

FINAL

**ABBREVIATED RESETTLEMENT PLAN
(Reformatted Community Action Plan)**

For the Housing Sector Subproject Sites in:

Bawogosali, Hilimondrege Raya, Hilinamoniha and Bawoganowo

Teluk Dalam, Nias Selatan

Earthquake and Tsunami Emergency Support Project (ETESP – INO 002)

in

INDONESIA

Badan Rehabilitasi dan Rekonstruksi (BRR) NAD-Nias

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ABBREVIATIONS AND LOCAL TERMINOLOGIES

ADB	-	Asian Development Bank
AP	-	affected person
BAPPENAS	-	National Planning Department
BPN	-	Badan Pertanahan Nationale (National Land Department)
BPS	-	National Statistics Department
BRR	-	Badan Rehabilitasi dan Rekonstruksi (BRR) or the Aceh-Nias Rehabilitation and Reconstruction Agency
Bupati	-	district head
Camat	-	Sub-district head
CAP	-	Community Action Plan
CDD	-	Community Development Division
CF	-	Community Facilitator
Desa	-	village (same as gampong)
Dusun	-	compounds or neighbourhoods
EA	-	Executing Agency
ETESP	-	Earthquake and Tsunami Emergency Support Project
Gampong	-	village (same as desa)
Geucik	-	village head
GOI	-	Government of Indonesia
IA	-	implementation agency
IDR	-	Indonesian rupiah
Kabupaten	-	District
Kecamatan	-	Sub district
KP4D	-	Village Committee for Housing and Basic Infrastructure Construction)
KSMP	-	Community Groups for Housing Construction
LAC	-	Land Acquisition Committee
LAR	-	Land acquisition and resettlement
LARPFPG	-	Land Acquisition and Resettlement Policy Framework and Procedural Guidelines
NGO	-	Non governmental organization
OC	-	Oversight Consultant
PIC	-	project implementation consultant
PMO	-	project management office
PMU	-	project management unit
RALAS	-	Restoration of Aceh Land Administration System
RAP	-	Resettlement action plan
SPAR	-	Subproject Appraisal Report
SPPR	-	Subproject Preparation Report

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1.0 Background

1.1 ETESP assists the post-tsunami reconstruction of Aceh Province and Nias through a grant covering multiple sectors including education, health, housing, water/sanitation, agriculture, fisheries, irrigation, roads/bridges and power. Since land acquisition and resettlement impacts of possible interventions were not known at the time of Project preparation, a Land Acquisition and Resettlement Policy Framework and Procedural Guidelines (LARPFPG) was prepared by the Aceh Coordination Agency at BAPPENAS to guide implementing agencies in identifying and addressing land acquisition and resettlement impacts of subprojects in accordance with the requirements of local law and the ADB policies on involuntary resettlement and disaster and emergency assistance.

1.2 The Grant Agreement also requires that attention be given to indigenous peoples' issues in the preparation and implementation of subprojects. Related to this, an Indigenous Peoples' Policy Framework (IPPF) was prepared to guide the assessment and preparation of plans to address this concern. Both the IPPF and the LARPFPG have been accepted by the Government of Indonesia (GOI) and ADB and became part of the ETESP Grant Agreement.

1.2 The LARPFPG covers guidelines for the provision of compensation and rehabilitation assistance for losses/impacts directly caused by subproject implementation. Such losses should not be confused with the reparation of land, housing and income losses caused by the tsunami or the earthquake. The rehabilitation for tsunami/earthquake-related losses will be proactively carried out under the ETESP and are not treated as social safeguards under the LARPFPG.

1.3 The LARPFPG provides that for community driven development subprojects, land acquisition and resettlement (LAR) will be planned and implemented through a Community Action Plan (CAP) which documents the (i) participatory planning activities carried out, (ii) project design and implementation features agreed with the affected persons (APs), (iii) community accepted strategies and unit amounts for compensation – including eventual redistribution or voluntary contribution of small land parcels, (iv) costs and unit compensation rates, and (v) APs and community endorsement of the LAR process and modalities.

1.4 The IPPF, on the other hand requires that subprojects involving IP communities will have to reflect local culture and beliefs, needs and preferred options of the affected communities, reflect the outcome of participatory planning methodologies, consider traditional procedures and functions of local institutions, fit local production systems, promote self reliance among the affected communities and ensure that adequate lead time and arrangements are established for their implementation.

1.5 This abbreviated Resettlement Action Plan includes the Community Action/Resettlement Plans (CAPs) prepared for four subproject sites in Nias Selatan under the ETESP Housing Sector. This was extracted from the SPAR/SPRR/CAP documents reviewed and approved by ADB prior to subproject implementation. A list of these documents, including addendum, is attached as Annex to this RAP. These documents are on file at the EMS/PMO and the PIC Consultant's offices.

