



Final Report of the Special Project Facilitator

Project Number: 37049
Loan Number: 2500/2501(SF)-INO
February 2012

INTEGRATED CITARUM WATER RESOURCES MANAGEMENT INVESTMENT PROGRAM

(Complaint Received: 4 January 2011)

Asian Development Bank

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected person
ARUM	–	Aliansi Rakyat untuk Citarum or People's Alliance on Citarum
BAPPENAS	–	National Development Planning Agency
BBWSC	–	Balai Besar Wilayah Sungai Citarum
DGWR	–	Directorate General of Water Resources
ICWRMIP	–	Integrated Citarum Water Resources Management Investment Program
IRM	–	Indonesia Resident Mission
OSPF	–	Office of the Special Project Facilitator
PJT II	–	Perum Jasa Tirta II
RAR	–	review and assessment report
WTC	–	West Tarum Canal

The original English version of this report was translated by Office of the Special Project Facilitator (OSPF) consultants into Bahasa Indonesia. In case of discrepancy, the English version will prevail.

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EXECUTIVE SUMMARY

The Integrated Citarum Water Resources Management Investment Program (ICWRMIP)¹ is funding a range of interventions to introduce integrated water resources management in the Citarum River basin. ICWRMIP – Project 1² aims to undertake priority interventions including the rehabilitation of the West Tarum Canal (WTC) to improve the flow and quality of water. On 4 January 2011, the Office of the Special Project Facilitator (OSPF) received a complaint concerning ICWRMIP – Project 1, acknowledged receipt, and registered the complaint on 10 January 2011. The complainants raised concerns about evictions undertaken by the Bekasi local government along the WTC and about not having received compensation. OSPF determined the complaint eligible on 5 February 2011, and conducted a review and assessment.

The stakeholders included the complainants and their representative, the Directorate General of Water Resources in the Ministry of Public Works, the Citarum River Basin Organization, Balai Besar Wilayah Sungai Citarum, the district head and staff of the district local government of Bekasi, and ADB's Indonesia Resident Mission. The issues of the complaint were compensation for affected persons, updating and implementation of the Resettlement Plan 2008, communication of resettlement-related information, consultations, government laws and regulations, and the ADB Policy on Involuntary Resettlement (1995). OSPF concluded that there was a high probability that the problems could be resolved through the updating and implementation of the Resettlement Plan in accordance with the ADB's Resettlement Policy. The review and assessment report proposed a course of action that included capacity development for the complainants. Since the complainants, after a few activities had taken place, did not see a need for further capacity development activities, OSPF continued to monitor the implementation of a few key resettlement activities focusing on the complainants. On 15 December 2011, OSPF received a letter, dated 20 October 2011, from the complainants' representative announcing the complainants' withdrawal from the consultation process. In late December 2011 and mid-January 2012, the OSPF consultant reconfirmed the complainants' decision to withdraw from the consultation process, and ascertained that they were re-registered under the ongoing resettlement updating in Bekasi District.

¹ The ICWRMIP was approved by the ADB Board on 4 December 2008.

² Loans 2500/2501 were approved by the ADB President on 22 December 2008.

I. BACKGROUND

A. The Project

1. The Integrated Citarum Water Resources Management Investment Program (ICWRMIP)¹ is funding a range of interventions to introduce integrated water resources management in the Citarum River basin. ICWRMIP – Project 1² aims to undertake priority interventions including the rehabilitation of the West Tarum Canal (WTC) to improve the flow and quality of water. The Directorate General of Water Resources (DGWR) of the Ministry of Public Works, as the executing agency, has established a project coordination and management unit in its Citarum River basin organization, Balai Besar Wilayah Sungai Citarum (BBWSC), which is responsible for the overall management and coordination of investment program activities.

B. The Complaint

2. On 4 January 2011, the Office of the Special Project Facilitator (OSPF) received a complaint concerning ICWRMIP – Project 1. The complaint was in Bahasa Indonesia and English, sent by e-mail on behalf of three persons and signed by a representative. A number of documents were attached, including a power of attorney signed by the same three persons and the person authorized to represent them. OSPF acknowledged receipt and registered the complaint on 10 January 2011. The complainants raised concerns about evictions undertaken by the Bekasi local government along the WTC and about not having received compensation.

