information needed because of certain obstacles (maybe funds, time, absence of sources) they also state it in this temporary report.

- **Public consultation**

Stakeholder consultation meetings are required in order to present the results of the temporary assessment. In addition, this meeting can also be an opportunity for HIA implementers to get additional information, input and suggestions, confirm information and problems if any, accommodate aspirations, and collect ideas that might be used as an alternative for mitigation. During the meeting, the implementer must also be able to explore and identify the possible participation of stakeholders (especially the local association and community) in the mitigation work as well as its monitoring and evaluation. Depending on the circumstances, the scope of the study area, and the size of the proposed plan, stakeholder consultations can be carried out in stages, per group, and with various methods and times.

## **C. Formulating Mitigation (Moderating Assessment and Impact)**

Taking into account the results of stakeholder consultations, HIA implementers review the results of the studies that have been obtained up to the initial reporting stage. The main activity at this formulation mitigation stage is to review all information, aspirations, and ideas obtained during consultation with stakeholders. The results of this study are then used to reassess the compatibility between the predicted impacts and the originally suggested mitigations. The stakeholder consultation process often raises new ideas or solutions that provide alternatives for mitigation. The consultation forum also often reveals potential impacts that were not previously identified. Hopefully, all these novelties will be able to improve the quality of the results of the HIA implementation, especially for improving the results which are the main objectives of the HIA, namely the identification of impacts and how to mitigate impacts.

By considering all the results of the study, the HIA Implementation Team will be able to determine the actions towards the impacts that will occur if the proposed plan is to be

implemented. Implementers can summarize the overall impact and decide the level of acceptance of the impact. Usually, impacts can be categorized into the level of acceptance as follows:

- Impact is acceptable, if the assessment shows that the impact on the significant cultural heritage value and its attributes is insignificant or negligible,
- Impact is accepted with mitigation, if the assessment finds that it is likely that an adverse impact will occur, but it can be avoided, reduced, reversed, or compensated with other benefits through mitigation actions.
- Impact is unacceptable, so the proposed plan may be rejected. This decision is taken if the assessment shows that the impact of the changes that will occur has a strong chance to eliminate or significantly reduce the significance of cultural heritage and the condition of its attributes.

If the impact can be accepted with mitigation, by all means, the HIA Implementer is obliged to provide direction and explain ways for the mitigation. Description of this mitigation is a very important part overcome the impacts that will occur. In addition, the description of mitigation is also needed by the proponent for follow up. Suggested mitigation must be realistic, workable, and a long-term solution.

#### **D. Final Report**

To accommodate the changes that occurred after the stakeholder consultation forum, the HIA Implementer must prepare a Final Report. This report is a revision of the interim/initial report, by including the results of the review, especially on the suitability between impact and mitigation. Various mitigation alternatives that have been identified need to be stated clearly and in detail, because this final report will be a reference for the suggested mitigation work.

An overview of the main points that need to be submitted in the final report can be seen in the sample HIA Report format (see Annex). A component that needs to be included in the Final Report is the procedure for monitoring and evaluating the mitigation work.

The Final HIA Implementation Report is submitted to the Authority for approval. Implementers may be asked to revise the Final Report. This will happen if there are parts that must be clarified, considering that this Final Report must be disseminated to stakeholders and especially transmitted to the Proponent.

#### **E. Supervising**

During the implementation of mitigation, the HIA implementing consultant together with the Authority carry out supervision and monitoring and evaluation. The framework for monitoring and evaluation procedures and their benchmarks is part of the HIA Report, so this process is mainly for examining whether the benchmarks and procedures matches with the execution on the field, so that mitigation work is in accordance with the direction of the goals and objectives.

If the mitigation work is not appropriate, it is necessary to have a joint discussion between the HIA Implementing Consultant (team), the Authority, the Proponent, and the Mitigation Implementer (if different from the proponent). The mitigation work process must

be fully documented. In certain cases, other parties may be appointed as supervisory consultants who carry out supervisory, monitoring and evaluation tasks. By all means, the appointment of the supervisory consultant must be mutually agreed by all parties.

All documentation results and records of the results of supervision, monitoring and evaluation must also be documented. At the end of the HIA implementation, all documentation is submitted to the Authority. The work of implementing HIA will end when the Authority declares that the HIA implementation activities have been completed (decommissioning).