2.0 Background on Nias Selatan and the Subproject Villages¹

Nias Island

2.1 Nias lies off the western coast of Sumatra, opposite the northern-most part of the Province of Sumatra Utara. The population in the island is more than 750,000 people which include Ono Niha (the native inhabitant of the island), Malay, Batak and Chinese. The island is split into two regencies, Nias and Nias Selatan. Teluk Dalam is the capital of Nias Selatan. Gunung Sitoli is the capital city of Nias and the center of administration and business affairs of the regency.

2.2 Nias is renowned for its traditional timber architecture and archaic stone sculptures. Some argue that it is one of the very few Megalithic cultures in existence today. Although most residents in Nias have been mainstreamed to the general North Sumatran social, cultural and political systems, the affairs and way of life in some villages are still influenced to some degree by traditional leadership/clan structures and practices.

2.3 Some villages still have traditional houses built on traditional layout, with a broad stone paved street called 'ewali', which is used for various village activities, including meetings, festivities or performances. Some 'ewali' also have 'hoso' (pyramid structure of stones) over which young men show their prowess at jumping. In Nias Selatan alone, there are still 29 villages which the Regency considers as traditional/cultural heritage villages. Four of these villages still have Omo sebua (village chief's house) situated at the center of a village, which are built on massive ironwood piles and have towering roofs.

2.4 A large number of traditional houses and buildings in Nias have fallen victim to merciless sun, tropical rains, insect infestation, and benign neglect, while others have been completely stripped of their beautiful woodcarvings. Logging for timber has made it impossible to rebuild or restore chiefs' houses and in several villages there is only an empty spot.²

Traditional Social Structure

2.5 In the past, communities in Nias Selatan are structured into three groups - the upper class (*si'ulu*), commoners (*sato*) and slaves (*sawuyu, harakano*). Another term for *si'ulu* in Northern Nias is 'salawa'. A person becomes a slave either by being born from a slave family, by not paying ones debts, by being a take-slave in one of the many inter-village raids, or by misbehaving that the council condemns him to death or slavery. *Si'ulu* were very dominant within the community. They have the instrument of power: strength, wealth, properties, knowledge, etc. *Si'ulu* had some privileges upon the common people. They lead traditional ceremonies including the construction of a new house. One of the privileges of *Si'ulu* is to give permission and right to people to own a piece of land for him/her to erect a house to live in. *Si'ulu* were not allowed to marry

¹ Description of the subproject sites was taken from the Subproject Appraisal Report for Nias Selatan prepared by the Project Preparation Consultant dated 10 September 2006

² Jesper Kurt-Nielsen. "Ephemeral isle, Tradition and Tourism Vie for the Future of Nias" ICON Magazine, 2003

common people because of the belief that they are elders/parents to the commoners. A *si'ulu* who marries a *sato* loses his/her status of *si'ulu* and any related privileges.³

2.6 *Si'ila* is a group of people formally selected by the *si'ulu* to help in the village council. *Si'ila* were usually knowledgeable people, or specialists like healers, or very good speakers.⁴ Important decisions are discussed with *si'ila* before these are announced to the community. There are also traditional religious leaders in the community called *sinene*, who lead religious ceremonies during wedding, or when someone dies. Most people in Nias are now Protestants (6 out of 7 are Protestants), Muslims and Catholics. However, some residents continue to combine their traditional rituals and practices with these mainstreamed religions.

2.7 Although *si'ulu* and *si'ila* still exist nowadays, their influence and privileges in the community have been greatly diminished. People in Nias now take less reference to *si'ulu*. It is said that the last traditional leader (*Saonigeho*) who ruled in Nias Selatan died in 1914. Decision making is now done through the local government structure by the '*kepala desa*', with support from a secretariat and a village council. In some villages where the elders from the dominant clans still exert some influence, the '*kepala desa*' consults traditional leaders for decision making and conflict resolution.

2.8 Communities are comprised of a number of patrilineal-base clans (*marga*). Certain clans (*marga*) are considered as nobility by descent, while other clans are considered commoners. It is very common that *si'ulu* are members of a noble clan. Clans have a depth of about six generations and its members generally share land, cooperate in festive and economic ventures, venerate the same set of ancestor figures, and live in the same or adjoining houses. Variant marriage forms have no effect on patrilineal recruitment. Fostering of agnates or a sister's child is common but adoption of non-kin is rare and was formerly associated with servitude.⁵

2.9 The *si'ulu* maintained their wealth and power from the weapons and gold received from Aceh and from European slave-traders. The Dutch colonial government's policy of allowing only *si'ulu* access to higher education further reinforced their privileges over the rest of the population. But with the collapse of the slave trade and Indonesia's independence in 1945, the power, wealth and status of *si'ulu* drastically diminished.⁶

2.10 In the past, conflict between clans/communities is common. The '*hoso*' was said to have been developed to train young warriors to leap over enemy clan defenses. Nowadays, feuds between clans still happen but in very rare instances. In August 2005 for instance, UNICEF-Nias reported that a feud between two clans in Lahusa and Teluk Dalam subdistricts resulted in a number of fatalities.⁷

