

Names and addresses are withheld at the complainants request for confidentiality

Re: Complaint regarding the eviction of residents living in the area affected by the **ICWRMIP Project (Loan INO 37049)** in Bekasi

Dear Sir/Madam,

We, the _____, a coalition of civil society organizations supporting sustainable and fair management of Citarum River (most of whom are stakeholders of Citarum River), are representing 2 residents directly affected by the project:

1. Name: _____
Address: _____

Note: this person was evicted from his home and lost his source of livelihood and was not included in the Resettlement Plan Loan INO 37049.

2. Name: _____
Address: _____

Note: this person was evicted from his home and lost his source of livelihood and was not included in the Resettlement Plan Loan INO 37049.

Enclosed are Powers of Attorney (POA) from the two residents. We request that the identities of the complainants be kept **CONFIDENTIAL** to ensure their safety from the possible threats, intimidation, and pressure in the future as that they already received them in the past.

We strongly believe that the eviction is part of the planned eviction included in the Resettlement Plan Loan INO 37049 document because some residents (who we have verified) had been visited and surveyed by ADB consultants and Indonesian government people.

The bottom line issue in this complaint is that the people directly affected by the project that we are representing here have not been given any compensation at all even though they have been evicted. They do not feel safe and comfortable anymore because they lost their homes and sources of livelihoods as their business establishments were also evicted.

The following summarizes their stories:

1. Complainant I
He had a piece of land plot with total size of 900 m² where a permanent house building and car repair workshop stood. The forced eviction that happened had caused him material losses as it destroyed his house and workshop, cut off the electricity, and destroyed his source of livelihood which had helped him support his family. In addition, he also suffers non-material losses such as trauma, feeling unsafe and uncomfortable,

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and loss of potential access to education for his grandchildren who had been living with him. The eviction happened in November 2009 and he is staying in what is still left of his house: a single room with no electricity.

2. Complainant II (his story and case)

This person was evicted from his business establishment: a land plot with total size of 200 m² where he sold decorative plants. The people who evicted him did not even give him the chance to save his plants. The loss of productive assets, as most of the plants died and his business establishment is now gone, has led to a loss of source of livelihood.

The chronology of the case is as follows:

Eviction efforts have been undertaken a few times in the area, however, according to the Review Mission Updates document that we reviewed, we learned that the eviction will not start until 2010. In addition, not all affected people were listed in the ADB document before the project started. Some people who were listed said that they had been surveyed more than two years ago but they were evicted without any compensation nonetheless.

The residents had been brutally evicted with force. They were not provided with clear information of why they were evicted or the terms and conditions of the eviction procedure. They were only given the notice of eviction shortly before it took place, without being provided with new relocation sites or transportation.

Up to now, we have communicated with the ADB management several times, and the following is a summary of our meetings:

- In March 2008, we met with the management of ICWRMIP project in Manila represented by Christopher Morris, Nasimul Islam, Oka and Sari Wooster. We communicated our concerns and asked them to provide us with some clarification about the project. These concerns include issues regarding participation, transparency, MFF scenario, and potential eviction and environment management. We did not get satisfying responses from them. We have not even received the document regarding consultation process that they promised to send until now.
- In July 2008, we had a stakeholder meeting with Bappenas (Donny Azdan), Office of Public Works, ADB staff (Christopher Morris and Syarifah Wooster), and other stakeholders.

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- On 1 December 2008, we sent the results of ARUM analysis on ICWRMIP Resettlement Plan to :
 - Executive Directors
 - Operation Department (including the Indonesian Resident Mission)
 - Indonesian Government Agencies (Bappenas, Ministry of Public Works, Ministry of Agriculture, Ministry of Finance, etc.)

We received a response from the Operation Department, however, we were not satisfied with it, especially with regard to issues concerning the affected people.

- On 3-5 May 2008, we met with some Executive Directors to ask about the status of ICWRMIP project and their response to the ARUM's analysis document.
- On 19 June 2009, we had another meeting with Christopher Morris, Ayun Sundari, Syarifah Aman Wooster, and another consultant named Ibu Ratih in Bandung. However, we still did not get a satisfying response with regard to our concerns about the project, especially regarding the consultation process which we consider to be far from adequate for the project to have the desired impact as expected with the resettlement category A.

None of the communication efforts that we have done with the Indonesian government stakeholders and ADB have resulted in a satisfying response with regard to the inadequate consultation process which had forced people to move from their homes and abandon their livelihoods. Enclosed are documentations of our correspondences with the Operation Department. We also have documentations of the meetings and will make them available to you if needed.

Based on these facts, we would like to ask OSPF to encourage the relevant managements to apply the following implementation points in accordance with the ADB Resettlement Plan:

- provision of adequate compensation in compliance with ADB's policy (compensation for loss of property and loss of livelihood and income as a result of eviction)
- financial assistance to help the affected people relocate to new sites
- provision of relocation sites with appropriate facilities and services
- financial assistance to help them restore their livelihoods destroyed by the forced eviction.

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In addition, for the sake of the victims' interest, we request that OSPF review the ICWRMIP project implementation document and reevaluate the impacts of the project on the community and environment to ensure that there will be no more lack of prudence in project implementation.

Thank you for your kind attention.

Regards,

POWER OF ATTORNEY

The undersigned:

- 1. Name : _____
ID No. : _____
Address : _____
Occupation : Self-employed

- 2. Name : _____
ID No. : _____
Address : _____
Occupation : Self-employed

- 3. Name : _____
ID No. : _____
Address : _____

hereinafter shall be referred to as the Authorizers, hereby fully authorize:

_____ hereinafter shall be referred to as the Authorizee, to act for and on behalf of the Authorizers in the settlement of compensation for the losses caused by the Bekasi District Administration during the eviction of the decorative plant vendors and people who resided in the area around the West Tarum Canal for the West Tarum Mega Project. The Authorizers hereby choose a legal domicile at the office of the Authorizee and authorize it to perform duties which include but not limited to the following:

- 1 to take legal actions required to solve the resettlement issues
- 2 to receive payments and sign documents related to the resettlement issues
- 3 to undertake efforts and actions deemed appropriate to defend the interest of the Authorizers in accordance with applicable laws and regulations.

Bekasi, 1 December 2009

Authorizee

Signed

Authorizers

Duty stamp

signed

1.

2.

3.

POWER OF ATTORNEY

I, the undersigned:

Name : _____
Place and Date of Birth : _____
Age : _____
Occupation : _____
Address : _____
ID No. : _____

hereby fully authorize the following Non Governmental Organization (NGO):

Name of organization : _____
Address : _____
Phone No. : _____
Fax No. : _____
Email : _____

to defend my rights as a person affected by the ADB project which have been violated by the Bekasi District Administration through ADB's Complaint Department.

I understand the purpose of this document and sign my name to this Power of Attorney in a physically and mentally competent state and under no duress.

Bekasi, 7 December 2009

Duty stamp

Signed