## CHAPTER VI CLOSING

The Special Region of Yogyakarta has an extraordinary cultural wealth. The various manifestations of the results of creativity, tastes, initiative, and works have become one of the features of this region as confirmed in the Republic of Indonesia Law Number 13 Year 2012 concerning the Privileges of the Special Region of Yogyakarta. Cultural wealth, including cultural heritage, is certainly a very valuable capital for sustainable development, so it must be preserved both now and in the future.

However, it cannot be denied, in reality cultural heritage is often pressured by development, so that its sustainability is disrupted. Conservation efforts are often seen as a barrier to development and this situation creates a conflict of interest. In fact, the actual conservation and development efforts should be able to go hand in hand and even strengthen each other. Preservation of cultural heritage can be part of development, and conversely development can also integrate conservation. One way to achieve this situation is to create a mechanism for estimating the impact on cultural heritage in the development process. The mechanism is known as the Heritage Impact Assessment. The application of HIA in many countries has proven successful in controlling development that has an unfavorable impact on the preservation of cultural heritage. On the other hand, HIA is also able to strengthen development through efforts to preserve cultural heritage. In fact, HIA has been established as an impact control tool that must be implemented in every World Heritage. Therefore, the Special Region of Yogyakarta also needs to implement HIA procedures in order to be more successful in integrating development with cultural heritage preservation. Moreover, when now the Cosmological Axis of Yogyakarta is currently being proposed as a World Heritage.

The HIA procedure is actually not a completely new mechanism in the Special Region of Yogyakarta. In a simple form, controlling the impact of development on cultural heritage has been carried out, including in the licensing mechanism and the promulgation of a number of laws and regulations. However, the mechanism is not yet widely known and implemented by the relevant stakeholders. Considering this fact, a more effective HIA procedure needs to be immediately disseminated and implemented in an integrated manner in the Special Region of Yogyakarta. For this reason, the HIA Guidelines for the Special Region of Yogyakarta is prepared so that there is a common understanding by all implementing parties.

This HIA guide is compiled in a complete version and adapted for the situation in the Special Region of Yogyakarta. However, this guide has been prepared by referring to the provisions and practices recommended by heritage advisory institutions at the international level (ICOMOS, ICCROM), and has also been compared with HIA practices in a number of other countries. Bearing in mind that this is the first time a HIA Guidelines for the Special Region of Yogyakarta is compiled and it has not been widely practiced, and there are no good examples (best-practices) that can be referred to, therefore, this HIA Guidelines for the Special Region of Yogyakarta still needs to be refined and needs to be updated according to existing developments. Therefore, this guide is very open to criticism, suggestions, input, and sharing experiences for its improvement.

### Suggestion

- Considering that the HIA procedure in the Special Region of Yogyakarta requires a sufficient number of human resources who understand this procedure to support its implementation, both as an Authority apparatus and as an HIA implementer, it is necessary to hold HIA training and workshops so that there is readiness in the field of human resources.
- The HIA Guidelines for the Special Region of Yogyakarta is developed as a complete version, especially for all parties involved in the HIA process, so that this Guidelines can be the main reference. This guide has also been prepared individually for each party who will be involved in the HIA process, namely the Proponent, Authority, and HIA Implementer. However, for the dissemination of information contained in this Guidelines, it may be necessary to make a short version for each party. Not all parties actually need this guide in full. The proponent, for example, may not need the detailed information in the guidelines for HIA Authorities and Implementers.
- Especially for the Proponent, for whom the dissemination of HIA information needs to be carried out very broadly (e.g., for the entire community), a leaflet with an attractive infographic with concise but clear information can be made.
- For the screening stage in the HIA process, it is necessary to develop criteria or references to determine the priority policies, activities, and developments for implementing HIA. These criteria must be compiled together and the results are stated in the form of appropriate legislation.