³ Hammerle, Johannes Maria, OFM Cap, "Asul-usul Masyarakat Nias," Yayasan Pustaka Nias, 2001

⁴ Wolfgang Marschall. "The Nias *Si'Ulu* and the Sources of Their Wealth" a paper presented during a symposium "Traditional Architecture and Art in Nias, Indonesia" in Vienna, July 2007. p1

⁵ www.everyculture.com/East-Southeast-Asia/Nias-Kinship.html

⁶ Wolfgang, Marschall. op cit p3

⁷ UNICEF-Nias. "Weekly Situation Report" 27 August 2005

Traditional Houses

2.11 Marked difference exists between the traditional settlements and houses in Northern Nias and Nias Selatan. In the North, settlements are somewhat loose and the houses are oval shaped. On the other hand, traditional settlements in Nias Selatan have very tight settlement structure where the houses are narrow, rectangular, and saddle-roofed which support the formation of a dense ribbon development along the central places. In former times, such tight structures in Nias Selatan also provided better chances for defending the villages against attacks from hostile groups.⁸

2.12 Traditional houses in Nias Selatan are elevated wooden houses with timber column supported by v-shape struts. The entire house is made of wood or timber, except the base and foundation which are made of stones to prevent the house from rotting. The roof is made of dense palm leaves bounded by bamboo laths. Although at present, some owners of these traditional houses have replaced their roofs with corrugated iron sheet. Different kinds of wood are used for the posts, walls and floor. The posts are made of ironwood which is extremely hard and almost immune against rotting. No iron nail was used in the construction of the house. The wall of the house is supported by a box-frame stabilized by wooden panels that are fitted to the main framework using tongue and groove.

2.13 Between two coupled houses, pairs of adjacent households share covered entrance terraces. Neighbouring houses are also connected with doors to provide escape routes which were needed in the past. The houses have a public room in front and sleeping rooms in the back. The front room is lighted by an opening, which stretches over the whole street façade and is secured by a wooden grid. The space beneath the house is used for storage and animal shed. Some houses have megaliths 'oli batu' in front which indicate the social rank of the householders and serve as boundary between the private and public space in the village.⁹

2.14 Historically, the whole village participates in the construction of traditional houses. No outsider is allowed to participate as the activity is treated as sacred. Special ceremonies are conducted during the activity. Food is also served to those who help in the construction. However, at present this practice is rarely observed. Most families now use paid labor in the construction of their houses.

Land Rights

2.15 In the past, land rights to specific families are conferred by the village chief/head. Such rights are recognized/respected by all the families/clans in the village. Within each extended family, individuals or nuclear families are given a form of perpetual right of use to specific plots. Despite the absence of legal titles/deeds to each plot, there is an unwritten understanding between adjacent landowners as to the boundaries of each others' property. Rights to use parcels of lands can be transferred to heirs without legal documentation, subject to the unwritten acknowledgement from adjacent owners.

⁸ Lechner Erich. "The Position of Nias within Southeast Asian Building Traditions" a paper presented during a symposium "Traditional Architecture and Art in Nias, Indonesia" in Vienna, July 2007.

⁹ Petra Gruber. "Adaptation and Earthquake Resistance of Traditional Nias Architecture" a paper presented during a symposium "Traditional Architecture and Art in Nias, Indonesia" in Vienna, July 2007.

Traditionally, land rights are transferred to male heirs, except in the case of widows or unmarried children whose parents are deceased.

Subproject Villages

2.16 The four subproject sites are to the south and south eastern parts of the island in Nias Selatan. All the sites are within the subdistrict (Kecamatan) of Teluk Dalam, which is considered as among the poorest in Indonesia. Two of the sites (Hilimoniha and Bawoganowo) are coastal communities, while the other two are inland communities (Bawogosali and Hilimondrege Raya). Most residents in these villages are poor, living mainly on subsistence levels. The loss of life from the tsunami/earthquake in these areas is rather low, but there was considerable damage to housing and infrastructure.

2.17 Bawogosali and Hilimondrege Raya are listed by the Nias Selatan Tourism and Culture Office as among the 12 cultural heritage villages in Teluk Dalam because of their comparatively more traditional character and megalithic and wooden structures. All these villages are administered by a village head (kepala desa) who is elected by the villagers in a forum. Similar with the other villages in the District, the kepala desa is supported by a secretariat and a village council. Although traditional/clan leaders/elders are not automatically part of the formal village structure, the kepala desa in these villages consult them, along with religious leaders, in decisions and conflict resolution in the village.

