

Resettlement Plan

June 2013

Indonesia: Metropolitan Sanitation Management Investment Project

Land Acquisition and Resettlement Plan
CIMAHI CITY OFF-SITE WASTEWATER COLLECTION
SYSTEM AND TREATMENT

Prepared by Directorate General of Human Settlements, under the Ministry of Public Works of the Republic of Indonesia for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 31 May 2013)

Currency unit	–	Indonesian rupiah (IDR)
IDR1.00	=	\$0.0001013171
\$1.00	=	IDR9,870

ABBREVIATIONS

ADB	–	Asian Development Bank (or the Bank)
AHs	–	affected households
APs	–	affected persons
BAPPEDA	–	Provincial/District Planning Agency
CPMU	–	central project management unit
DED	–	detailed engineering design
DGHS	–	Directorate General for Human Settlements
DMS	–	detailed measurement survey
EA	–	executing agency (or the DGHS)
EM	–	entitlement matrix
GoI	–	Government of Indonesia
GRM	–	grievance redress mechanism
IA	–	implementing agency
INDII	–	Indonesia Infrastructure Initiative
IOL	–	inventory of losses
IRR	–	implementing rules and regulations
LAC	–	Land Acquisition Committee
LARP	–	land acquisition and resettlement plan
LPMU	–	local project management unit
MSMIP	–	Metropolitan Sanitation Management Investment Project
para.	–	paragraph
PIB	–	public information booklet
PISCs	–	project implementation supervision consultants
PPIU	–	provincial project implementation unit
SATKER	–	<i>Satuan Kerja</i>
SES	–	socioeconomic survey
SPS	–	Safeguards Policy Statement
SR2	–	Safeguards Requirement 2 (or Involuntary Resettlement)
TA	–	technical assistance
WCS	–	Wastewater Collection System
WWTP	–	wastewater treatment plant

GLOSSARY

affected person (AP)	–	Refers to any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (e.g., residential, commercial, agricultural, and/or grazing land), water resources or any other fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or
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	temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without physical displacement. In the case of affected household (AH), it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by the project.
compensation	– This is payment given in cash or in kind to AP at replacement cost or at current market value for assets and income sources acquired or adversely affected by the project.
cut-off date	– Refers to the date after which people will NOT be considered eligible for compensation i.e. they are not included in the list of APs as determined by a census of persons displaced from assets and livelihoods. In this Project, the DGHS and the Land Acquisition Committee (LAC) will disclose the cut-off-date to residents and local officials of each affected village which coincides with the conduct of the detailed measurement survey (DMS).
detailed measurement survey (DMS)	– With the use of approved detailed engineering drawings, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of APs done during the preparation of this resettlement plan (LARP). The final cost of resettlement will be determined after the DMS.
due diligence	– In this document, it refers to the assessment and evaluation of land acquisition activities and payment of compensation to APs by the Project Executing Agency as to their consistency with the involuntary resettlement policy of the international development agency.
entitlement	– Refers to a range of measures, such as compensation in cash or in kind, income restoration support, transfer assistance, livelihood substitution, relocation support, etc., which are provided to the APs depending on the type and severity of their losses to restore their economic and social base.
income restoration	– This involves re-habilitating the sources of income and livelihoods of severely affected and vulnerable APs to supplement compensation received for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
inventory of losses	– This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the LARP where all fixed assets (i.e., land used for residence, commerce, agriculture; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; standing crops and trees with commercial value; etc.) and sources of income and livelihood inside the Subproject boundaries are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. The severity of impact on the affected assets and the severity of impact on the livelihood and productive capacity of the APs are likewise determined.
involuntary resettlement	– It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood from the site identified for the Project.

land acquisition	–	Refers to the process whereby a person in the WWTP site is compelled by the government through the LAC and DGHS to alienate all of the land owned by the AP or possesses, to the ownership and possession of the government for the Project in return for compensation at replacement cost.
relocation	–	This is the physical displacement of the AP from his/her pre-project place of residence and/or business.
replacement cost	–	Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and remaining values of salvageable materials, at prevailing market value, or its nearest equivalent, at the time of compensation payment.
replacement cost study	–	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
resettlement	–	Refers to various measures provided to APs in mitigating any and all adverse social impacts of the project, including compensation, relocation (where relevant), and rehabilitation as needed.
resettlement plan	–	It is the social safeguards document that contains the policies and guidelines and time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
severely affected person	–	This refers to APs who will (i) lose 10% or more of their total productive assets, (ii) have to relocate, and/or (iii) lose 10% or more of their total income sources due to the project.
vulnerable groups	–	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) households that are headed by women with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households who are landless and with no other means of support, and (v) landless households.

NOTE

In this report, "\$" refers to US dollars.

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Scope of Off-site Wastewater Collection and Treatment in Cimahi City, West Java Province, Indonesia

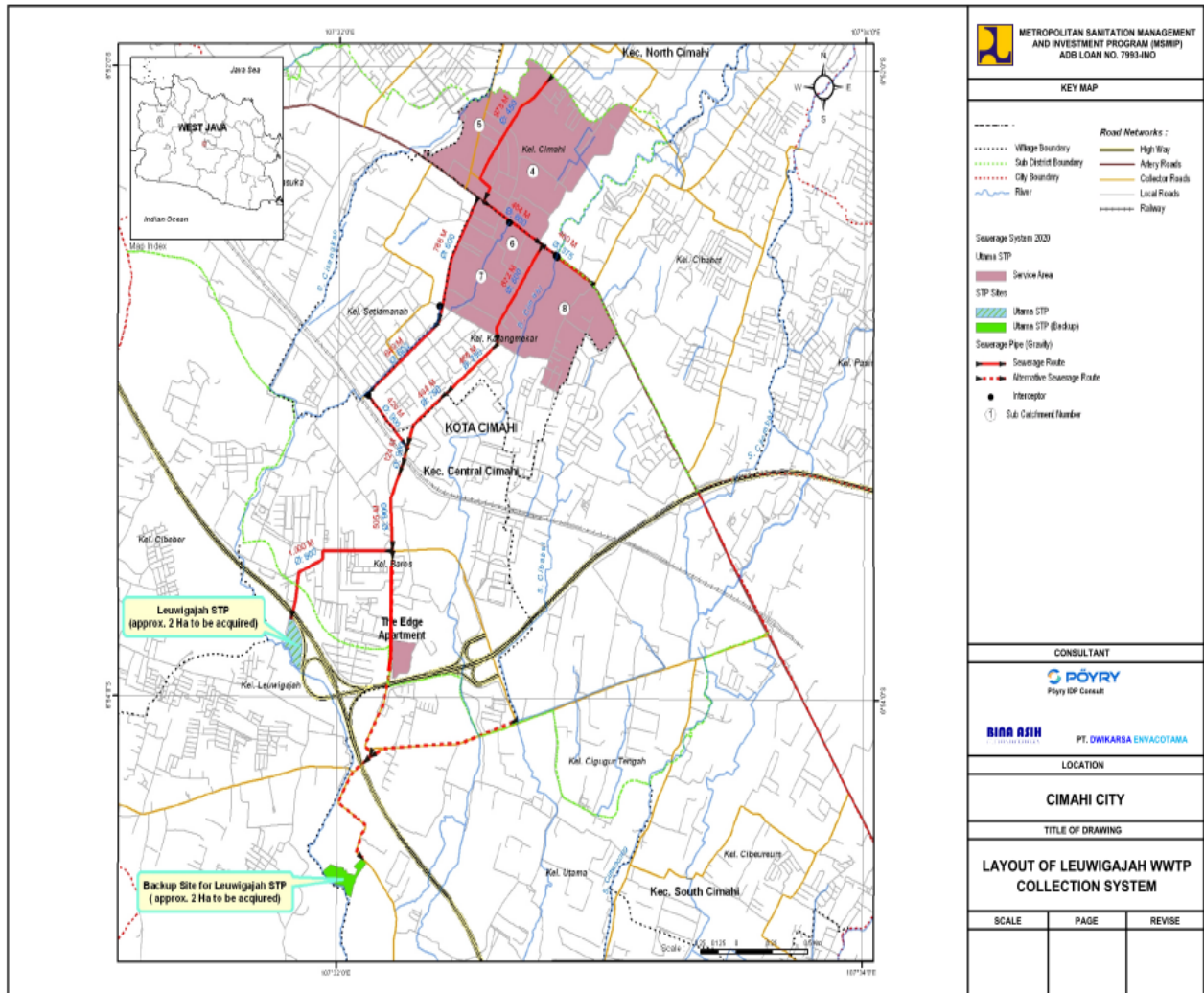


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EXECUTIVE SUMMARY

1. **Subproject Description.** The Cimahi City Off-site Wastewater Collection System and Treatment (or the Subproject) shall be located in Cimahi City, West Java Province. The Subproject has two components; the Wastewater Treatment Plant Component (WWTP) and the Wastewater Collection System (WCS) Component. The proposed 1.852 ha WWTP shall apply a biological treatment system consisting of an aerobic pre-treatment using an Upflow Anaerobic Sludge Blanket Reactor (UASBR), followed by trickling filters (TFs) for secondary treatment. Effluent shall be treated in WWTP prior to discharge at Cisangkan Creek. The WCS shall be established along the road alleys in 11 streets of the City to collect wastewater and biosolids from business establishments, public market, and households through the sewers and shall be treated in the WWTP.

