

Resettlement Plan

March 2018

Indonesia: Neighborhood Upgrading and Shelter Project – Phase 2

Prepared by the City of Kendari and Directorate General of Human Settlements, Ministry of Public Works and Housing for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 15 March 2018)

Currency unit	–	rupiah (Rp)
Rp1.00	=	\$0.0000725
\$1.00	=	Rp13,793.00

ABBREVIATIONS

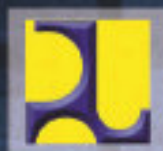
ADB	–	Asian Development Bank
APBD	–	<i>Anggaran Pendapatan and Belanja Daerah (Regional Budget Income and Expenditure)</i>
DGHS	–	Directorate of Human Settlements

NOTE

- (i) The fiscal year (FY) of the Government of Indonesia and its agencies ends on 31 December. “FY” before a calendar year denotes the year in which the fiscal year ends, e.g., FY2011 ends on 31 December 2011.
- (ii) In this report, "\$" refers to US dollars.

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DIREKTORAT PENGEMBANGAN PERMUKIMAN
DIREKTORAT JENDERAL CIPTA KARYA
KEMENTERIAN PEKERJAAN UMUM DAN PERUMAHAN RAKYAT



VOL. III

LAND PROVISION REPORT OF NEW SITE DEVELOPMENT (NSD) KENDARI CITY



THE GOVERNMENT OF KENDARI CITY
FISCAL YEAR 2017

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ABBREVIATIONS

ADB	:	Asian Development Bank
APBD	:	Local Budget
Bappeda	:	Development Planning Agency at Sub-National Level
BKM	:	Community Implementing Organization
BLH	:	Environmental Agency
BPN	:	National Land Authority
CA	:	Community Advisor
CC	:	City Coordinator
DGHP	:	Directorate General of Housing Provision
DGHS	:	Directorate General of Human Settlements
DPRD	:	Local of Parliament
LCO	:	Local Coordinating Office
NGOs	:	Non Government Organizations
LIC	:	Low Income Community
NSD	:	New Site Development
NUSP-2	:	Neighborhood Upgrading Shelter Project-2
NMC	:	Regional Management Consultant
PMU	:	Project Management Unit
PPK	:	Commitment Making Official
RMC	:	Regional Management Consultant
RTRW	:	Rencana Tata Ruang dan Wilayah (Spatial Plan)
SATKER	:	Local Government Agency

CHAPTER I. INTRODUCTION

1.1. Background

1. Government of Indonesia has implemented several programs to achieve zero slums, one of the programs is the Neighborhood Upgrading Shelter Project (NUSP-2). The NUSP-2 is slum upgrading program which undertaken through partnerships between local governments, society and private sector to ensure the implementation of sustainable, independent and pro poor urban housing and settlements development.
2. NUSP-2 was funded with a loan from Asian Development Bank (ADB) through Loan Agreement 3122-INO. The implementation of NUSP-2 focuses on three components: (i) Capacity building for officials and governments to manage pro-poor society development; (ii) quality improvement for infrastructure in slums; and (iii) new site developments (NSD).
3. The implementation of NSD is carried out through collaboration between Local Government and Government. The Local government will facilitate a clear and clean land of 2 Ha minimum and the construction of public and social facilities. Moreover, Government through Directorate General of Housing Provision (DGHP) will facilitate the construction of housing units and Directorate General of Human Settlements (DGHS) will facilitate the basic infrastructure. NSD is implemented in 4 cities/regencies i.e. Palopo City, Kendari City, Kapuas Regency and Bima City. The main priority of beneficiaries is people who lived in slum areas, and low-income communities (MBR).

1.2. Overview NSD Kendari City

4. NSD of Kendari city will be implemented in RE Martadinata street Purirano Sub-District, Kendari District of Kendari City. The local government of Kendari City has provided land of 4.19 Ha to accommodate the construction of 225 houses. The beneficiaries of NSD are the low-income communities (MBR) that do not own a house yet and lived in slum areas in Purirano.