2.18 Bawogosali. The village comprises of four dusun, three of which are clustered together. Botohosi is located about three kilometres to the north. The northern dusun (Botohosi) is located on a hill below the Sungai Gomo river. The main cluster of dusun is located at the end of a secondary road approximately two and a half kilometres from the western kabupaten road between Teluk Dalam to Gunung Sitoli, about 30 kilometers from Teluk Dalam. There are 339 families with a total membership of 1,327 people living in the village. The village has a traditional village layout of wide main stone-paved street (ewali) and large narrow wooden houses for extended families. Majority of the houses in the village are the conventional type with GI roofing, concrete/semi-concrete walls and flooring. However, there are still 84 traditional houses, mostly situated in the main area of the village. These houses have suffered varying degrees of damage as a result of the March 2005 earthquake. Most residents rely on subsistence farming. They grow two crops per year on some 200 hectares of sawah (paddy). Others obtain their income from tapping rubber trees.

2.19 Bawoganowo. The village is approximately 15 to 20 kilometers from Teluk Dalam, north of Desa Hilimoniha. It is comprised of 3 dusun, two of which are clustered together, while the third (Hilimagari) is located more than a kilometre to the north. There are 370 families with a total of 3,150 persons in the village. Only a few households (7 units) in this village still live in traditional houses. The rest stay in conventionally constructed houses. Despite the proximity of the village to the sea, people in the area do not rely on fishing. Most residents are engaged in subsistence farming. The main source of income is from coconut, chocolate, banana and beans. Animal husbandry is also common.

2.20 Hilimondrege Raya. The village is located on the road to Teluk Dalam, with Hili Onaha 3 km to the north of the town. The village is comprised of 4 dusun. Three of which are clustered in one area. Hili Onaha is located 5.5 km away. The area has a hilly

terrain and the road is made up of gravel or earth, except through the three clustered dusun which have broad ewali stone paved streets. 665 families with a combined membership of 2,639 people live in the village. The village has a traditional village layout of wide main stone-paved street (ewali) and large narrow wooden houses for extended families. Of the 297 houses, 89 are traditional houses. Almost all of the houses in the village were either destroyed or damaged. The land around the village is planted with rubber and cocoa and fruit trees. Beyond the planted areas is the forest. Most families live on subsistence farming.

2.21 Hilinamoniha. The village comprises of three dusun. One dusun has a traditional village layout built on higher ground about 250 metres from the other two on the main East Coast Road between Gunung Sitoli and Teluk Dalam. The land around the village is planted with cocoa and fruit trees. It has a flat coastal area with a width of about 50 to 120 meters. The area behind the coast is hilly and forested. There are 407 families with a population of 1,707 people living in the village. Although dusun 1 has a traditional village layout, there are only 4 traditional houses in the area. The rest are conventional houses made up of GI roofing and combined concrete and wooden walls. The main source of cash income is from farming and fishing, although most are at subsistence levels. The main cash crops are cocoa and mong bean and kacang padi.

3.0 Description of the Subproject

3.1 Following is a summary of the civil works to be undertaken in the four housing subproject sites in Nias Selatan. These works were identified and prioritized with the participation of the housing beneficiaries.

Item	Bawogosalı	Bawoganowo	Hilimondrege Raya	Hilinamoniha
House construction	226 units	87 units	99 units	71 units
House rehabilitation:				
-traditional house	84 units	-	92 units	3 units
-others	6 units	90 units	158 units	124 units
Communal toilet				
-reconstruction	4 units	3 units	-	-
-rehabilitation	3 units	3 units	30 units	-
Water supply system	1 unit	1 unit	1 unit	1 unit
Waste water garden	1 unit	1 unit	1 unit	1 unit
Compost garden	3 units	4 units	4 units	4 units
Village office (kantor desa)	1 unit	1 unit	1 unit	1 unit
Village hall (balai warga)	1 unit	1 unit	1 unit	1 unit
Volleyball court	1 unit	2 units	2 units	2 units
Sports ground	-	-	-	1 unit
Playground	-	-	-	1 unit
Ewali upgrading	4,400 sqm	3,000 sqm	-	3,000 sqm
Road upgrading				
6m ROW	-	215 m	6,000 m	230 m
4m ROW	2,600 m	-	2,000 m	-
2.5-3m ROW	5,000 m	1,215 m	-	-
Drainage	2,800 m	1,374 m	1,200 m	3,079 m
Water channel	2 units	5 units	-	5 units
Small bridge	-	-	2 units	-
Cost	\$2,387,258	\$1,168,259	\$1,855,985	\$1,158,649

3.2 Of the 557 houses to be rehabilitated in these sites, 179 (32%) are traditional houses. The others are conventional housing structures. Moreover, in support for preserving the cultural heritage in Nias Selatan, the subproject includes the rehabilitation of the 'ewali' in three sites. The typologies of the housing designs which the residents were asked to select from were also modified to have some semblance to the traditional housing architecture in the area.

3.3 Although the subproject supports the preservation of traditional houses, a number of factors make it difficult to cover the reconstruction of 79 totally/severely damaged traditional houses in the area. The two major difficulties are the availability of big timber used in traditional houses and the limited budget for housing construction under the ETESP. To address this limitation, support shall be provided for the construction of standard houses at a different location for the households living in these severely damaged traditional houses to serve as shelter while the beneficiaries and the District Tourism Office seek support for the reconstruction of their traditional houses.