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## ANNEX 1: EXAMPLE OF HIA COMMISSIONING DOCUMENT

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### Title Page

- Name of Activity (example: Terms of Reference for Heritage Impact Assessment)
  - Name of Proponent (Proponent of policy, activity, or development plan)
  - Title of the Proposed Project
- 

### Part I Introduction

- Background: explain the reasons why HIA is needed and what are the issues that might arise from the planned policy, activity, and development.
  - Current condition: give short description on the condition of the location or area where the project will be carried out and the condition or the potential of the cultural heritage.
  - Conclusion: state the needs of HIA.
- 

### Part II Condition of targeted area for HIA

- Boundaries of the location or area where HIA will be implemented, both administrative and coordinate location if available (a map can be attached).
  - Short description of the targeted area for HIA
  - The existence of cultural heritage in the targeted area for HIA
  - Significance of the location or area where HIA will be implemented
  - Stakeholders in the area
- 

### Part III Description of Proposed Plan

- Short description of the proposed policy, activity, and development, including the works that follows and its goal and beneficiaries
  - Description of the proposed plan (among others: design, process, width, resources, change potential)
- 

### Part IV Purpose of Commissioning

- The Authority in the area
  - Description of work that should be carried out by HIA implementer, for example: (a) to identify the cultural heritage resources in the study area and its protection area, (b) to assess the potential for impact that arise from the proposed plan, (c) recommend proper mitigation, (d) develop the monitoring of implementation, and (e) mitigation scheduling
  - Scoping of aspects that are the focus of commissioning, main aspects that become the priority of HIA implementation (for example: cultural landscape, traffic, vista, architecture, archaeology, flora-fauna, intangible cultural heritage)
  - Legislation that can be used as the basis of HIA implementation and also other HIA related materials
  - Minimum deliverable that should be achieved (there might be a specific required goal, for example time period of commissioning, stakeholders, or other output)
-

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**Part V Methodological Approach**

- Suggested methodology that will be used in every stage of HIA (example: desk review, field survey, FGD, more specific: landscape approach, ethnography, archaeological excavation, urban planning, historiography)
- Type of desired report (digital, printed, visual, or multi media)

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**Part VI Facility and Service Made Available by the Consultant**

- Facilities to be provided by HIA implementing consultants
- Types and quality of services to be fulfilled by consultants
- Benchmarks of adequacy (measures of fulfilment of quality of work)
- Deliverables

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**Part VII Facility and Service Made Available by the Authority and Proponent**

- Description of the facilities provided by the Authority and the proponent to support the implementation of HIA (e.g., transportation, accommodation, and access to certain locations, access to confidential information, permits)
- Provision of services (in a certain quality and quantity) by the Authority and the Proponent to support the implementation of HIA (e.g., invitation to consultation with authorities, moderation with certain parties, language translators, guides)

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**Part VIII Implementation Scheme**

- Mainly contains directions for the stages of HIA implementation and the period of HIA implementation
- Activities that can be carried out at each stage of HIA implementation (related to emergencies or urgency of HIA implementation and results)

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**Part IX Expertise**

- Reference of required expertise and human resources (sometimes with their respective job descriptions)
  - Minimum number of experts and other human resources allocated (this is also related to budgeting for implementation)
-

## **ANNEX 2: EXAMPLE OF HIA REPORT FORMAT**

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### **TITLE PAGE**

- The official name of the Cultural Heritage (or an agreed name)
  - Its administrative location and/or geographic coordinates
  - Time of Designation of Cultural Heritage
  - Time for HIA Report to be completed
  - Name of Consultant or HIA Implementing Expert (or Person in Charge of HIA reporting)
  - Name of party requesting HIA review (Authority and/or Proponent)
  - Report Status (whether the report has been assessed or reviewed by a certain party)
- 

### **CHAPTER I. INTRODUCTION**

- Background of this report
  - Description of the proposed project, including benefits, opportunities, beneficiaries
  - Overview and summary of Cultural Heritage (structures, buildings, sites, heritage areas)
- 

### **CHAPTER II. REGULATIONS and LEGAL GUIDELINES**

- All legal grounds referenced to underlie the implementation of HIA
  - All legal grounds referred to in the HIA Study
- 

### **CHAPTER III. METHODOLOGY**

- Scope of Study (maps can be included)
- Methodology in conduction desk review
- Methodology or procedures for identifying cultural heritage conditions and impact estimation\*\*
- Sources of materials used (results of surveys, literature, databases, archaeological remains, building, structure, site, area, etc.)
- Limitations and constraints if found
- Study flow chart (if required)

\*\* This section is adapted to the directions in the HIA commissioning document issued by the Authority.