2. **Scope of Land Acquisition and Resettlement.** A total of 18,520 m² (1.852 ha) of lands is recommended for the WWTP. Of this, 1.6 ha has already been acquired in the year 2010-11. The remaining 2,520 m² (0.252 ha) have yet to be acquired permanently from 5 groups of affected households (AHs) in order for BAPPEDA to complete the permanent acquisition of land for the WWTP. The land adjoins the 1.6 ha that has already been acquired in advance which were subjected to due diligence, with findings are found in a separate section of this report. The AHs in the 0.252 ha agricultural land are headed by males with total members of 30 persons and do not belong to any groups of indigenous peoples. And since they live outside the affected lands, relocation of their houses is not an issue under the Subproject. On the temporary acquisition of land, a total of 42,804 m² (4.3 ha) shall be required for the installation of WCS and its associated facilities. The sewers will be installed in 11 street alleys of the City. The data gathered during the TA shall be updated during Subproject implementation.

3. **Due Diligence.** The objective of due diligence was to assess if the approach applied by BAPPEDA in acquiring the lands in advance was consistent with Safeguard Requirements 2 (SR2) of ADB's 2009 SPS. The subject 1.6 ha lands were acquired in two occasions: (i) the first was in 2010 when the 6,000 m² (0.6 ha) were fully acquired for flood control; and (ii) the second in 2011 that covered 10,000 m² (or 1.0 ha) of lands for the WWTP. Owing to the land requirements recommended in the INDII study, the 6,000 m² land became part of the WWTP investment. However, the AHs who formerly owned this land were not interviewed given the original purpose of its acquisitions, but were included in the assessment based on information from BAPPEDA.

4. Supported with documents, the lands were acquired in compliance with the procedures prescribed in Chapter IV of Presidential National Land Agency (BPN) Regulation No. 3/2007. The AHs were compensated based on the price range reported by an independent appraiser which was higher than the rate set up by NJOP and the amount offered by the City Government. The owners of the 0.6 ha land were paid in late 2010 while owners of the 1.0 ha received their compensation in August 2011. Land acquisition has no impact on the incomes and standard of living of the AHs since their livelihoods are not dependent on the acquired agricultural lands, which are infertile.

5. **Information Disclosure, Participatory Consultation and Grievance Redress.** The Initial Public Consultation and Information Disclosure was held on 24 September 2012 in compliance with the Government Regulation and ADB's 2009 SPS and Public Communication Policy (2 April 2012). Five types of stakeholders who have actively participated on that public meeting were identified. Project Information Booklets (PIB) and the procedures on grievance review mechanism, in *Bahasa* language, were distributed to the participants. Public consultation with the affected households and randomly selected residences along the roads covered under the

WCs component continued during the LARP preparation phase. A copy of the PIB in Bahasa Indonesia was also provided to the randomly selected roadside occupants. Consultation with individual land owners and randomly selected roadside occupants along the project roads were consulted in February 2013 for information dissemination and to obtain feedback on project related issues and their concerns. Public consultation with affected communities will continue throughout the planning and implementation phase of the subproject.

6. Legal Framework, Compensation and Entitlement Policy. The legal and policy framework for compensation and resettlement under the Subproject is defined by the relevant laws and regulations of the GoI and the Safeguard Requirements 2 of the 2009 SPS and other cross-cutting policy themes of ADB. Gaps were noted based on the comparison between the GoI and ADB policies but these have been reconciled and translated into Project policy principles. From these principles, Project Policy were developed which the DGHS commits for implementation. A table on Compensation and Entitlement Matrix and their applications defines the entitlements of APs. Contingency measures were also provided in addressing gender issues. If there are unforeseen impacts that shall be identified in the DMS, the APs are also entitled to receive compensation and assistance.

7. Resettlement Budget. A total of Rp 0.835 billion (US\$0.086 million) was estimated for LARP updating and implementation for inclusion in the Subproject investment. The estimated resettlement cost includes a contingency of 20% to cover any unexpected expenses including compensation for loss of income of businesses along the roads covered under the WCs component caused by restricted access during the implementation phase. The City Government of Cimahi will ensure the timely provision of funds and will meet any unforeseen obligations in excess of the resettlement budget in order to meet the social safeguards objectives of the Subproject. The City Government of Cimahi will finance the LARP implementation.

8. Institutional Arrangements. The DGHS will create the CPMU and will work closely with the PPIU in West Java Province and the LPMU in Cimahi City. The CPMU will hire the PISCs in accordance with ADB's *Guidelines on the Use of Consultants* (2010, as amended from time to time). The PISCs will be supported by two full-time qualified and experienced resettlement specialists; one international resettlement expert, the other is a national resettlement specialist. The LAC will be involved under this institutional arrangement for the Subproject. On LARP implementation, it shall take eight months which shall begin in June 2013 and shall be finished in January 2014, on the assumption that the Subproject DED has been finished by then. The CPMU, in close coordination with PPIU, LPMU and the LAC, will implement the updated LARP upon receipt of the official approval from ADB.

9. Monitoring and Reporting. Only internal monitoring will be conducted given the very small number of AHs affected by permanent land acquisition and no relocation of AP/AH is involved. The CPMU, PPIU and LPMU will have joint responsibilities in the internal monitoring of LARP implementation with results will be reported to ADB on quarterly basis. All activities in resettlement are time bounded and the progress of implementation will be obtained by the PISCs from the field on monthly basis and transmit them to CPMU for its assessment, and adjust the work program if necessary. As estimated, internal monitoring for land acquisition and resettlement activities is estimated to be carried out in eight months. Indicators for the internal monitoring are defined in the main report.

I. PROJECT DESCRIPTION

A. Introduction

1. The Subproject is among the five subprojects which have been assisted by Asian Development Bank (ADB or the Bank) under TA № 7993 – INO: Metropolitan Sanitation Management Investment Project (MSMIP). The proposed MSMIP supports: (i) the implementation of the Government's Roadmap to Acceleration of Urban Development 2010-2014, which targets sewerage systems in 16 cities and community based sanitation in all other cities; (ii) the National Policy for the Development of Community-Based Water Supply and Environmental Sanitation; (iii) ADB's Water Operational Framework 2011-2020, which has strong emphasis on sanitation and is directed toward efficient technologies and capacity development programs; (iv) ADB's Water for All Policy; and (v) the draft Indonesia Country Partnership Strategy. The Subproject impact will be health improvement through the reduced occurrence of water-borne diseases and water-washed diseases in the areas it will serve in Cimahi City. The outcome shall be increased access to sanitation services by the households.

B. Subproject Description

2. The Subproject has two components, such as: (i) the Wastewater Treatment Plant (WWTP); and (ii) the Wastewater Collection System (WCS). The proposed WWTP shall be established in an agricultural area in Leuwigajah Village. It shall apply a biological treatment system consisting of an anaerobic pre-treatment using an Upflow Anaerobic Sludge Blanket Reactor (UASBR), followed by trickling filters (TFs) for secondary treatment. Stabilized sludge shall be mechanically dewatered and either disposed of landfill, or applied to farm lands. The WWTP shall also receive septage collected from septic tanks. Effluent shall be treated in WWTP prior to discharge at Cisangkan Creek.

3. The WCS shall be established along 11 streets/roads of the City. The list of roads covered under the WCS component is shown in **Appendix 2**. This facility shall collect wastewater and biosolids from business establishments, public market, and households through the sewers and shall be treated in the WWTP. The WCS has five subcomponents, such as (a) trunk sewers, (b) main sewers, (c) lateral interceptors, (d) storm water drainage, and (e) service connections. Major roads, where sewer pipelines are proposed, were observed to have sufficient space for sewer construction. The proposed Subproject constitutes the least cost components based on the evaluation by the Bank's TA Consultants after review of the INDII wastewater master plan.

4. This Land Acquisition and Resettlement Plan (LARP) is the social safeguards document for Cimahi City Off-site Wastewater Collection System and Treatment (or the Subproject) in Cimahi City, West Java Province.