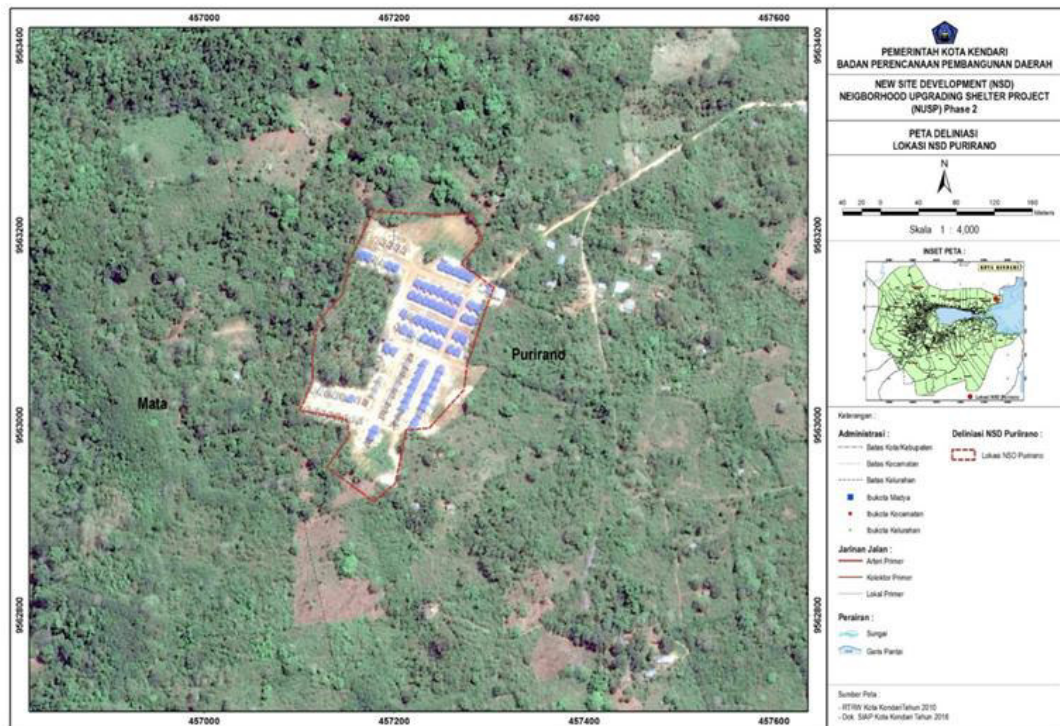


Figure 1 *Delineation Map of NSD Purirano District*

5. The positive impact of the NSD Purirano, Kendari City are:
 - (i) Development of 225 housing units in Purirano NSD area which is intended for the low-income communities in Punggaloba and Purirano who have not yet owned or rented a house;
 - (ii) The implementation of collaboration between Local Government of Kendari City, Directorate General of Human Settlements, Directorate General of Housing Provision, Ministry of Public Works and Housing in order to provide housing units and basic infrastructure;
 - (iii) Establishment of NSD Purirano management board, Kendari City; and
 - (iv) The reduction of 4.19 Ha slum areas through resettlement approach in Kendari City.

CHAPTER II. SCOPE OF LAND PROVISION

2.1. Land Suitability

6. The land of 4.19 Ha in Purirano that is designated as the location of NSD has been appropriate with the requirements, specifically:
 - (i) Minimum of 2 Ha (in one path of land) with a ratio of 60% proportion for housing units and 40% for basic infrastructure
 - (ii) The land of NSD is owned by the local government which is development-ready and have no dispute (clear and clean), proved by:
 1. Approval Letter from the Local Parliament (DPRD) stated that the land will be used for construction of NSD.
 2. Statement Letter from Kendari Mayor stated that the land is clear.
 - (iii) The land is suitable with spatial plan (RTRW) in Kendari city as a cultivation area that can be developed as residential area.
 - (iv) The land has integrated with urban infrastructure services such as (electricity, water, road, drainage, sewerage networks) and integrated with urban transportation system.

2.2. The existing condition of land

7. Purirano Area is located in Purirano Sub-District, of Kendari District, Kendari City. The access directly connected with primary artery road (RE Martadinata street) approximately \pm 870 meters. The 4.19 Ha NSD land is undeveloped land and covered by grass. A part of the land has been consolidated by Kendari City Government in 2016.



Figure 2 The Existing Condition of NSD Land in Kendari City

2.3. Scope of Land Provision

8. The land of NSD at Purirano Administrative Village is owned by the Government of Kendari since 2014. Thus, there is no need for a land acquisition report that can be seen on Land Ownership Certificate Number 593/3633 and Number 032/5746 issued by the Municipality Secretary of Kendari City.