4.0 Scope of Land Acquisition and Resettlement

Measures to Avoid Land Acquisition or Resettlement

4.1 The basic approach taken in this subproject to avoid land acquisition is to build the housing units on lands owned by the earthquake-displaced households. These lands include those already under the possession of the households prior to the earthquake, inherited land, or land allocated by the family/clan the beneficiary. A standard 36m² housing design was prepared. However, alternative housing designs were also considered to allow households with insufficient or irregularly shaped plots to receive housing assistance.

4.2 Also, community facilities i.e. village halls, recreation facilities, village offices, water supply systems are provided only if there are existing village lands or landowners willing to donate portions of their properties for these facilities.

4.3 However, there are some households whose plots are too narrow to reconstruct the housing required. Moreover, since the subproject does not have sufficient funds to support the reconstruction of 79 totally or severely damaged traditional houses, the subproject will provide new housing units to the affected households in another plot, while they look for support for the reconstruction of their traditional houses.

Land Acquisition Impacts

4.4 The only land related issue in this subproject is the rebuilding of new 79 houses in alternative plots where the beneficiary households have a community-recognized ownership/claim. These households have severely or totally damaged traditional houses which cannot be reconstructed under the subproject.

4.5 Community facilities and utilities which the communities propose to be included in the subproject are situated in village lands. However, detailed assessment of the sites and plot boundaries for these facilities will be done once the availability of complementary funding from BRR for community infrastructure has been firmed up.

5.0 Objectives, Policy Framework and Entitlements

5.1 The Objective of the CAP is to ensure that assistance provided for the reconstruction of housing units and village facilities is done with full consultation of the earthquake-affected families and avoids/minimizes negative impacts related to land acquisition and resettlement. Should land acquisition be necessary, compensation should be based on replacement rate and with consent from the affected person.

Resettlement Principles

5.2 The following principles adopted in the LARPFPG for ETESP were observed in the preparation and implementation of the subproject:

- Involuntary resettlement is to be avoided or at least minimized
- Compensation will have to ensure the maintenance of the APs pre-project standards of living
- The APs should be fully informed and consulted on LAR compensation options
- The APs social and cultural institutions should be supported and used as much as possible
- The APs should be integrated economically and socially into host communities
- Compensation activities will be carried out with equal consideration of women and men. Particular attention will be put to the right of women, widows, orphans and elders without family to inherit the land rights of their deceased husband or father
- Lack of formal legal land title should not be a bar to rehabilitation
- Particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and ethnic minorities, and appropriate assistance provided to help them improve their status
- LAR should be conceived and executed as a part of the subproject and the full costs of compensation should be included in subproject costs and benefits
- Compensation and resettlement subsidies will be fully provided prior to ground leveling and demolition
- Land valuation shall be based on replacement cost which shall be offered to the APs at the first instance with negotiation as a secondary instrument for minor adjustments
- Informal settlers shall be entitled to rehabilitation assistance
- Compensation for affected structures shall be at replacement cost, without depreciation
- Compensation shall be provided for business losses and special allowances will be provided to severely affected APs
- APs shall be provided relocation subsidies

Entitlements

5.3 The LARPFPG provides for entitlements for various APs and asset/livelihood losses which apply to all APs in subprojects funded under ETESP. However, in the case of this subproject the impact is limited to the transfer to another plot of 79 households whose traditional houses have been severely/totally damaged. These plots are owned by the beneficiaries or by their extended family who allows them to put up their new housing structures. Hence, no compensation for lost assets or relocation of households is needed for the subproject.

Redistribution or Donations of Land

5.4 In the land consolidation, reblocking/re-organization of the subproject sites planned by/agreed with the community, the beneficiaries of the sub project may be willing to give up some land/asset losses in consideration for the direct benefits they anticipate in terms of housing provision, improved safety, delivery of basic services and improved social cohesion through the provision of common facilities. The LARPFPG allows for land donations subject to the following conditions:

- there is documentary proof that in making the donation or waiver, the donor is fully aware of his entitlement for compensation under the LARPFPG-the proof can be in the form of a deed of donation, waiver of claim witnessed by the village head (geucik) or other similar document.
- the donation or waiver does not adversely affect the donor's livelihood
- the donor is not losing more than 10% of his landholding, including land held elsewhere.

5.5 In the case of this subproject, land reallocation is limited to the transfer of 79 households to their other plots or plots allocated to them by their extended families. Hence, documentation is limited to the signed statements by the beneficiaries, with approval/endorsement from adjacent plot owners and the village heads.

Vulnerable Groups Issues

5.6 Women-headed households, widows, orphans, disabled persons and elders without family are entitled to receive special assistance for house relocation/reconstruction and be given particular attention. During the CAP preparation and implementation, land rights of widows, and orphans will be safeguarded by ensuring that their names are properly recorded in the land certificate as rightful owners to the lands they inherited, and are included in the provision of housing units. Guardianship of orphans was validated from the village leaders (i.e. geuchick, supported by the village council and elders).