II. SCOPE OF LAND ACQUISITION

A. Status of Acquisition

5. **Permanent Acquisition.** The project will require an area of about 1.852 ha for location of Wastewater Treatment Plant. The City Government of Cimahi has already acquired 1.6 ha in past on two separate phases. Section III of this LARP provides Due Diligence report on the acquisition

of 1.6 ha. The City Government of Cimahi is yet to acquire the remaining 2,520 m² (0.252 ha) required for the WWTP component of the project. The land is not part of any ancestral domain. The land, 1.6 ha already acquired and 0.252 ha that is to be acquired, is not very fertile. There are however, some banana trees and patches of cultivated plots on the land. Some households use part of their land for cultivation of crops such as: cassava and maize, for their own consumption. The size of their ownership varies, as summarized in Table 2.1.

Table 2.1: Ownership of Land to be Acquired

Affected Households	Size of Land (in m ²)	Percent to Total
AH – 1	490	19.44
AH – 2	350	13.89
AH – 3	350	13.89
AH – 4	350	13.89
AH - 5	980	38.89
Total	2,520	100.00

Source: BAPPEDA of Cimahi City, Feb. 2013

6. Excluded from permanent land acquisition is the area for the access road which shall be firmed up in the detailed engineering design (DED). Alignment of the access road has not been determined yet.

7. **Loss of Structures.** There will not be any loss of structures or other fixed assets due to the acquisition of land.

8. **Loss of Household Income.** The acquisition of land will not result in any direct loss of household incomes as the irregular cultivation of plots by some households does not add to household incomes significantly.

9. **Loss of Employment and Business Incomes.** No businesses or employment would be adversely affected due to the acquisition of 0.252 ha of land for the project.

10. **Temporary Land Acquisition.** Temporary land acquisition for WCS was estimated at 42,804 m² (4.3 ha), as shown in Table 2.2. The figure was arrived at by multiplying the total length of the sewers by the working width of heavy equipment to be used in the excavation of lands along the 11 street alleys (para.3). Included in the temporary use of lands are the required spaces for the associated facilities. All temporary impacts

Table 2.2: Temporary Land Requirements for WCS in Cimahi

No.	ITEM	Diameter (mm)	Length (in m)	Working Width for Digging Land (m)	Required Land (in m ²)
1	Rising Main	-	-	-	-
2	Trunk Sewers	Concrete DN 900 mm	2,050	4	8,200
		Concrete DN 750 mm	900	4	3,600
		Concrete DN 649 mm	649	4	2,596
3	Main Sewers	Concrete DN 600 mm	944	4	3,776
		Concrete DN 450 mm	2,598	4	10,392
		Concrete DN 375 mm	460	4	1,840
4.	Lateral and Interceptors				
5.	Storm Water Interception	-	-	-	-
6.	Pumping Station	-	-	-	-
7.	Manholes and Chambers				
	- Sewer Manholes		70	2.0 x 2.0	280
	- Lateral Sewer Chambers		1,950	1.5 x 1.5	4,388
8.	Pipe Work Crossing				
	- Pipe jacking under river		200	2.0	400
	- Pipe jacking railway & highway		300	2.0	600
9.	Drainage Rehabilitation		2,244	3.0	6,732
Total Temporary Affected Land					42,804

Source: MSMIP TA Technical Consultants

All temporary affected lands on the roadsides are being administered by the Directorate General for Highways and agreement and clearance will be secured from this agency prior to excavation. Excluded from the temporarily affected lands are the work stations of the construction contractor/s during Subproject implementation.

11. The sewage pipelines construction activities will be carried out along the roads and road medians. The activities will not displace households or people nor will they have any permanent adverse socioeconomic impacts on the residences, shops and other commercial establishments along the project roads. However, during the construction phase the civil work activities may cause temporary impacts on the residences, vendors and shops along the roads in terms of inconvenience in access, parking, loading and unloading and also for traffic movement, particularly cars and trucks, etc. The wider roads will not face such problems as there will be sufficient ROW space for vehicular movement and for access to roadside businesses. However, small roads and narrow streets, particularly with clear road width of about 6.0 m and below may face some problem of traffic movement at the time of civil works. In Cimahi of the 11 roads/streets covered under the WCs component, only Jl. Sam Ratulangi has clear road width of about 3 m. During the construction phase the access to houses (about 520) and 2 temporary shops will be temporarily affected. There will be not be any loss of incomes to the two temporary shops due to the construction work as they can be temporarily shifted to nearby location during the construction and shifted back when the work is over. All the other roads are much wider, more than 6m ROW.

12. To avoid or minimize such temporary impacts on roadside businesses and traffic movement, the civil work will be carried out in small segments of about 50 m length at one time. It will take about 10-12 days to complete the work: excavation, laying of pipes and restoring the road, for one segment. Working on small road segments will make traffic management and provision of temporary access to roadside houses and businesses much easier. The contractors will ensure that while working on road segments, the shops and houses are provided with

temporary access so that there will be absolutely no loss of business incomes. Temporary road covers (steel or wood) over excavation trench could maintain local inhabitant daily access. Vendors are generally mobile and, if affected, can be easily moved beyond the 50m road segment during the work and can be moved back when the work on a particular road segment is completed.

B. Socio-Economic Characteristics of Affected Households

13. Information on the socioeconomic characteristics of the 5 APs was collected using the questionnaire shown in Appendix 1. The 5 AHs affected by permanent land acquisition are all headed by males, with total members of 30 persons; 15 male and 15 female. Average household size is 6 persons. They live outside their affected lands and therefore, impacts on structures or relocation is not an issue.

14. **Income and occupations.** Of the 5 household heads only one is working as a trader. Other 4 household heads are not working and main source of their income is pension. The average incomes of household heads is estimated at Rp. 1,354,000 per month, the lowest being Rp. 900,000 and the highest at Rp. 2,00,000 per month. When matched against the City's monthly poverty threshold of Rp 448,248 per person in a household (based on 2011), all the five households fall below the poverty line. However, other earning members of the household also provide financial assistance for the upkeep of their parents. Further, acquisition of their land will not have any adverse impact on their incomes and livelihood. All household heads have low education – up to primary school. None of the households belong to any ethnic minority group.

C. Updating the LARP

15. Although permanent land acquisition has no impacts on the other properties of the AHs, these observation will be confirmed during the updating of this LARP that could result from any of the following factors: (i) final alignment of the sewers based on DED that may affect the entrance of the houses or business establishments; (ii) change in the scope of the WCS; (iii) enforcement of new legislation relevant to land acquisition after ADB's approval of this LARP prior to implementation; (iv) delay in Subproject implementation by at least three years; and (v) unanticipated impacts found during Subproject implementation. The Project Implementation Support Consultants (PISCs) will make assessment of such impacts, if any, and include them in the updated version of this LARP, or formulate a new LARP consistent with the provisions and requirements in SR2 of the Bank's 2009 SPS. The provisions on entitlement in the updated LARP will not be lower than what is provided for in this draft LARP.

D. Gender Issues

16. The Subproject will not pose significant impact to gender equality since land acquisition for WWTP has no bearing on their incomes, access to social services, access to information and food security. Also, there is no gender differentiation foreseen from the activities on the WCS. With this assessment, Gender Action Plan is no longer required with respect to involuntary resettlement, but a gender strategy is provided in Section V.H (para. 44) to ensure that the active participation of men and women is incorporated in this document for compliance during Subproject implementation.

III. DUE DILIGENCE ACTIVITIES

A. Coverage and Objectives

17. Assessment on the 16,000 m² (1.6 ha) lands acquired by the City Government in advance was incorporated in this report to appraise the ADB if the activities involved were consistent with Safeguard Requirement 2 (SR2) of 2009 Safeguard Policy Statement (SPS). The acquisitions were carried out in two separate occasions: (i) the first was in 2010 when the 6,000 m² (0.6 ha) were fully acquired for flood control; and (ii) the second in 2011 that covered 10,000 m² (or 1.0 ha) of lands for the WWTP. But given the land requirements recommended in the INDII study, the 6,000 m² land became part of the WWTP investment. As to the 6,000-m²-land relative to the SR2 requirements, the AHs were not covered in the interview given the original purpose of its acquisitions. But nevertheless, the BAPPEDA shared relevant information and were included in the assessment for due diligence.

18. On 7th of November 2012, the MSMIP TA National Resettlement Specialist held separate meetings with relevant government officials and the landowners to gather information and perceptions on the involuntary acquisition of their properties. Shown in **Appendices 3** and **Appendix 4** are the questionnaires used in extracting information from the BAPPEDA and the landowners, respectively.

B. Findings from Due Diligence

19. **Ownership of Acquired Lands.** The 1.6 ha land parcels are located in Leuwigajah Village having the same land use as that of the neighbouring 0.252 ha land yet to be acquired. Although classified as agricultural, they are not productive as disclosed by the landowners themselves. The top soils are rocky and cultivation for growing cassava, maize and banana is only done in wet season and is not extensive. The original owner of the 1.0 ha land is already dead and the ownership to the land is passed on to his 10 children. For the 0.6 ha land (or 5,638 m² in total), ownership belongs to 5 AHs, such as: (i) 826 m² for the first AH; (ii) 557 m² for the second; (iii) 1,052 m² for the third; (iv) 840 m² for the fourth; and lastly (v) 2,363 m² for the fifth. They are not relatives.