CHAPTER III. THE SOCIAL INFORMATION

9. The land of NSD in Kendari City is not provided through land acquisition, thus it has no effect to social condition of the community, the existence of indigenous people and local culture.
10. The land of NSD owned by the local government of Kendari City since June 2013 (prior to NUSP-2 loan signing in April 23, 2014)
11. Principles of NSD implementation are as follows : (i) transparency in all process, such as : socialization on several activities (land preparation including land acquisition, the preparation of development implementation) and selection of potential beneficiaries; (ii) provision of the adequate housing equipped with basic infrastructure, (iii) relocate the selected beneficiaries who dwells in squatter area to NSD site, (iv) provide rental payment mechanism (subsidized by local government of Kendari City to lower the rental cost), (v) facilitation on supporting aspect to promote livelihood aspect, i.e : stipulation of additional transport routes (*angkot*) and set a low fare as much as IDR 3.500 per trip by giving weekly fuel voucher to the *angkot*'s company, development of traditional market, and provision of easy access for education (free school transfer, if any); (vi) ensuring that beneficiaries's standart of living is increasing due to the fulfillment of basic needs and easy access on activity center around NSD sites (Vol I – Technical Proposal mention the comparation on livelihood aspect in which average expenses of beneficiaries in NSD site is lower than average expenses on the previous dwelling place)

CHAPTER IV. SOCIALIZATION, PUBLIC CONSULTATION AND GRIEVANCE GRIEVANCE HANDLING MECHANISM

12. The several meetings of land acquisition process have conducted in FY 2012-2013, i.e : socialization and public consultation. All meetings also discussed about grievance handling mechanism, in which there was no complain from the community on giving their assets to local government.

4.1. Socialization

13. Socialization was conducted with several participants such as Local Parliament (DPRD) representatives, LCO, Local Satker-PPK, BKM representatives, land-owners, community leaders and consulants. Generally, the purpose of socialization is to achieve an understanding from the implementation of NSD especially in land acquisition. The implementation of socialization will be conducted in several stages, starting from the city level to ub-district in NSD location.

4.2. Consultation

14. The implementation of public consultation was carried out after the socialization at the sub-district level, with a purpose to provide an opportunity for the community to express their opinions, questions and feedbacks on NSD activities. In particular, the consultations conducted to establish an agreements for landowner whose land is directly close to the NSD location, which is related to the determination of land boundaries and the installation of land boundary markers.

4.3 Grievance Redress Mechanism.

15. Any affected people will have the right to file complaints and/or queries on any aspects of land acquisition activities of the subprojects. It is anticipated that all grievances related to benefits and other assistance will be expected to be resolved at the subproject as the project upholds CDD as the overarching approach. The complaint and grievance procedure is as follows: at the neighborhood level, complaint from any affected people can be filed to the BKM members and local government for an immediate solution when possible. If the problem cannot be solved, the BKM members and local government staff will facilitate the APs to submit their complaints to the Project's grievance and redress committee (GRC) at district level and to national level if not satisfied. Community advisors will record the complaint and report to the LCOs. The project will dedicate a staff at city/district and national levels in charge of handling and following up on APs' complaints.
16. The members of the GRC will involve the representatives of vulnerable affected people (i.e., affected women, poor and minority groups) and other affected people and relevant government officials with functional and legal authority. The committee will review grievances involving all land acquisition benefits or issues, except for disputes related to ownership.

Grievances will be redressed within 2 to 4 weeks from the date of lodging the complaints at the district level and within 8 weeks at the national levels. If no consensus can be reached, the dispute resolution will follow the grievance mechanism as per the land acquisition law No. 2/2012 and the Government Regulation No. 71/2012.

A grievance handling mechanism has been set up to anticipate for NSD and land acquisition. To date there is no complain raised by the community and AHs related to the NSD and land acquisition.

CHAPTER V. THE POLICY OF LAND PROVISION

5.1. ADB's Safeguard Policy Statement

15. The objectives of ADB's Safeguard are to:
- (i) avoid adverse impacts of the projects on the environment and affected people, where possible;
 - (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and
 - (iii) help borrowers/clients to strengthen their safeguard systems and develop their capacity to manage environmental and social risks.