6.0 CAP Preparation, Consultations, Social Assessments, and Grievance Participation

6.1 The subproject involves helping the beneficiaries to rebuild their lost or damaged houses and community in general in order to rebuild their lives and move on. In doing this, the community needs to decide on land reorganization/ adjustments to improve internal reticulation, drainage and safety or allow the resumption of community activities. Hence, subproject preparation and CAP planning are closely intertwined and are therefore treated as one integrated document.

6.2 Based on a community-driven design, subproject preparation brings both beneficiary communities and APs into a continuous participatory process concerning LAR and community planning decisions. The CAPs include listing and summary of key meetings' discussion, indicating number of participants and signed proof of APs' agreement. The affected people, who are also the subproject beneficiaries, have been involved in planning and design in the form of village plan, as well as detail architectural and detail engineering design of houses. All decisions were made and agreed by

beneficiaries and consultants and approved by the village and sub-district heads. Some aspects that were considered in decision making are : i) existing traditional decision making in the community ii) issues of gender, iii) preservation of traditional houses, and iv) beneficiaries preferences as to the type of housing facility and community facilities.

Subproject/CAP Preparation

6.3 Initial community consultations and social assessments were undertaken by the Project Preparation Consultant (PPC) team during the Subproject Appraisal Report (SPAR) preparation. The first meeting with the communities was held on June, 2006 at each Desa of Hilinamoniha, Bawöganöwö, Bawögosali and Hilimondrege Raya. Subsequent consultations were conducted by the Project Implementation Consultants (PIC) with support from community facilitators hired from among the residents of the villages.

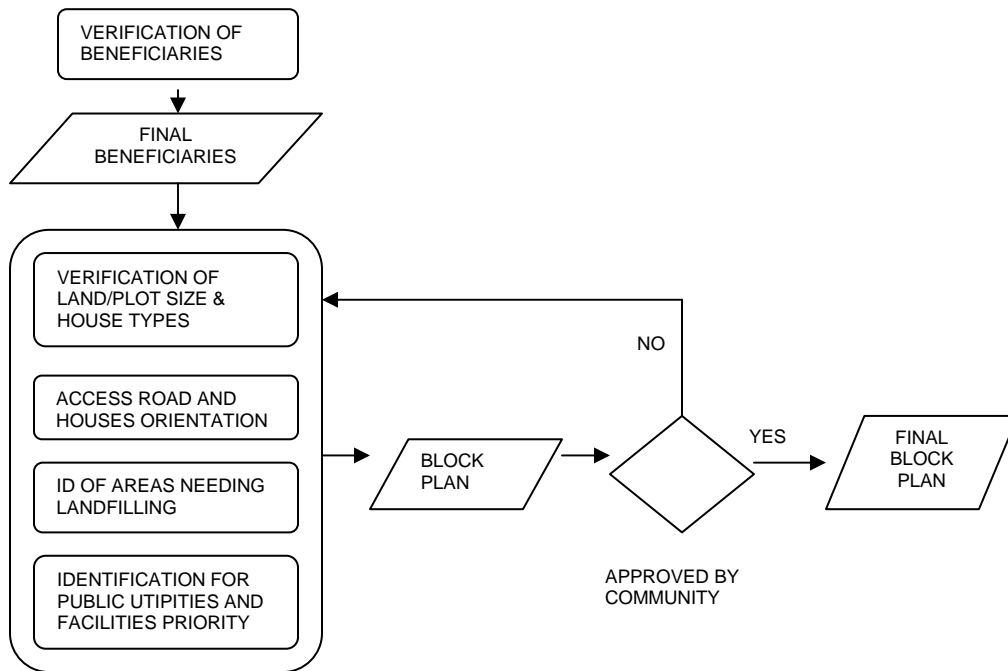
6.4 The first meeting was a public meeting to which all heads and elders of the community were invited and during which the consultants introduced the purpose of the subproject and how they propose to work. The residents confirmed their desire to obtain assistance in rehabilitating/reconstructing their damaged houses. After the first formal meeting, regular informal meetings were held with the representatives of each dusun to discuss and determine the residents' preferred house designs. A third meeting was conducted to determine residents' priority infrastructure development and other public or community facilities.

6.5 The village plan was divided into dusun which was discussed and agreed in separate meetings with each dusun arranged through the village elders and elected representatives. The village plan and the structure plan was agreed by the Kepala Desa and several elders of the community and approved by the Camat. The village plan includes the proposed road alignments to ensure that all plots have access to the main road system, and so will enable the community more rapid exit from the site in case of another major earthquake, upgrading of existing access and environment roads, and footpaths to provide access to plots deeper in the dusun, and upgrading of the **ewali**. Based on the village plan, the list of beneficiaries, land plots availability, access to plot, house orientation and land filling requirements were re-assessed.