20. **The Affected APs/AHs.** The original owner, Raden Watarya, of the 1.0 ha land has long been dead before the WWTP was envisaged in 2011. He left the land to his 10 children, who are old enough and have their own families. When the City Government approached them for the acquisition of land, the nine siblings granted a special power of attorney (SPA) to their eldest brother to negotiate with the Land Acquisition Committee (LAC) on their behalf. The owners of the 0.6 ha land are constituted by 2 AHs, and 3 groups of siblings each represented by their brother who were granted with SPAs to negotiate with the LAC. These groups of siblings have also their own families. The complete list of APs/AHs is provided in **Appendix 5**.

21. **Land Acquisition Procedure.** The City Government of Cimahi has totally complied with the procedures in land acquisition as provided for in Chapter IV of Presidential National Land Agency (BPN) Regulation No. 3/2007, and is described in Section V.F of this report. The acquisition of the 1.0 ha land was enforced through the Mayor's Decree No. Cimahi 027.05/Kep, 107-Pem/2011 issued on 14 February 2011. In this decree, it creates the Committee on Land Procurement for Development Implementation for Public Interest and the membership of the Land Acquisition Committee along with their duties and obligations. Requirement for consultation with the landowners was provided for in Sub IPAL di Leuwigajah No. 593.3/04/8A/PPT/VII/2011 and in

consultation agreement with the representative of the landowners on 22 August 2011. Given that land acquisition in Indonesia is defined by law, it follows that the procedure applied by LAC in Cimahi City is complete in documentation, as exemplified in the acquisition of the 1.0 ha land. It has: (i) the minutes of consultation with the representative of the landowners; (ii) power of attorney of the siblings to their eldest brother; (iii) statement from 10 siblings on their willingness-to-sell the land; and (iv) the minutes of compensation payment and a waiver from the 10 siblings. The payment was made on 25 August 2011. The same procedure was applied for the acquisition of 0.6 ha land.

22. **Compensation Rate and Payment.** The LAC hired the services of Jimmy Prasetyo & Rekan, an independent appraiser from Jakarta to appraise the 1.0 ha property, in line with the provision in Paragraph 4, Chapter IV of Presidential National Land Agency (BPN) Regulation No. 3/2007. In its 8 July 2011 report, the independent appraiser disclosed the price at the range of Rp 200,000 – 300,000 per m². The Rp 200,000/m² was the price offered by the City Government while the Rp 300,000/m² was from the 10 siblings. Per minutes from the Land Compensation Committee (No. 593.3/08/32/PPT/VIII/2011), the price of Rp 250,000/ m² was agreed upon by the two parties, which is higher than the Rp 200,000/m² set by NJOP. On 25 August 2011, the 10 siblings received the amount of Rp 2,500,000,000 for the compensation of their property.

23. The Rp 250,000/m² rate was also applied by BAPPEDA in the compensation of the 0.6 ha land although the acquisition was made in 2010. The 5 AHs were paid a total of Rp 1,433,130,000 for their compensation; one AH was paid Rp 614,380,000 on 18 November 2009 while the other four received Rp 818,750,000 on 6 December 2010.

24. Consultations with the owners of the 1.6 ha land verified that they have all received their compensation and that there are no pending issues related to acquisition of the said land parcels

25. **Use of Compensation Money.** The eldest of the 10 siblings disclosed that the compensation they received for the 1.0 ha land was divided equally among them. There were those who bought lands as others infused it to the capital of their investments. For the owners of the 0.6 ha, the three groups of siblings have also equally divided their shares; one group is composed of 5 siblings, the second has 6, and the third group has 9 siblings. The heads of the 2 AHs have no brother or sister to share their compensation yet the amounts they received were fair enough to start new investments or infuse capital to existing ones.

26. **Impact of Land Acquisition on Livelihood and Living Standard.** The representative of the 10 siblings has confirmed that the acquisition of the 1.0 ha has no bearing on their livelihoods. He disclosed that the land is infertile and the households of his siblings are engaged in other occupations which are not dependent on the affected land. In his case, he is regularly receiving Rp 2,000,000 for his monthly pension. He stated that the compensation they received from the City Government was fair and they do not have complaint about it. For the owners of the 0.6 ha land, the acquisition also has no bearing on their present occupations and living standards given their generally small share to the infertile agricultural lands. Given their average share on ownership, it only shows that yields from their share of land could not sustain their daily needs given that each sibling has their own families, as articulated in the table below. None of the AHs have become vulnerable due to land acquisition.

Table 3.1: Share of Five Groups of AHs in the 0.6 Ha Land

AH	No. of HH Members	Size of the Land (in m ²)	Compensation (in Rp)	Average Share Per Sibling (in m ²)	Average Share In Compensation
1	5	826	206,500,000	165.2	Rp 41,300,000
2	1	557	139,250,000	557.0	139,250,000
3	6	1,052	263,000,000	175.3	43,833,000
4	9	840	210,000,000	93.3	23,333,000
5	1	2,363	614,380,000	2,363.0	614,380,000
Total/Average	22	5,638	1,433,130,000	256.3	Rp 65,142,300

Source of basic data: BAPPEDA of Cimahi City

IV. INFORMATION DISCLOSURE, PARTICIPATORY CONSULTATION AND GRIEVANCE REDRESS

A. Activities Accomplished

27. Public consultation and information dissemination in the MSMIP Cimahi has been an ongoing activity. Households affected by acquisition of land and the communities along the project roads have been fully informed about the project from the beginning of the field work.

28. Through the BAPPEDA, the City Government of Cimahi conducted the Initial Public Consultation and Information Disclosure of the Subproject, in compliance with the Presidential Regulation No. 3 of 2007¹ issued by the National Land Agency of the Government of Indonesia (GoI) and ADB's 2009 Safeguard Policy Statement and Public Communication Policy: Disclosure and Exchange of Information (2011) and OM Section L3/BP (2 April 2012). Convened on 24 September 2012 at BAPPEDA Office's meeting room, the following stakeholders were identified in that consultation: (i) district and village officials; (ii) community leaders; (iii) women's organization; (iv) Office of Public Works; and (v) BAPPEDA as well as the other offices of the City Government. They were provided with a Project Information Booklet (PIB) together with the procedures on grievance redress mechanism written in *Bahasa* language. Minutes of the meeting are provided in **Appendix 6**.

29. The Public Consultation workshop covered both the environmental and social safeguards issues. The stakeholders actively participated in the consultation but no issue was on land acquisition as they were more interested on the Subproject's environmental impacts, as recorded in the Minutes of Consultation. Responses to the issues and concerns raised by the participants were duly addressed during the workshops and the participants were informed of the name of the contact person, address and contact numbers in case of any complaints or enquiries. Summary of the issues and concerns are included in **Appendix 6**.

30. Consultation with individual land owners and randomly selected roadside occupants along the project roads were consulted in February 2013 for information dissemination and to obtain feedback on project related issues and their concerns. Following information was provided to the affected households and community members:

¹ This regulation has unified the Implementing Rules and Regulation of (a) Presidential Regulation № 36 of 2005 Concerning Land Provision on the Implementation of Development for Public Interest, and (b) Presidential Regulation № 65 of 2006 which amended the Presidential Regulation № 36 of 2005.

- Project objectives
- Potential benefits to the communities in the project area and general public
- Potential adverse impacts, both permanent and temporary
- Key provisions of the compensation policy for the assets acquired and assistance provided for temporary impacts during construction
- Grievance redress mechanism as provided for in the project
- Address for submitting any complaints and grievances and for additional information.

31. The project authorities have since prepared a Public Information Booklet (PIB) for the project, included as **Appendix 7**. Copies of the booklet have been provided to some residents and business establishments who may be temporarily impacted during the construction work along the project roads. Furthermore, additional discussions/consultations were held with all the land owners whose land will be acquired by the Project.

B. Future Consultation Activities

32. **Consultation during Project Implementation.** During the updating of this LARP, the Project Implementation Supervision Consultants (PISCs) at the Central Project Management Unit (CPMU) will coordinate with the Local Project Management Unit (LPMU) in Cimahi City, through the Provincial Project Implementation Unit (PPIU) in West Java Province. They will inform the project-based stakeholders on Subproject implementation as what was done in the initial public consultation. They will be provided with PIBs, written in *Bahasa* language, and presented with visual aids for recall and further understanding of the Subproject. All project-based stakeholders, including the AHs, will be encouraged to share their thoughts and recorded in the Minutes of Public Consultations, for consideration in the updated version of the LARP.

