

Loan 2500/2501(SF)-INO: Integrated Citarum Water Resources Management Investment Program (ICWRMIP) - Periodic Financing Request 1 (PFR1)

Comments on the Review and Assessment Report (RAR) – West Tarum Canal (WTC) Rehabilitation Sub Project

In commenting on the RAR, the following questions have been considered:

1. Does the report describe the key issues you are concerned with? What did we miss?
2. Does the report reflect a clear understanding of your needs and concerns? What is missing?
3. What inputs, ideas, suggestions, or concerns do you have regarding the proposed course of action (paragraph 30 of the Report)?

N	Reference	Comments
1	RAR Para 3	Please clarify the position of Mr. Hamong who is from Kruha as part of ARUM. ARUM and Kruha might be portrayed as distinct for purposes of clarity. This comment is valid for the overall document, especially in section 2, para 9.
2	RAR Para 7 and 8	It is unclear if the complainants tried to address this issue with the executing agency (EA) or with Balai Besar Wilayah Sungai Citarum (BBWSC) in charge of implementing the project. And if so, what has been the answer from BBWSC?
3	RAR Para 7	It would be better if there is more detailed data/information on the reported decline of their living conditions including lost assets and its value, economic income losses due to the eviction to support the conclusion that the condition of the three complainants worsened after the eviction. It might be also be useful to compare with and without scenarios for the persons affected by the current evictions. The information can be put as footnote of the assessment report.
4	RAR Para 8	Needs to be confirmed whether the information on the compensation to the affected persons (APs) was provided during the survey or during the consultation meetings? Were they invited for the consultation meeting and did they attend the meeting? Is there any more detail that can be provided about how they obtained the information?
5	RAR Para 9	The complaint came from Kruha. This should be clearly mentioned and segregated from ARUM. Some confusion might be raised related to the role of ARUM.
6	RAR Para 14	Aside from the main concerns mentioned in the report, PJT II also leases some of the West Tarum Canal right of way area to parties along the canal. This includes 2 APs listed in the resettlement plan in the area of the Bekasi Siphon. The implications of being a PJTII lease holder and resettlement, if any, should be confirmed.
7	RAR Para 19 point (i)	It is the compensation for APs in Bekasi District, Bekasi city and Karawang district

8	RAR Para 20 - 23	The RARA does not elaborate the issue that the approved RP and RF in 2008 mentioned the compensation would be referred to the local regulation if applicable. The fact that the Bekasi district regulation/policy for uang kerohiman (policy for payment of some alms for non-titled persons evicted) no longer exists, which created a larger gap with ADB safeguard policy.
9	RAR Para 20	<p>Please note that some Indonesian government sectoral laws, such as Law No. 21/1961 on Land revocation, Law No. 38/2004 on Road, Law No. 31/2009 on Electricity recognize entitlement of compensation for state land users or people utilizing state land. While referring to the Presidential Regulations on Land Acquisition, there are several kinds of compensation offered to the entitled people including cash compensation.</p> <p>In 2008, the Local Government of Bekasi District issued the Decree on cash compensation for illegal settlers.</p> <p>This statement needs also to be corrected as RP states that the compensation for APs' losses will be provided both in cash and in-kind (particularly for the case of Bekasi Kota and Karawang District) such as livelihood restoration program, provision of communal sanitary toilet and safe water facilities. Please see statement on cash compensation in para 57 in the RP document.</p>
10	RAR Para 24, point (v)	Please replace "due diligence" with "survey".
11	RAR Para 24	<p>Since a Resettlement Working Group (RWG) in each District/City will be responsible for the RP updating and implementation, acceleration on RWG re-establishment through the local government issuing the SK and support for their works need to be included in the options to resolve the complaint.</p> <p>It is also suggested to include monitoring in the options, to ensure that the APs benefit from the project and their living standard will not be worse off</p>
12	RAR Para 27	The proposed dialogue might capitalize on lessons learned from other ongoing projects (JEDI World Bank) that faced similar issues, and for which practical implementation options have been developed.
13	RAR Para 31 point a)	The second activities " Dialogue among..." need to involve National Bappenas and West Java Provincial Bappeda as well.

14	RAR Para 31	<p>It is proposed to discuss as well on government's experiences and practices, particularly Ministry of Public Works experiences to resettle non-titled land holders.</p> <p>The dialogue should not only focus on the complainants, while the proposed problem solving will cover evicted persons who are included in the Resettlement Plan 2008. It is suggested that the dialogue cover all the evicted persons registered in the RP 2008</p> <p>The dialogue should provide information as well on project resettlement principles and entitlements as stipulated in the Resettlement Plan 2008.</p>
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