5.2. GOI Policy

16. Government regulations related to land provision include:
- (i) Law No. 2/2012 on Land Acquisition for the Development of Public Interest (Undang-Undang Nomor 02 Tahun 2012 Tentang Pembebasan lahan untuk Pengembangan Kepentingan Umum);
 - (ii) Presidential Regulation No. 71/2012 on the Implementation of Land Acquisition for the Development of Public Interest (Peraturan Presiden Nomor 71 tahun 2012 Tentang Pelaksanaan Pembebasan Lahan untuk Pengembangan Kepentingan Umum);
 - (iii) Regulation of Head of BPN No 5/2012 on Guidelines for Implementation of Presidential Regulation No. 71/2012 (Peraturan Kepala BPN Nomor 05 tahun 2012 Tentang Pedoman Pelaksanaan Peraturan Presiden Nomor 71 Tahun 2012);
 - (iv) Regulation of the Minister of Finance No. 13 / PMK02 / 2013 (Peraturan Menteri Keuangan Nomor 13/PMK02/2013); and
 - (v) Regulation of the Minister of Home Affairs No. 72/2012 about the Implementation Guideline of Law No. 2 /2012 (Peraturan Menteri Dalam Negeri Nomor 72/2012 Tentang Pedoman Pelaksanaan UU 2 / 2012).

CHAPTER VI. INSTITUTION ARRANGEMENT

17. The institutions that carried out the land provision for NSD are the government level (Project Management Unit), Local Government level (LCOs / Satker-PPK city/district) and the community with the following responsibilities:

Table 1 Roles and Responsibility of Institution

Institution		Roles and Responsibility
Central	Ministry of Public Works & Housing (PMU)	<ul style="list-style-type: none">• Coordinating, supervising and monitoring the implementation of NUSP-2 program including land provision.• Ensuring the land provision document as compiled by LCOs/Satker-PPK
City / Regency	LCOs, PPK-Satker	<ul style="list-style-type: none">• Coordinating, supervising and monitoring the land provision• Providing the budget for land provision.• Preparing the reports on land provision.
Community	BKM/ CIOs	<ul style="list-style-type: none">• Attending the socialization of NSD implementation• Assisting the identification and measurement of the land• Facilitating the public complaints

CHAPTER VII. MONITORING & EVALUATION

18. Monitoring and evaluation of land provision is done to ensure that land provision complies with the rules and does not adversely affect to the social and economic of the community. Monitoring and evaluation are conducted by each stakeholder assisted by the consultants in the central and regional levels.

CHAPTER VIII. CONCLUSIONS AND RECOMMENDATIONS

8.1. Conclusions

1. Land provision for NSD in Kendari City is not done the land acquisition because the land owned by government of Kendari City.
2. The land that will be used as NSD is suitable with spatial plan of Kendari City and meets the criteria which is determined by NUSP-2.

8.2. Recommendations

1. Reporting of the land provision implementation report by the Government of Kendari City should be prepared on time.
2. All documents on the land provision to be archived in an orderly and safe.
3. Reporting on land utilization to ensure that land acquisition objectives is achieved, particularly on the utilization of land for NSD development.
4. Monitoring on impact of land acquisition to the income and livelihood of AP's

Appendices

- Letters of readiness to support NSD Kendari city
- Letter of land title that is not in dispute and is able to provide a budget for the construction of Simple Habitable House according to letter no. 648/II/1120.
- Letter of proposed land provision owned by Government of Kendari city for NSD to the Chairman of Parliament of Kendari City (no. 648.2 / dated April 29, 2015)
- Letter of Approval from Parliament of Kendari City of land provision, (number 648-2 / 177 / DPRD / 2015 dated May 5, 2015)



WALIKOTA KENDARI

Jalan Drs. H. Abdullah Silondae No. 8 Telp. (0401) 3121402 Fax. (0401) 3123593 Kendari 93111

Kendari, 18 Nopember 2015

Nomor : 600/6760
Lampiran :
Perihal : Minat Mengikuti Program NSD

Kepada Yth,
Direktur Jenderal Cipta Karya
Up. Direktur pengembangan Kawasan
Permukiman Kementerian PU-PR RI
di-
Jakarta

Dalam rangka mendukung percepatan pencapaian target millennium Development Goals (MDG's) untuk penanganan permukiman kumuh di Perkotaan, melalui Kegiatan New Site Development (NSD) NUSP-2 sebagaimana yang tercantum dalam dokumen Rencana Aksi Penataan Permukiman Kumuh Perkotaan atau City Wide Slum Improvement Action Plan (CWSIAP), maka untuk mempercepat pelaksanaan penanganan kawasan kumuh yang ada di Kota Kendari, Pemerintah Kota Kendari menyampaikan minat untuk ikut dalam program New Site Development NUSP-2.