33. During the implementation phase, the PISC will prepare Public Relations (PR) and Public Campaign (PC) strategy and programs for effective public consultation and participation. The programs will include continued public consultation meetings, dissemination of information using banners, leaflets, and radio talk shows. Consultations and discussions with residents in the public consultation meetings will be conducted continually during construction. The main topics to be discussed in public consultation meetings are:

- The benefits and impact on society. Documents containing the results of research, if any, on the matter will be translated into the Indonesian language and made available in the village office/kelurahan to be easily accessed by residents;
- The description of the scope of the project will be shown in a banner at the entrance of the project;
- Schedule of the construction work; and
- How the public can participate in support for the project.
- Potential impacts on roadside occupants (residences and business operations), including temporarily restricted access, potential damage to private properties and loss of incomes to shops due to restricted access; and
- Mitigating measures to be taken by contractors and project authorities.

34. Detailed Measurement Survey (DMS) and census of affected persons (APs) and assets along the road alleys will be conducted following the public meeting and consultations, and will also be given PIBs. They will also be provided with summary or leaflet version of the draft updated LARP, in *Bahasa* language, for comments/suggestions.

35. Upon concurrence by ADB, the PISCs will inform the PPIU to coordinate with the LPMU to announce the schedule of Subproject implementation and the placement of signages in strategic areas for public awareness.

36. **Post Project Implementation.** As part of the appraisal a post implementation evaluation will be conducted to determine how far the objectives of the LARP have been achieved. The City Government of Cimahi will coordinate with the districts and village officials to inform the APs and the public to participate in the consultations and interviews that shall be conducted as part of [post-implementation evaluation exercise. The inputs from such evaluation would provide valuable feedback for future policy and implementation procedures.

37. **Disclosure.** General public and particularly the communities within the project areas will be kept fully informed about the project through a variety of means: newspaper articles, Public Information Booklet (PIB), and public consultation workshops. Draft LARP will be uploaded on the CPMU website. The updated LARP will be uploaded on the ADB website during project implementation. The summary LARP shall be also made available at the offices of the heads of the districts and heads of the villages.

C. Grievance Redress Mechanism

38. The CPMU, through the PPIU, the LPMU in Cimahi City will ensure that all grievances and complaints on any aspect of land acquisition and compensation are addressed in a timely and satisfactory manner. The APs can send their complaints or grievance to the parties involved in Subproject implementation related to compensation, entitlement, compensation policy, rates and land acquisition. The complainant will not be charged of any fee during the resolution of their grievances and complaints. Nothing in this grievance redress mechanism (GRM) removes the APs ability to pursue the matter through Indonesia's legal system. The GRM for involuntary land acquisition shall be implemented by the City Government's *Unit Pelaksan Teknis Daerah* (UPTD) or a different unit to be organized for such purpose.

39. As consulted with BAPPEDA prior to public consultation and Subproject disclosure, below are the procedures in the resolution of grievances and complaints under the Project.

1. First Stage

- (i) The complaining AP may bring the grievance/complaint directly to the District Land Acquisition Committee (LAC) or through the village chief who will then endorse it to the LAC, verbally or in writing.
- (ii) The LAC together with the village chief will seek to reach a consensus to achieve an acceptable settlement with the complaining AP.
- (iii) If the complaining AP does not accept the compensation being offered, the LAC will deposit the compensation money with the court.
- (iv) The LAC is responsible for keeping the records of complaints it handles.

2. Second Stage

- (i) If the complaining AP is not satisfied with the decision of the LAC, it may bring the grievance, verbally or in writing, to the Regent of the district along with explanation on the causes and reasons for the objection within a period of 14 days from the issuance of the decision of the LAC in the First stage.
- (ii) The Regent will decide on the complaint within a period of 30 days.
- (iii) Before deciding on the case, the Regent may request for opinions/concerns from (a) the complaining AP, (b) the LAC, and (c) the Office of the DGHS.

- (iv) The Regent decision will be delivered to the complaining AP, the District LAC and the DGHS.
- (v) The Regent's office is responsible for the documentation and keeping the records of complaints it handles.

3. Third Stage

- (i) If after 30 days, no decision to the complaint is made or if the aggrieved AP is not satisfied with the decision of the Regent, it may bring the complaint/case to the governor.
- (ii) The Governor will decide on the complaint within a period of 30 days.
- (iii) The Governor, before making decision or settlement, may request the opinions/concerns from (i) the complaining AP; (ii) the LAC; and (iii) the DGHS.
- (iv) The Governor's decision will be delivered to the complaining AP, the District LAC and the DGHS.
- (i) The Governor's office is responsible in documenting and keeping file of all complaints that it handles.
- (ii) If after 30 days, no decision to the complaint is made or if the complaining AP is not satisfied with the decision of the Governor, it may bring the complaint/case to the court for adjudication. The court's decision is final.

40. However, the APs can also ask for assistance from ADB's responsible Project Officer as the last resort in the resolution of their complaints, consistent with the provision of the Bank's *Accountability Mechanism* (2012). The APs can file their complaints through the ADB Resident Mission in Jakarta for transmittal to the Bank's headquarters in the Philippines. The responsible Project Officer will endorse the same to the Complaints Receiving Officer for appropriate action. As understood by the DGHS, as the Project Executing Agency (EA), the Accountability Mechanism has two functions, i.e. the problem solving function that will be led by the Special Project Facilitator, and the compliance review function that will be handled by the Compliance Review Panel. The PISCs at the CPMU and the LPMU will disclose the details of the procedures to the stakeholders and the APs during the updating of this LARP.

V. LEGAL FRAMEWORK, COMPENSATION AND ENTITLEMENT POLICY

A. Objectives

41. The objectives of the compensation and entitlement policy are to see to it that the Subproject should provide an opportunity for the APs and to ensure that they should derive benefits from it so that that they are not worse off during and after implementation. Section II of this LARP describes the AHs who are eligible for compensation, and there are also APs who have yet to be identified and determined to receive their compensation in case their properties shall be affected by land excavation for the sewers.

B. The Legal Basis of Compensation and Entitlement Policy

42. **Relevant Laws in Indonesia.** The GoI has promulgated a new Land Acquisition Law in January 2012 and followed by the issuance of Presidential Regulation No. 71/2012 in August 2012. However, the Implementing Rules and Regulations (IRR) have yet to be issued by the National Land Agency (BPN) before these laws come into effect. Key provisions of the New law on Land Acquisition include:

- a. Eligibility: informal settlers affected by development projects would be entitled to compensation for their losses and assistance for relocation;
- b. the New law provides for compensation for economic losses;
- c. Consultation with the potentially affected households and their consent for acquisition of their land is a requirement;
- d. The resettlement planning and implementation must follow a well-defined time frame; and
- e. All losses (physical and economic) must be assessed by a professional appraiser.

43. The New Law on Land Acquisition would be applicable in projects where the land acquisition has not been completed as of the date of 31 December 2014. As such the provisions of the New Law on land Acquisition (Perpres 71/2012) will not be applicable for this project. Therefore, the current legislations have been used for comparison with ADB's Policy Requirements in crafting the Compensation and Entitlement Policy in this LARP. These laws refer to: (i) Presidential Regulation No. 36/2005, otherwise known as "Provision of Land for Realizing the Development for Public Interests", as amended by Presidential Regulation No. 65/2006, entitled "On Land Acquisition for Development Purposes in the Public Interest", and the (ii) National Land Agency (BPN) Regulation No. 3/2007 which provides the IRR for Presidential Decrees 65/2006 and 36/2005. Presidential Regulation No. 65/2006 provides for various forms of compensation for private assets affected by Government development projects. Other laws and regulations relevant to involuntary resettlement are: (a) Land National Agency circulation letter No. 3127/15.1-300/VII/2009, (b) National Land Agency Regulation No. 1/2010; (c) Road Law No. 38/2004; and (d) Act No. 9/2009 on Food Security.

44. **ADB's Safeguards Requirement 2 and Other Cross-Cutting Policy Themes.** The objectives of SR2 of the 2009 SPS are to: (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups. SR2's requirements apply to full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (a) involuntary acquisition of land, or (b) involuntary restrictions on land use or on access to legally designated parks and protected areas. Resettlement is considered involuntary when displaced individuals or communities do not have the right to refuse land acquisition that result to displacement. This occurs in cases where (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through negotiated settlements, if expropriation process would have resulted upon the failure of negotiation.

45. The SR2 of ADB's 2009 SPS adopts a holistic approach in development as it mandates the incorporation of its other cross-cutting policy themes, such as the following:

- (i) **Gender and Development (1998).** It adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process for development activities;
- (ii) **Public Communications Policy (2011).** It seeks the active participation of affected people and other stakeholders during the development and review of safeguard policies on ADB-assisted programs and projects, consistent with ADB's OM Section F1/OP (March 2010); and

- (iii) **Accountability Mechanism Policy (2012).** It is part of ADB's continued efforts to enhance its capacity in responding to and/or resolving the problems associated with the implementation of its policies in all programs or projects it assists. It consists of a consultation phase and a compliance review phase, by which the problems or issues raised by the affected people and/or stakeholders are investigated and resolved.