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### **CHAPTER IV. DESCRIPTION OF CULTURAL HERITAGE**

- Cultural heritage historical background
  - Inventory and description of the condition of the cultural heritage that will be affected (structures, buildings, elements and features of buildings/ruins, building materials, architectural and interior, floor plans, natural heritage features, landscapes, archaeological remains, history or chronology of cultural heritage developments such as additions, restorations, reconstructions, renovations, adaptations, conversions, etc).
  - Statement of the significance of cultural heritage and identification of its attributes
- 

### **CHAPTER V. IMPACT ASSESSMENT**

- Description of the results of the impact assessment study at each stage of the project:
- Preparation Phase
- Implementation or Development Phase
- Operational Phase
- 

\*\* Impacts can occur in any type of aspect at any stage, including (but not limited to):

- Impact on Archaeological aspects
-

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- Visual impact
  - Environmental impact
  - Traffic impact
  - The impact on certain cultural elements (traditions, customs, intangible cultural heritage) The Impact on skyline
  - Impact on roofscape
  - Noise impact
  - Air impact
  - Tourism impact
  - Perceptual impact (change in how people perceive cultural heritage, including its ranking)
- 

#### **CHAPTER VI. MITIGATION ACTION RECOMMENDATIONS**

- A description of the actions to be taken to avoid, reduce or compensate for the impact, either in a certain scope or as a whole
  - Procedure to identify the protection and restoration of Cultural Heritage (before the project takes place e.g. the need for archaeological excavations, during construction, e.g. the need to cover a protective roof, and at the stage of use, e.g. traffic control)
  - Proposals to disseminate information, knowledge or understanding of the results of the HIA study and all detailed scientific studies.
- 

#### **CHAPTER VII. CONSERVATION STRATEGY RECOMMENDATIONS**

- Describe the proposed strategies recommended to protect and enhance the significance of cultural heritage and its attributes, including (but not limited to):
    - Mitigation strategy including procedures for its implementation
    - Scope of conservation activities and procedures for their implementation
    - Implementation and monitoring plan (e.g., methods, schedule, monitoring framework)
  - Recommendations for additional studies needed, in terms of (but not limited to):
    - Conservation, site specific design guidelines, interpretation, lighting, signage, landscape, stabilization or consolidation, documentation prior to disassembling, long-term maintenance)
    - Provide examples of conservation principles and precedents that can be referred
- 

#### **CHAPTER VIII. SUPERVISION ACTION RECOMMENDATIONS**

- Terms of reference that can be used as benchmarks for monitoring and evaluation
  - Methods of implementing monitoring and evaluation
  - Time for monitoring and evaluation
  - Need for auditors and/or supervisors for monitoring and evaluation
- 

#### **CHAPTER IX. CONCLUSION**

- A clear statement of the impact that will occur on cultural heritage and its attributes, including its integrity and authenticity
  - Risks that will be faced if the proposed plan is implemented
  - Description of each beneficial impact (e.g. better knowledge and understanding, awareness raising)
  - Provide an explanation of conservation or mitigation actions, development alternatives, and recommended site change approach
-

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- Clarification of why certain conservation/mitigation actions or developments certain alternatives are not suitable (if needed)
- 

#### **CHAPTER IX. RECOMMENDATION**

- Give reasons or consideration on the feasibility or unfeasibility of the proposed plan
  - Give reasons and descriptions of recommended actions (e.g. future preservation, need for relocation, or list of cultural heritages to be saved before the proposed plan is carried out)
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#### **BIBLIOGRAPHY**

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#### **GLOSSARY**

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**ACKNOWLEDGMENT** (Gratitude, appreciation, etc., including an explanation about the authors)

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#### **ATTACHMENT**

- Photos and illustrations, about, among others:
    - location and area of the site including its zoning (if any), required for each aspect of the study to support the report
    - Development or proposed changes
    - Images from visual analysis or inter-element visibility
    - Images or photos to explain mitigation actions
    - Site overview and main view
  - Tables of sites or elements of cultural heritage
  - Study results
  - Supporting attachments from the results of the document/library review (desk-study)
  - Attachment of summary of field study report
  - Summary of referenced thematic scientific studies
  - Additional information for project scope
  - Minutes of stakeholder/public consultation/FGD
  - Summary of interviews or responses from referred sources
-