C. Determination of Eligibility

3. OSPF discussed the complaint with concerned Asian Development Bank (ADB) staff, reviewed documents, and fielded a mission to Indonesia from 27 to 31 January 2011 to determine the eligibility of the complaint. The mission met with the representative of the complainants, Hamong Santoso, and another three members of the People's Alliance on Citarum (*Aliansi Rakyat untuk Citarum*, or ARUM)³; the complainants; the Director of Water Resources and Irrigation in the National Development Planning Agency (BAPPENAS) and staff; the Director General and staff of DGWR; and staff of BBWSC. A meeting was also held with the Bekasi local government. The mission concluded that the complaint met the eligibility requirements and declared it eligible on 2 February 2011.

II. REVIEW AND ASSESSMENT

A. Objectives and Methodology

4. The objectives of the review and assessment were to (i) explore the history of the complaint, (ii) confirm the key stakeholders, (iii) identify the key issues of the complaint, (iv) explore the stakeholders' readiness for joint problem solving, and (v) recommend a course of action. The review and assessment included (i) a desk-based review of project documents; (ii) interviews and meetings with ADB staff and consultants previously and currently involved in the project; (iii) interviews with BAPPENAS, DGWR, BBWSC, and the local government of Bekasi District; (iv) a meeting with Perum Jasa Tirta II (PJT II, the state-owned company managing the WTC); (v) interviews and meetings with the four ARUM members; (vi) interviews with the three

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³ ARUM is an alliance of civil society organizations and individual members concerned with the Citarum River.

complainants, who were joined by their wives where possible or, in one case, by the son, and a separate interview with the head of the neighborhood⁴; and (vii) meetings with previous and current resettlement consultants and other experts. The team, led by OSPF, included a Bahasa Indonesia-speaking facilitator, a Sundanese-speaking cofacilitator, and an interpreter.

B. Identification of Stakeholders

5. The Review and Assessment Report (RAR)⁵ identified as stakeholders the three complainants and their representative, who named another three persons from ARUM as his support team. Other stakeholders are (i) government and related agencies involved in making decisions, and in providing inputs and expertise on the issues related to the complaint; (ii) heads of neighborhoods and village heads; (iii) the district head and staff of the district local government; (iv) BBWSC; (v) DGWR; and (vi) BAPPENAS. In ADB, the Indonesia Resident Mission (IRM) is responsible for administering the project, and the project team is based in Jakarta.

C. Findings and Recommendations

6. The RAR identified as issues (i) compensation for affected persons (APs); (ii) updating and implementation of the Resettlement Plan 2008; (iii) communication, resettlement-related information, and consultations; and (iv) government laws and regulations, and the ADB Policy on Involuntary Resettlement (1995). The complainants have requested cash compensation as soon as possible to improve their living conditions. The RAR found that the complainants are not familiar with the planned resettlement activities, with the Government's laws and regulations, or with ADB's Policy on Involuntary Resettlement. DGWR and IRM considered the updating of the Resettlement Plan as the key activity to expedite responses to the complainants' concerns. They also emphasized that a set of activities was needed to update and implement the Resettlement Plan involving the local governments and the complainants. The complainants, ARUM, and the local government were all concerned that communication related to resettlement activities should take place regularly; and they share an interest in having updated, timely, and accurate resettlement-related information.

7. The Government of Indonesia has its own national laws and regulations. It has signed a loan agreement with ADB that includes, among other things, that the project should be implemented following the applicable laws and regulations of the Government, the ADB Policy, and the Resettlement Plan 2008. The Bekasi local government emphasized that the evictions conducted in 2010 were unrelated to the project and that the settlers along the WTC had been evicted because of their illegal status on the embankment of the canal. It also clarified that the evictions took place because the local government had to enforce regulations on spatial planning, building permits, and cleanliness. DGWR confirmed that resettlement activities in the context of the ICWRMIP had not yet begun at the time when the review and assessment was conducted.