46. Listed in **Appendix 8** are the general policy principles in SR2

C. Analysis of Gaps and Project Policy Principles

47. Given the comparison between Gol's Regulation No. 3/2007 and the Bank's SR2 Policy Requirements, the prescription from the former has no equivalence with the policy of the latter. Rather, the Regulation was enforced in order to facilitate land acquisition through the exercise of the State's power of eminent domain. Acquisition is focused on the land and the objects found thereon, but lacking the provisions for assistance and social rehabilitation of persons being dispossessed of their properties and uprooted from their social networks. Under ADB's SR2's policy requirements, it is sensitive to adverse social impacts emanating from physical development. It does not prescribe for the classification of APs who are entitled to receive compensation, so long as they are recorded in the cut-off date of the census. It is sensitive to gender, persons being dispossessed of their properties, and the severely as well as the vulnerable APs. This explains the incorporation of the Bank's other cross-cutting policy themes in every LARP it requires.

48. In order to meet the Bank's SR2 requirements, the DGHS has reconciled the gaps noted from Regulation No. 3/2007 by formulating the Project principles for MSMIP, based on the comparison between the Regulation and the Bank's SR2 Policy Requirements, as shown in **Appendix 9**.

49. The Gol's regulations will be subject to review and compared with SR2 policy requirements once the joint IRR for Land Acquisition Law issued in January 2012 and Presidential Regulation No. 71/2012 has been issued. If there are substantial changes from the present regulations, the Project Principles for MSMIP shall be amended, when necessary.

D. Project Policy Commitments

50. From the Project principles, the DGHS has formulated the following policies for MSMIP and commits itself that it will observe and implement in transparent manner:

- (i) Permanent or temporary acquisition of lands that will result to physical and/or economic displacements of persons or households will be avoided or minimized, as much as possible, by identifying feasible alternatives in Project engineering design, alignment of the pipelines, access roads, and work stations.
- (ii) The DGHS, through the IA, will conduct due diligence on the ownership of affected assets, and identify 100% of the APs who are severely and marginally affected by land restriction and/or land acquisition. Severely affected APs are those who stand to lose 10% or more of their economic and important assets while marginally affected APs are those who will lose below 10% of the same.

- (iii) DMS will use a survey tool that will enable to segregate important data on APs by gender and income as basis for updating the compensation and assistance due them.
- (iv) Joint participatory consultations and meetings with Project-based stakeholders, APs and affected villages, community organizations will be carried out throughout the resettlement planning and implementation phase as well as during the updating and implementation of the LARP. Women, disabled, and the elderly will be invited to participate in the consultations and meetings. The comments and suggestions of the APs will be recorded and taken into account for consideration in the updating or implementation of the LARP, where legally acceptable and ethically relevant.
- (v) APs will be systematically informed and consulted about the Project, the rights and options available to them, the proposed mitigating measures, special assistance measures to vulnerable groups and the need for the preparation of LARP. The LARP will be disclosed in a language largely spoken by the APs and involve them in decision-making process.
- (vi) Compensation on the affected properties of APs will be based on replacement cost, without provisions for deduction of the following: (i) stamp, duties, fees or other payments in case of land; and (ii) depreciation and salvage value of construction materials in case of houses and other structures.
- (vii) Payment of compensation to APs will not be differentiated between the male and the female household heads.
- (viii) Special assistance measures will be provided to the severely affected APs who shall become vulnerable due to the project, with particular attention to women, children without means of support, disabled, the elderly and landless and people with incomes below the generally accepted poverty threshold for the province.
- (ix) The project will strive to improve, or at least restore, the livelihood of all displaced persons through i) land based resettlement strategies when affected livelihood are land based where possible, or cash compensation at replacement cost for land when the loss of land does not undermine livelihood, ii) prompt replacement of assets with access to assets of equal or higher value, iii) prompt compensation at replacement cost for assets that cannot be restored, and iv) additional measures and services through benefit sharing schemes, where possible.
- (x) Appraisal of affected lands will be carried out by duly licensed independent appraiser and replacement cost surveys of other affected assets will be carried out as bases for compensation of APs, based on replacement costs, in compliance with the compensation policy of the GoI and ADB.
- (xi) All APs whose names are included in the cut-off date of the census established by the head of the district are entitled to receive compensation. APs that do not have land certificate or any recognizable legal rights to land will be compensated for non-land assets, at replacement cost, so long as they are included in the census. APs residing, working and/or doing business during the DMS for the update of the LARP are entitled to be compensated for their lost assets, incomes and businesses at market prices prevailing at the time of compensation.

- (xii) Project authorities will prepare a land acquisition and resettlement plan (LARP) with detailed description of potential impacts due to land acquisition, entitlements for all types of losses, relocation strategy where affected households are physically displaced, livelihood restoration strategy, effective institutional arrangements and human resources for consultation, liaison, land acquisition, resettlement and monitoring to ensure the efficient implementation of LARP.
- (xiii) Effective mechanism for arbitration of grievance redress will be established with one of the members of the grievance and redress committee will either come from the project-based stakeholders, APs, or women's organization.
- (xiv) Adequate budgetary support for payment of compensation, assistance, and resettlement will be committed and released to APs during LARP implementation.
- (xv) Reliable and efficient database system will be established for the internal monitoring of LARP implementation.
- (xvi) The DGHS, upon compliance of the foregoing policies, including the resolution of all grievances and complaints, will request ADB for its "No Objection" for the award of civil works contract/s.

E. Eligibility

51. As provided for in this LARP, only the 5 AHs mentioned in Section II of this LARP, and whose lands shall be acquired shall receive compensation since the owners of the 1.6 ha lands have already received theirs.

F. Land Acquisition Process

52. In Part Two of Chapter IV of Regulation № 3/2007, land acquisition with less than 1.0 ha shall be directly made under sales-purchase agreement, barter or otherwise, between the parties (which in this case are the City Government of Cimahi and the 4 AHs), with or without the assistance of the LAC. But if land acquisition uses the assistance of LAC, it shall follow the procedures as established in Part One of Chapter IV of Regulation № 3/2007, such as follows:

- Stage 1: The Establishment of Land Acquisition Committee;
- Stage 2: Socialization or Public Consultation;
- Stage 3: Identification and Inventory of Losses;
- Stage 4: Appointment Land Valuation Agency/Team;
- Stage 5: Valuation of the Land and Assets;
- Stage 6: Deliberation Forum between the Agency Requiring the Land and the Owner/s of the Land;
- Stage 7: Decision of the Chairman of the LAC;
- Stage 8: Payment of Compensation;
- Stage 9: Consignment of Compensation.
- Stage 10: The Release of Land Title; and
- Stage 11: Payment of the Costs of Land Acquisition by the Agency Requiring the Land.

G. Entitlement Matrix

53. Guided by the Project policy commitments in para. 49 above, Table 5.1 below summarizes entitlements of the 5 AHs in the 0.25 ha land and for the APs in the WCS, based on the impacts of land acquisitions.

Table 5-1: Entitlement Matrix

I. For APs or AHs in the Proposed WWTP			
Type of Loss	Application	Eligible Person	Project Entitlement and/or Assistance
1. Permanent loss of land	Lands partially or fully affected by WWTP and associated facilities. (2,520 m ² or 0.252 ha)	AP or AH with certificate (formal legal rights) or recognized as a full title. (5 AHs)	Entitlements: <ul style="list-style-type: none"> • Compensation will be paid in cash or in kind, at replacement cost, based on the appraisal by an independent appraiser/s. • In case of partial loss of land, if the remaining land is no longer viable for its use, full acquisition of the land with corresponding compensation based on the appraisal by an independent appraiser/s. • The land appraisal will only be valid for a year. • Exemption from paying tax on compensation and administrative cost for the affected land. • Land replacement for agricultural land as per provisions in the Law No. 41/2009 on Agricultural Land for Sustainable Food Protection Assistance: <ul style="list-style-type: none"> • The City or District Government will shoulder the reconstitution of land ownership document of the residual of affected land • Priority for employment of a household member on a project-related job. • Entitled to participate in the Livelihood Restoration Program
II. For APs Covered by WCS			
Type of Loss	Application	Eligible Person	Compensation and/or Assistance
1. Temporary loss of land.	Land for temporary work stations, storage of equipment and sewer pipes.	AP or AH with certificate (formal legal rights) or recognized as a full title	Compensation: <ul style="list-style-type: none"> • Project contractor will pay lease or rent to the owner on the agreed period of using the land based on prevailing rental cost and agreement with the land owner. • For productive land, rental fee will not be less than net income obtained from the said productive land • Restoration of the land to its original condition, or better, prior to its return to the land owner. Assistance: <ul style="list-style-type: none"> • On behalf of the land owner, the LPMU will check if the land has been restored to its original condition, or better
	Land besides the pumping station and land for sewer pipes	AH and individual or institutional AP (public or private).	Compensation: <ul style="list-style-type: none"> • Payment of compensation to any properties lost or damaged based on replacement costs, including cost of labor for dismantling and restoration thereof. • Restoration of the land to its original condition, or better, prior to its return to the land owner. Assistance: <ul style="list-style-type: none"> • LPMU will inform the public at least 45 days before the start of digging activities.