6.6 Each plot where the house will be rebuilt/constructed was photographed and surveyed/measured. In many areas, the Kepala Desa prepared a rough map of the village and identified the location of the houses and owners on the map. Each land holder put stakes to mark their property boundaries and presented a letter of identification (KTP) and Kartu Keluarga as proof of residence. They also signed a statement letter of land ownership, approved by adjacent plot owners and the Kepala Desa. These documents will later be used as initial basis by BPN for the formal land survey and issuance of land certificates under the RALAS Project.

6.7 The final block plan was prepared for each *dusun* and agreed by the community, Kepala Desa, Head or Leader of Dusun. A diagrammatic flow of the block/site planning process is described in Figure 1 below.

Figure 1 Block/Site Plan Process



Community Decision Making and Role of Traditional Leaders

6.8 The community decision making process is made based on consensus or majority decision among the residents. Community elders and other leaders were invited in all the community meetings to seek their guidance, inputs and support. The selection and grouping of beneficiaries was done by the community with facilitation from the village facilitators recruited by the PIC. Although village elders come to village meetings, they did not take any dominant role in the consultations.

6.9 KP4D (The Village Committee for Housing and Basic Infrastructure Construction) was organized in each village to serve as the highest level of organization at the village for civil works under the subproject. KP4D consists of the Chief, Secretary and Treasurer who were elected from the eight candidates among key persons (religious leaders, community elders, traditional elders, and youth) in the village. The establishment of KP4D was carried out by the community residents themselves through an election which was facilitated by the PIC and supported by BRR personnel. Village elders supported the Consultant in facilitating the development of KP4D and attended the community gathering during the election. During the establishment of KP4D, the types of houses were again presented to the community to confirm their earlier agreements/preferences.

6.10 Membership to the KP4D is voluntary. Among the tasks of KP4D is to facilitate the establishment of Community Groups for Housing Construction (KSMP) from among a cluster of beneficiaries and take decision on the selection of the priority of infrastructure construction at the village level. The other tasks include infrastructure planning and budget management, operation and supervision including supervising housing construction implemented by KSMP.

Village-level Grievance Mechanism Structure

6.11 KP4D tasks include facilitation of beneficiary feedback and consultation activities and grievance resolution. However, disputes between beneficiaries can also be addressed through the elders or village council. In addition to these structures, grievance/complaints not limited to AP concerns can be received by the full-time community facilitators assigned to these villages, the Oversight Consultant team who conducts periodic site visits, and inspectors mobilized by BRR in the subproject sites. Issues that cannot be resolved at the village level shall be forwarded to the Satker for action. At the same time, a Grievance Facilitation Unit for ETESP established at the BRR Dewan Pengawas can also receive and follow-up complaints raised related to ETESP subprojects.

Public Disclosure

6.12 Block plans and related impacts of these plans were presented and discussed with the beneficiaries and APs in village/public meetings. Summary of the plans were also posted at the offices of the village heads for public disclosure. This summary resettlement plan will be disclosed at the ADB website to allow for wider disclosure.

7.0 Compensation, Relocation and Income Restoration

7.1 As indicated earlier, impact from the subproject is limited to the transfer of 79 households to their other plots or plots allocated to them by their extended families. However, in observance of local customs related to housing construction, traditional rituals will be undertaken at the onset of civil works.

7.2 The subproject is not expected to result in income/livelihood losses. On the other hand, it will provide additional income to some local residents who will be hired as workers for the construction of houses. Beneficiaries who have skills in construction as far as possible will be involved in housing construction and supply of materials. This will provide an important source of livelihood in the area where most families are living at subsistence levels.

8.0 Institutional Framework

8.1 On 29 August 2005, the Government established the Aceh-Nias Rehabilitation and Reconstruction Board (BRR) to coordinate the overall implementation of Disaster Management Rehabilitation and Reconstruction (DMRR) support in the tsunami-affected regions in NAD and Nias. BRR is responsible for all DMRR activities supported by all donors. The structure of BRR provides for (i) an Implementation Coordination Board to manage day-to-day operation. (ii) Steering Board, comprise of selected cabinet ministers. The Governors of Aceh and North Sumatera and heads of district administration, as a steering committee to BRR and (iii) a Supervisory Board to provide oversight to DMRR activities.

8.2 BRR was appointed as Executing Agency (EA) for the ETESP with responsibility for its overall management and coordination. For day to day ETESP management, a dedicated Project Management Office (PMO) has been established within the BRR

Implementation Coordination Board (BAPEL) to: (i) coordinate ETESP implementation, (ii) ensure that ADB support is fully aligned with the DMRR strategies, (iii) link with other donors and development partners, and (iv) provide guidance and monitor the activities of the project management units (PMUs)/Satuan Kerja (Satker). Included among its tasks is to ensure that subprojects funded under ETESP comply with ADB and GOI environmental and social safeguard policies.

8.3 Subprojects are prioritized following the section criteria prepared by BRR and ADB. Subprojects are formulated in the format of Sub Project Appraisal Reports (SPARs) for each city or district. Subproject Preparation Reports (SPPRs) are developed for each site or cluster of sites in various villages or sub districts.