D. Proposed Course of Action

8. The RAR recommended preparatory activities including (i) a workshop for complainants, their representative, and other community members; (ii) dialogues among DGWR, BBWSC,

⁴ Rukun Tetangga or RT in Bahasa Indonesia.

⁵ <http://beta.adb.org/sites/default/files/citarum-final-rar-23Mar-english.pdf>;
<http://beta.adb.org/sites/default/files/citarum-final-rar-23Mar-id.pdf>

ADB/IRM, the Bekasi local government, and PJT II; and (iii) individual information sessions for the complainants, ARUM, the resettlement working group of Bekasi District, BBWSC and PJT II district level staff, and other stakeholders at the Bekasi District level about resettlement updating and implementation activities. The RAR further recommended a multistakeholder consultation subsequent to the preparatory activities to agree on APs' involvement in consultations, the process of information sharing, and the future flow of communication between the APs and the resettlement team during updating and implementation of the Resettlement Plan.

III. COURSE OF ACTION

9. During a mission from 13 to 17 May 2011, OSPF met with the parties in the complaint; discussed the proposed course of action in more detail; and suggested a tripartite meeting among the complainants' representative and his support team, BBWSC, and IRM to clarify roles, legitimacy, and relationships in addition to the suggested course of action. OSPF also discussed with the complainants' representative and his support team and with the complainants a draft proposal for capacity development. The complainants were hesitant to commit to any of the proposed activities. OSPF assumed that, since these activities were in the interest of the complainants, their representative would strongly support those particularly essential for the resettlement process.

10. The tripartite meeting, facilitated by OSPF, took place on 4 July 2012. BBWSC reported that a tracer methodology would be developed to find the persons formerly evicted by the Bekasi local government and invited the complainants' representative and his support team to participate in the development of the methodology. BBWSC also shared the preliminary schedule of Resettlement Plan updating and implementation. The OSPF consultant in the meantime had supported the complainants' getting family cards and ID cards, which would help them later in the resettlement process. The complainants also agreed to improve communication with OSPF and their representative through mobile phones. OSPF provided loads for their mobile phones and explained that these loads would be renewed regularly until the complainants had received their entitlements. The complainants were still hesitant to agree to capacity development activities. OSPF facilitated the development of a harmonized action plan to describe the roles of BBWSC, IRM, and OSPF and the differences in proposed activities. OSPF requested comments on the harmonized action plan and finalized it subsequently. The complainants' representative received a briefing from a resettlement consultant about the updating and implementation activities.

11. On 15 August 2011, an OSPF-facilitated meeting about the tracer methodology took place, and the complainants' representative and his support group provided comments, recommendations, and suggestions on the draft, which BBWSC shared with them. The complainants, in a separate meeting, kept on asking for their compensation. OSPF reiterated its role and explained that it is the Government's responsibility to provide compensation. OSPF continued to provide information to the complainants' representative, shared concerns, and asked for comments in August and September 2011.

12. On 5 October 2011, OSPF received an e-mail message from the complainants' representative stating that they did not see a need for further capacity development activities. OSPF informed BBWSC and IRM and explained that what remained to be done by OSPF was to monitor a few key resettlement activities through a local consultant to assure that the complainants would be included in the tracer activities. OSPF provided a write-up about the major resettlement activities to the parties, asked for comments, finalized the paper, and sent it to the parties on 18 November 2011. On 15 December 2011, OSPF informed the complainants'

representative, BBWSC, and IRM that it had fielded the local consultant to undertake monitoring of the complainants' participation in the Resettlement Plan updating and implementation process. The same day, OSPF received a letter in Bahasa Indonesia, dated 20 October 2011, from the complainants' representative announcing the complainants' withdrawal from the consultation process. In late December 2011 and mid-January 2012, the OSPF consultant went to see the complainants, reconfirmed their decision to withdraw from the consultation process, and ascertained that they were re-registered under the tracer activities for formerly evicted persons in Bekasi District.