			<ul style="list-style-type: none"> • Digging of lands will be scheduled, one at a time, by the Project contractor for the systematic and continuous flow of traffic by motorists. • LPMU will check if the lands besides the pumping stations and that of lands impacted by installation of sewer pipes have been restored to their original condition, or better.
2. Loss of structures.	Affected structures like fence, gate and development made on the land.	Owner of the affected structure (AP or AH with or without certificate to the land).	<p>Compensation:</p> <ul style="list-style-type: none"> • Contractors will be responsible for payment of compensation for structure at replacement cost based on actual market price of materials and cost of labor for dismantling, transfer, and rebuild. No deduction for depreciation or the remaining values of salvageable materials. • Provision of cash advance to AP or AH for the re-installation of affected utilities in the structure like electricity, telephone, and/or water connections.
3. Loss of trees	Affected trees along the routes of the sewer pipes.	AP or AH with or without certificate to the land.	<p>Compensation for Wood trees/timbers:</p> <ul style="list-style-type: none"> • Contractors will be responsible for payment of compensation based on their height, perimeter and present commercial value, per recommendation by local environmental office. • 60 days advance notice to harvest/cut trees/crops prior to land clearance. <p>Compensation for Fruit trees :</p> <ul style="list-style-type: none"> • Compensation for <u>fruit trees</u> will be based on the volume of harvest multiplied by unit price prevailing at the time of compensation, per recommendation by local agriculture office. • 60 days advance notice to harvest/cut trees/crops prior to land clearance.
4. Loss or limitation of access	Closure of traffic in some road sections during the installation of sewer pipes.	The motorists	<p>Assistance:</p> <ul style="list-style-type: none"> • Project contractor to provide signages that inform the public and motorists on safety precautions and rerouting schemes. • The LPMU will check if the lands in the affected road sections impacted by installation of sewer pipes have been restored to their original condition, or better.
	Limitation of access to and from the business shops.	The pedestrians, buying public and shop owners.	<p>Assistance:</p> <ul style="list-style-type: none"> • Contractor will be advised to provide planks in strategic places to facilitate temporary access by the pedestrians, buying public and shop owners. • The LPMU will check if the lands on the affected road sides have been restored to their original condition, or better.
5. Disruption of business	Small business occupying the sidewalks.	APs doing their business on the sidewalks.	<p>Assistance:</p> <ul style="list-style-type: none"> • In consultation with the APs, the LPMU will assist in locating for temporary small business operation and facilitate for their transfer before the digging of the lands. • Compensation will be paid based lost days income. • The LPMU will check if the lands on the affected road sides have been restored to their original condition, or better.
6. Unforeseen impacts or losses	Private or public properties which have not been accounted for in	The APs, AHs, public or private institutions and <i>kelurahans</i> .	<ul style="list-style-type: none"> • Compensation will be paid to any damages to properties, based on prevailing replacement costs. • Provisions of mitigating measures to any inconveniences that may arise during Project

	the DMS.		implementation.
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H. Gender Strategy

54. The LPMU, with assistance from PISCs, will carry out the following specific actions to address gender issues in the Subproject:

- a) During the updating of this LARP, both men and women will be invited to participate in the discussions during public meeting and providing inputs to DMS.
- b) A male representative and a female representative of the AHs will be invited to participate in the resolution of grievances and complaints.
- c) Gender issues will be included in the training on Subproject implementation by PISCs to concerned personnel of the CPMU, PPIU and the LPMU in Cimahi City Government.
- d) Compensation payments will be made to the joint account of husband and wife.

VI. RESETTLEMENT BUDGET

A. Budget Assumptions

55. **Land.** The replacement cost rate used in the 0.252 ha affected lands was based on the highest rate agreed upon with the landowners supplied by BAPPEDA, at Rp 250,000/m². The amount is higher than the rate established by NJOP (Rp 200,000/ m²) and that of the rate offered by the City Government (Rp 214,286 m²).

56. **Administration and Internal Monitoring.** The budget for the administration of LARP is equivalent to 10% of the total costs of compensation to 5 AHs. From which total, these were allocated for the following expenses:

- (i) Administration and management (50%) for the travel and transportation of the resettlement specialists of PISCs from Jakarta to Subproject sites, land travel at Subproject sites, communications and office supplies, including internal monitoring.
- (ii) Conduct of DMS (15%) for potentially affected structures due to the implementation that will be undertaken in areas where land excavation will take place.
- (iii) Meetings and consultations (20%) with people in the communities affected by excavation.
- (iv) Grievance resolution (15%) for the resolution of disputes that may arise during land excavation affecting the properties of the owners.

57. External monitoring and evaluation is not required given that no households shall be relocated and that their number is less than 200. However, social impact monitoring shall be carried out by an independent monitoring agency (IMA) that shall be commissioned by ADB at least 6 or 12 months after the completion of land acquisition at WWTP site. Excluded from the administration costs of LARP are the salaries of personnel from the CPMU, PPIU and the LPMU at the City Government of Cimahi since they are already receiving regular salaries from their

respective office. On the other hand, the professional fees of the PISCs will be charged under the Project.

B. Compensation during Land Excavation

58. Only one out of the eleven roads is narrow with clear width of only about 3 m. During implementation the excavation and pipe laying activities will restrict access to houses along the road. However, since there are only two temporary shops along the entire length of the road, there will not be any loss of incomes. The contractor will ensure that the houses and the shop are provided with temporary access. Given the working widths and coverage of the sewers, it may be possible that there are properties that could be damaged or affected like gates, fences or walls, or trees. It may also happen during the connection of sewers to the households. Contractor will be responsible to cover the costs of repairs to damages to private assets caused during the construction activities. Therefore, no specific provision of compensation for potential loss of income is provided in the estimated resettlement budget. However, a contingency of 20% of resettlement cost is provided to cover any unexpected costs of compensation due to the temporary impacts and cost escalation etc.

C. Compensation Payment

59. The individual compensation of the AHs will be paid in full in the form of check and deposited in the joint bank account of husband and wife in the designated bank of the City Government of Cimahi. The individual compensation of the AHs is shown in **Appendix 10**.

D. Summary and Financing of Resettlement

60. As summarized in Table 6.1, the overall cost of updating and implementing the LARP was estimated at Rp 0.835 billion (US\$ 0.086 million) for inclusion in the Project investment. The City Government of Cimahi will finance the LARP implementation, ensure the timely provision of funds, and will meet any unforeseen obligations in excess of the resettlement budget in order to meet the social safeguards objectives of the Project.

Table 6.1: Resettlement Budget for Cimahi City Subproject

No.	Description	Unit (sqm.)	No. of h'holds	Amount ('000)	
				Rupiah	USD
1.	Compensation for WWTP			630,000	65
	Land	2520	5	630,000	65
2.	Administration and Monitoring	-	-	63,000	7
	Administration and Management			31,500	3
	Census and DMS			9,450	1
	Public Consultation & Meetings			12,600	2
	Grievance Redress			9,450	1
Total				693,000	72
Contingency – 20%				138,600	14
Grand Total				835,000	86

VII. INSTITUTIONAL ARRANGEMENTS

A. Overall Arrangement

61. The DGHS is the EA of MSMIP while the implementing agencies at the Subproject level are two units working together, the Satuan Kerja (SATKER) for West Java Province as the Provincial Project Implementation Unit (PPIU) and the Cimahi City Local Project Management Unit (LPMU). The DGHS will be responsible for the management of LARP and social issues which shall be updated by the PISCs and implemented by SATKER and the LPMU. The DGHS will create the CPMU that will then hire the PISCs in accordance with ADB's *Guidelines on the Use of Consultants* (2010, as amended from time to time). The PISCs be supported by two full-time qualified and experienced resettlement specialists; one international resettlement expert, the other is a national resettlement specialist. The LAC will be also involved in this institutional arrangement for the Subproject. Their responsibilities by each concerned institutions are detailed in the following subsection.