8.4 Project Management Unit (PMU) in each sector covered by the ETESP is undertaken by BRR (and its Satkers), which act as the implementing agency (IA), working in collaboration with the local governments concerned. Implementation of the subproject is by BRR, through its Satker under the supervision of the BRR Nias Regional Office.

8.5 The ETESP Housing Sector is supported by three consultant teams - (i) Project Preparation Consultants (PPC), (ii) Project Implementation Consultants (PIC) and , (iii) Oversight Consultants (OC). Project Preparation Consultants (PPC) undertook the preparation of the SPAR. On the other hand, the PIC is tasked to prepare the detailed design, facilitate further community action and resettlement planning, and supervise the contractors in the actual civil works. The Oversight Consultant (OC) is tasked to efficiently and effectively oversee and contribute to the implementation of subprojects. The OC is also expected to provide oversight support to all procurement activities, rapid data entry to the MIS, and oversee the work of the PIC and facilitator teams.

9.0 Internal and External Resettlement Monitoring

9.1 Part of the role of the Oversight Consultant is to undertake internal monitoring of safeguard and other issues related to subproject preparation and implementation. Initially, the OC validates the land acquisition documentation and agreements prepared for the subproject and follows up with the concerned Districts and BRR on pending land acquisition issues. Community Facilitators from the PIC visit the communities almost on a daily basis work with the community in monitoring the progress of works and identify emerging issues or complaints. Regular meetings of the OC Social Development Specialist and the Community Facilitators will be conducted to track and help resolve issues including those related to land conflicts and compensation concerns. Progress and pending issues (including land acquisition) will be included in the OC quarterly progress report.

9.2 A team of External Resettlement Monitors shall be engaged to undertake resettlement evaluation for these housing subprojects. The monitors shall validate agreements and documentation related to the preparation of the CAP, identify resettlement impacts during subproject implementation, assess conditions of people affected by subproject implementation and adequacy of support. Specifically, their work shall include the following:

- interview the affected persons (identified in the CAP) to confirm the extent of impact of the subproject, their awareness of their entitlements under the LARPPFG and agreements reached with the community
- assess if there are impacts on the APs that were not foreseen during the CAP preparation.
- verify from the field if there are APs who were not included in the CAP and assess the subproject impacts on these APs
- recommend appropriate measures, if needed, to ensure that APs are assisted to restore their living conditions and livelihood, or are at least not worse off as a result of the subproject

9.3 Syiah Kuala University shall provide external resettlement monitoring for ETESP. It is expected that the monitors will be mobilized for this subproject by late 2007. An External Resettlement Report (ERM) shall be prepared for the subproject.

10.0 Resettlement Budget and Financing

10.1 No budget for land acquisition is needed for this subproject. However, budget for external resettlement monitoring activities through Syiah Kuala University shall be part of its overall contract with ADB amounting to \$87,000 for providing external resettlement monitoring to all ETESP subprojects that involve land acquisition and resettlement. Budget for internal monitoring is integrated into the contract of the Oversight Consultants.

11.0 Implementation Schedule

11.1 The documentation of the land availability and ownership for all the subproject beneficiaries have been completed and confirmed, including the 79 households who need to build a house in a different plot.

11.2 The identification of beneficiaries to be engaged for the house construction shall be done as part of the subproject preparation activities that shall commence in August 2007. Housing construction is expected to take 16 to 18 weeks to complete.

11.3 External resettlement monitoring/validation in these sites is scheduled in late 2007 once the ERM team from Syiah Kuala University has been mobilized.

List of SPAR/SPPRs/CAPs (including Addendum)
where the reformatted RAP is based:**

1. Housing Sector SPAR for Kecamatan Teluk Dalam, Nias Selatan, August 2006
2. Housing Sector SPPR for Hilimondrege Raya, Teluk Dalam, February 2007
3. Housing Sector SPPR for Bawogosalı, Teluk Dalam, February 2007
4. Housing Sector SPPR for Hilinamoniha, Teluk Dalam, February 2007
5. Housing Sector SPPR for Bawoganowo, Teluk Dalam, February 2007
6. Housing Sector SPPR for Addendum for Hilimondrege Raya, May 2007
7. Housing Sector SPPR for Addendum for Bawogosalı, May 2007
8. Housing Sector SPPR for Addendum for Hilinamoniha, May 2007
9. Housing Sector SPPR for Addendum for Bawoganowo, May 2007
10. Housing Sector SPPR for Second Addendum for Hilimondrege Raya, June 2007
11. Housing Sector SPPR for Second Addendum for Bawogosalı, June 2007
12. Housing Sector SPPR for Second Addendum for Hilinamoniha, June 2007
13. Housing Sector SPPR for Second Addendum for Bawoganowo, June 2007

** Documents, including attachments, are available on file at the EMS/PMO Office, Banda Aceh, NAD, Indonesia.