

## **ARuM's Comments on the ICWRMIP *Review and Assessment Report (RAR)* Loan 2500/2501 (SF)-INO (13 November 2008) March 2011**

Having read and discussed the Review and Assessment Report that we received on 30 March 2010, we have several comments to make regarding this document.

In general, in our view, there has to be a special agency to ensure that the regulations applied, both at ADB and government level, favour the affected people. Furthermore, there needs to be a clear mechanism of coordination between the project management agencies. This line of coordination, particularly with regard to submission of complaints must be clarified to the public, in particular the affected people.

We support:

- a. The complainants' wish to be prioritised over and above other persons affected by the evictions in the resolution process.
- b. The complainants' request for compensation for all losses they have incurred from the time of the evictions to the end of the negotiations.

More specifically, our comments are as follows:

### **1. Paragraph 9**

The five concerns of ARUM: in principle the aim is redesign of the project, taking into account these five aspects. Thus, redesign of the project that accommodates these five aspects is a must.

### **2. Paragraph 11**

Please explain what is meant by "... problems related to the complaint are to be resolved at different levels". We are concerned that this statement will narrow the space for public participation by categorising different groups within the same project.

### **3. Paragraph 12 points (i) and (vi)**

We are in favour of strict implementation of paragraph 12 point (vi) 'ensuring fair treatment of all Aps'. With regard to point (i), we are aware that there will be gaps between Government of Indonesia (central and local) policy and ADB policy (ADB Policy on Involuntary Resettlement, 1995). Where such gaps occur, we are of the opinion that the policy that most favours the APs should be adopted (to ensure that point (vi) can be implemented effectively. In this context, this would mean adopting ADB Policy (1995).

### **4. Paragraph 13**

We agree with the DGWR statement, "...confirmed that resettlement activities in the context of the ICWRMIP..., it should be discussed how these APs can be identified." This statements indicates that there is a need to clarify who is responsible for the Resettlement Plan (RP), so that in the event of any negligence or error, the person responsible can be identified.

### **5. Paragraph 15**

We compared the English and Indonesian versions of the RAR. We would like to know what is meant by the DED (Detailed Engineering Design). DED is translated as 'Perencanaan Teknis Terperinci (PTT)', but in the List of Abbreviations it is translated as Rincian Design Teknis. We would like more information regarding the status of the PTT with regard to the RP, such as in the sentence in point 15, "...the resettlement updating and implementation activities are part of the DED consultants' package". What is the difference between this and the PCMU?

What does it mean that "the resettlement updating and implementation" is delegated to the consultant? What about the accountability of the organisations (ADB, local government, central government, etc)?

We recommend that the RP complies with and is based on ADB policy, and that the RAR clearly state who has the authority to redesign the RP.

**6. Paragraph 16**

Point 16 reiterates the division of work within the ICWRMIP, but does not identify who is responsible for ensuring that the ICWRMIP complies with and adopts ADB Involuntary Resettlement Policy. Again, we recommend that it explicitly states and clarifies who is responsible, as noted in point 5 above. We also recommend that paragraphs 16 and 17 be synchronised with regard to the tasks and responsibilities of IRM.

**7. Paragraph 20**

The complainants, whose lives have been disrupted, are entitled to compensation. In this regard, in keeping with our recommendations on paragraph 12, should there be a gap between ADB policy and Government of Indonesia policy, the policy that applies should be that which favours the affected people. Policy gaps cannot be used as an excuse for undermining the rights of the affected people.

**8. Paragraph 21**

We agree that there should be an updating of the settlement plan, within a clear timeframe. Our recommendation is that this updating include the grievance mechanism.

**9. Paragraph 22**

Communication, information and consultation are components that the ICWRMIP executing agencies need to give attention to. We emphasise that information should not only be inviting participation by local people/affected people, but also about their right as citizens to know about development activities that (will) affect them. Such information must also discuss the need for their full consent to the consultation and information processes.

**10. Paragraph 23**

We emphasise our previous comment, that where policy gaps occur, the policy that most favours the affected people should be adopted. Therefore, in this context, it should be ADB policy that applies (See also our comments on paragraph 12).

**11. Paragraph 24**

It needs to be acknowledged that regarding the ICWRMIP there has been confusion from the outset, and that there has yet to be clarification as to who is responsible. Accurate and honest identification of the problems is needed, otherwise the updating of the RP will not address the fundamental issues. Therefore, we are of the opinion that there must be no evictions, for

whatever reason, and this must be made explicit by provision of funding allocation to repair the damage that has already been done (such as allocation of compensation for the APs, including for the duration of the OSPF initiated process)

Specifically regarding points (iii) and (ix), these must be the primary activities, to provide compensation to the APs for losses incurred. This must not be the secondary target.

Regarding point (x), the grievance mechanism must be treated as a key condition for the continuation of this project, not as an option.

**12. Paragraphs 26 and 27**

We support the intention to ensure that the RP is re-designed and that project implementation complies with ADB policy and is a participatory process.

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