Sebagai bentuk dukungan serta komitmen dari Pemerintah Kota Kendari, kami sampaikan hal-hal sebagai berikut :

- 1) Kami siap menyediakan tanah seluas 2-3 Ha yang berlokasi diluar kawasan kumuh, yang lokasinya mudah diakses oleh transportasi umum serta terdapat jaringan listrik dan air bersih, tidak dalam status sengketa dan merupakan milik Pemerintah Kota Kendari serta sesuai dengan peruntukan RTRW Kota Kendari dan akan dihibahkan kepada masyarakat berpenghasilan rendah sesuai dengan ketentuan dan peraturan yang berlaku.
- 2) Kami siap memfasilitasi dan menyediakan anggaran untuk pembangunan Rumah Sederhana Layak Huni melalui APBD Kota Kendari sebagai program pendukung (Inkind Program) serta memelihara infrastruktur kawasan yang dibangun apabila selesai dilaksanakan dan telah diserahkan kepada Pemerintah Daerah Kota Kendari.

Demikian penyampaian minat ini disampaikan, atas kesediaan serta dukungan dari Direktur Jenderal Cipta Karya untuk memfasilitasi kegiatan tersebut diucapkan terima kasih.



Tembusan :

1. Direktur Bina Program Direktorat Jenderal Cipta Karya, Kementerian Pekerjaan Umum dan Perumahan Rakyat RI
2. Kepala PMU NUSP-2
3. Kasatker Pengembangan Kawasan Permukiman Strategis

Letters of readiness to support NSD Kendari city



WALIKOTA KENDARI

Jalan Drs. H. Abdullah Silondae No. 8 Telp. (0401) 3121402 Fax. (0401) 3123593 Kendari 93111

PERNYATAAN

Nomor : 648.11/1120.

Dalam rangka mendukung percepatan pencapaian target millennium Development Goals (MDG's) untuk penanganan permukiman kumuh di Perkotaan, melalui Kegiatan New Site Development (NSD) NUSP-2 sebagaimana yang tercantum dalam dokumen Rencana Aksi Penataan Permukiman Kumuh Perkotaan atau City Wide Slum Improvement Action Plan (CWSIAP), maka untuk mempercepat pelaksanaan pekerjaan fisik pada lokasi yang telah ditetapkan, Pemerintah Kota Kendari mendukung penuh kegiatan tersebut.

Sebagai bentuk dukungan serta komitmen dari Pemerintah Kota Kendari, kami sampaikan hal-hal sebagai berikut :

- 1) Lokasi yang akan digunakan kegiatan New Site Development (NSD) NUSP-2 status lahannya milik pemerintah, serta tidak dalam status sengketa serta sesuai dengan peruntukan RTRW Kota Kendari.
- 2) Kami siap menyediakan anggaran untuk pembangunan Rumah Sederhana Layak Huni melalui APBD Kota Kendari sebagai program pendukung (Inkind Program) serta memelihara infrastruktur yang dibangun apabila selesai dilaksanakan dan telah diserahkan kepada Pemerintah Daerah Kota Kendari.

Demikian pernyataan ini disampaikan, atas kesediaan serta dukungan Direktur Jenderal Cipta Karya untuk memfasilitasi kegiatan tersebut diucapkan terima kasih.



DR. Ir. H. ASRUN, M.Eng. Sc

Tembusan :

1. Direktur Bina Program, Direktorat Jenderal Cipta Karya, Kementerian Pekerjaan Umum dan Perumahan Rakyat RI
2. Direktur Pengembangan Permukiman, Direktorat Jenderal Cipta Karya, Kementerian Pekerjaan Umum dan Perumahan Rakyat RI
3. Ketua DPRD Kota Kendari
4. Kepala Bappeda Kota Kendari
5. Kepala Dinas Pekerjaan Umum kota Kendari
6. Kepala Dinas Tata Kota dan Bangunan Kota Kendari
7. Bertindak

Statement that land title is not in dispute and ability to provide budget to support construction of NSD



WALIKOTA KENDARI

Jalan Drs. H. Abdullah Silondae No. 8 Telp. (0401) 3121402 Fax. (0401) 3123593 Kendari 93111

Kendari, 29 April 2015

Nomor : 648.2/
Lampiran :
Perihal : Usul Persetujuan Pemanfaatan
Lahan Milik Pemda Kota Kendari

Kepada
Yth. Ketua DPRD Kota Kendari
di -
Kendari

Dalam rangka percepatan pelaksanaan penanganan kawasan kumuh di Kota Kendari, maka Pemerintah Kota Kendari telah menyampaikan minat, komitmen dan kesanggupan serta bersedia menyiapkan Program Pendukung (Inkind Program) melalui kegiatan New Site Development (NSD) NUSP-2 kepada Kementerian Pekerjaan Umum dan Perumahan Rakyat melalui Direktorat Jenderal Cipta Karya; hal ini juga dilakukan dalam rangka mendukung percepatan pencapaian target millennium Development Goals (MDG's) untuk penanganan permukiman kumuh di Perkotaan sebagaimana yang tercantum dalam dokumen Rencana Aksi Penataan Permukiman Kumuh Perkotaan atau City Wide Slum Improvement Action Plan (CWSIAP),

Agar kegiatan tersebut bisa terwujud, tentunya dibutuhkan implementasi yang berkesinambungan; mengingat pembiayaan program kegiatan Pemerintah Kota yang cukup besar dan sangat mendesak, disisi lain alokasi penerimaan daerah melalui PAD Kota yang sangat terbatas, maka sebagai wujud komitmen tersebut, Pemerintah Kota Kendari berencana untuk memanfaatkan lahan milik Pemerintah Kota yang berlokasi di Kelurahan Purirano Kecamatan Kendari untuk digunakan sebagai lokasi pelaksanaan kegiatan New Site Development (NSD) NUSP-2, sekaligus sebagai bagian dari Program Pendukung (Inkind Program) dari Pemerintah Kota Kendari.

Berdasarkan hal tersebut kiranya Ketua DPRD Kota Kendari dapat mempertimbangkan untuk menyetujui Pemanfaatan lahan milik Pemerintah Kota Kendari di Kelurahan Purirano Kecamatan Kendari untuk digunakan sebagai lokasi pelaksanaan kegiatan New Site Development (NSD) NUSP-2 di Kota Kendari.

Demikian disampaikan, atas persetujuan dan kerjasamanya diucapkan terima kasih.

WALIKOTA KENDARI,

Dr. Ir. H. ASRUN, M.Eng.Sc

Tembusan :

1. Sekretaris Daerah Kota Kendari di Kendari
2. Kepala Bappeda Kota Kendari di Kendari;
3. Kepala Inspektorat Kota Kendari di Kendari;
4. Kepala BPKAD Kota Kendari di Kendari;
5. Camat Kendari di Kendari

Letter of proposed land provision owned by Government of Kendari city for NSD
to the Chairman of Parliament of Kendari City



DEWAN PERWAKILAN RAKYAT DAERAH KOTA KENDARI

Sekretariat: Jalan Mayjen Sutoyo No. 2 Telp. (0401) 3128313-Fax (0401) 3123237 Kendari 93112

Kendari, 2 Mei 2015

Kepada

Yth. Walikota Kendari
di -

Kendari

Nomor : 648.2/177/DPRA/2015
Lampiran : -
Perihal : Persetujuan

Dasar Surat Walikota Kendari Nomor : 648.2 /1193, tanggal 29 April 2015 Perihal Usul Persetujuan Pemanfaatan Lahan milik Pemda Kota Kendari.

Sehubungan dengan maksud tersebut, guna mendukung Pemerintah Kota Kendari dalam upaya percepatan pelaksanaan program pembangunan sektor infrastruktur, khususnya pada program-program kegiatan strategis yang mempunyai multi player effect terhadap pertumbuhan ekonomi serta layanan pada masyarakat yang membutuhkan penyelesaian secara komprehensif dan berkesinambungan serta dalam rangka mendukung percepatan pencapaian target millennium Development Goals (MDG's) untuk penanganan permukiman kumuh di Perkotaan melalui kegiatan New Site Development (NSD) NUSP-2, maka pada prinsipnya DPRD Kota Kendari menyetujui rencana pemanfaatan lahan milik Pemerintah Kota Kendari yang berlokasi di Kelurahan Purirano Kecamatan Kendari sebagai program pendukung (Inkind Program) lokasi kegiatan New Site Development (NSD) NUSP-2 di Kota Kendari dengan ketentuan pelaksanaannya senantiasa memperhatikan Peraturan Perundang-undangan yang berlaku.

Demikian Persetujuan ini diberikan untuk menjadi bahan tindak lanjut, terima kasih.

DEWAN PERWAKILAN RAKYAT DAERAH



Tembusan kepada Yth :

1. Sekretaris Daerah Kota Kendari di Kendari
2. Kepala Bappeda Kota Kendari di Kendari ;
3. Kepala Inspektorat Kota Kendari di Kendari ;
4. Kepala BPKAD Kota Kendari di Kendari ;
5. Camat Kendari di Kendari
6. Lurah Purirano di Purirano
7. Arsip.

Letter of Approval from Parliament of Kendari City of land provision