B. Delineation of Duties

62. **The CPMU and SATKER.** Acting on behalf of the DGHS, they will: (i) provide overall management and coordination of the subproject; (ii) liaise with City Government to carry out the Subproject in Cimahi City; (iii) coordinate with ADB to engage the services of resettlement consultants; (iv) support the LPMU in updating the LARP; and (v) prepare Project progress reports including on land acquisition and resettlement submitted by the LPMU for information of MPW and ADB. Upon advice by the LPMU, request to ADB its "No Objection" for the award of all civil works to the contractor/s. The PISCs' international resettlement consultant will prepare the compliance report, supported with photographs, for endorsement by DGHS to ADB.

63. **The LPMU.** Acting on behalf of the City Government of Cimahi, LPMU will: (i) provide adequate budgetary support to carry out the updating and implementation of the LARP; (ii) provide the main workforce in the updating and implementation of the LARP; (iii) advice the Office of the Mayor or Regent to issue a Decree for the organization of LAC; (iv) engage the services of a duly licensed independent property appraisal firm or land valuation team for the appraisal of affected properties/assets as basis for setting up the unit replacement cost for affected lands and assets; and (v) assist in the expeditious and judicious resolution of complaints of the APs/AHs. The LPMU will coordinate with LAC and work closely with the staff of the PPIU and the CPMU.

64. **Project Implementation and Supervision Consultants.** Related to LARP updating and implementation, the PISCs will recruit two resettlement consultants; one International Resettlement Expert for the duration of three months, and one National Resettlement Specialist for the duration of six months. The International Resettlement Expert will: (i) establish the baseline data; (ii) assist the BAPPEDA in conducting consultations in communities that will be affected by the pipelines; (iii) update the LARP based on detailed engineering design and if necessary, prepare a corrective action plan; and (iv) train the national expert for the succeeding activities. The National Resettlement Expert will: (a) assist the International Resettlement Expert on the establishment of baseline data, (b) assist the BAPPEDA in conducting consultations in communities that will be affected by the pipelines, update the LARP based on the DED, (c) conduct internal monitoring of LARP implementation, and, (d) upon completion of land acquisition, inform the PISCs Team Leader to notify the Office of the Mayor that will then advice the DGHS to request for the issuance of "No Objection" by ADB for the award of civil works contract to the contractor/s.

65. **The Land Acquisition Committee (LAC).** As provided for in Regulation No. 3 of 2007 issued by the National Land Agency, the LAC shall be tasked for: (i) giving clarification or socialization with the APs; (ii) conducting research and inventory of land, building, plants and other assets relating to the affected lands; (iii) verifying the legal status of lands; (iv) announcing the results of verification and inventory land; (v) receiving price valuation for lands from the Land Valuation Agency or Land Valuation Team; (vi) conducting deliberation meeting with the owners and government institution requiring the land to decide on the nature and/or amount of compensation; (vii) setting the amount of compensation for the affected lands; (viii) witness the payment of compensation; (ix) preparing release of land title; (x) administering and documentation of all land acquisition files for submission to the government institution requiring lands and the District/City Land Affairs Office; and (xi) submitting the complaints and the proposed solutions on land acquisition to Regent/Mayor or Governor if no agreement is reached during the deliberation meeting.

C. Implementation Schedule

66. **Pre-Implementation Activities.** Prior to implementation of the LARP the project authorities are required to complete the following activities:

- Ensure that all the affected households are paid full compensation and other assistance prior to taking over the land;
- Prepare Public Relations (PR) and Public Campaign (PC) strategy and programs for effective public consultation and participation. The programs will include continued public consultation meetings, dissemination of information using banners, leaflets, and radio talk shows.
- Conduct information dissemination and public consultation with the communities along the roads that are covered under the WCS component. Distribute PIBs to potentially affected businesses/residences along the roads covered by the WCS component;
- Conduct DMS and census of assets, households that may be affected temporarily during the implementation phase;
- Update the LARP based on the detailed design, as necessary; and
- Upon completion of the above activities, request ADB for the 'No objection' certificate for award to civil works contracts.

67. The implementation of the LARP was estimated at eight months, prior to the award of civil works contract. The implementation of LARP activities is likely to take about 7 months. The CPMU, in close coordination with PPIU, LPMU and the LAC, will implement the updated LARP upon receipt of official approval from ADB. It will only award the civil works contract to the civil works contractor in compliance with the following conditions: (i) full payment of compensation to AHs; (ii) no complaint and/or grievance related to compensation are left unresolved; and (iii) official receipt of "No Objection" from ADB for the award of civil works contract. **Figure 1** shows the detailed activities and schedule in implementing the updated LARP related to the award of civil works contract.

Figure 1 : LARP Implementation Schedule as Related to Construction Woks

No	Implementation Activities	Months											
		1	2	3	4	5	6	7	8	9	10	11	12
I. LARP PRE-IMPLEMENTATION ACTIVITIES													
1	Preparation of Public Relations & Public Campaign Strategy												
2	Demarcation of Subproject boundaries for WWTP and WCS												
3	Public meetings and consultations for WWTP and WCS												
4	Conduct of DMS at WCS sites												
5	Updating of LARP, as necessary												
6	Consultation with AHs & Finalization of LARP												
7	Review, approval of LARP by EA/IA & ADB												
II. LARP IMPLEMENTATION													
8	Issuance of public notice on the implementation of LARP												
9	Public Consultations and negotiation with land owners												
10	Geodetic survey, approval of budget and Payment to AHs												
11	Issuance of ;No Objection from ADB												
12	Award of Civil work Contracts												
13	Clearing and handover of WWTP site												
14	Resolution of grievances filed by APs and/or AHs												
15	Internal Monitoring												

VIII. INTERNAL MONITORING AND REPORTING

68. Only internal monitoring will be conducted given the very small number of AHs affected by permanent land acquisition and no relocation of AP/AH is involved. The CPMU, PPIU and LPMU will have joint responsibilities in the internal monitoring of LARP implementation with results will be reported to ADB on quarterly basis. All activities in resettlement are time bounded and the progress of implementation will be obtained by the PISCs from the field on monthly basis and transmit them to CPMU for its assessment, and adjust the work program if necessary. Indicators for the internal monitoring will be those related to process and immediate outputs and results, such as the following: (i) information campaign and consultations with APs; (ii) status of land acquisition and payments of compensation; (iii) compensation of affected trees; and (iv) resolution of complaints.

69. The following approaches will be applied in the monthly monitoring: (a) review of DMS on all APs/AHs; (b) consultation and informal interviews with APs/AHs; (c) in-depth case studies; (d) sample survey of APs; (e) key informant interviews; and (f) public meetings with people in communities hosting the civil works. Internal monitoring for land acquisition and resettlement activities is estimated to be carried out in nine months.

Appendix-1

ADB TA 7993 – INO: METROPOLITAN SANITATION MANAGEMENT INVESTMENT PROGRAM

Code No.

Introduction: We were assigned by the City Government for the inventory of properties that will be affected by land acquisition for the proposed wastewater treatment plant here in your area. Temporary land acquisition shall be carried out for the laying down of sewer pipes beside the selected roads of the City. The reason for the inventory is to determine the budget for the compensation and entitlement of persons that will be affected by land acquisition, permanent or temporary. Based on the initial layout of the Project, your property shall be affected. However, the impact on your property is not yet final may be changed during Project implementation. May I request for your little time to answer the questions in this survey?

A. PROJECT COMPONENTS: ☐ Wastewater Treatment Plant ☐ Sewer Pipe

B. LOCATION: 1. Province _____ 2. City _____
3. District _____ 4. Village _____
5. Street _____

I. INFORMATION ON AFFECTED PERSON

A. DEMOGRAPHY:

1. Name of Respondent: _____ 2. Sex: [a]__ male [b]__ female 3. Age _____
4. Respondent status in the household: [a]__ husband [b]__ housewife [c]__ child [d]__ child-in-law [e]__ relative
5. If you are not the household head (HH), what is his/her name? _____ 6. Age _____
7. Civil status of the HH: [a]__ married [b]__ widow/widower [c]__ single 8. Sex of HH: [a]__ male [b]__ female
9. Education of HH: [a]__ elementary [b]__ junior high school [c]__ senior high school
[d]__ baccalaureate [e]__ none
10. Ethnicity of the HH: _____
11. Household membership:

Household Members Living in the House	Age	Sex		Main Occupation	Monthly Income (in Rp)		
		M	F		Male	Female	Total
Husband							
Housewife							
Child No. 1							
Child No. 2							
Child No. 3							
Child No. 4							
Child No. 5							
Child No. 6							
Child No. 7							
Child No. 8							
Child No. 9							
Total							

12. Average household expenditures per month

- | | | |
|--------------------------------|--------------------------|-------------------------|
| [a] Daily consumption Rp _____ | [e] health _____ | [i] communication _____ |
| [b] education _____ | [f] transportation _____ | [j] water _____ |
| [c] clothing _____ | [g] cooking fuel _____ | [k] recreation _____ |
| [d] electricity _____ | [h] taxes and fees _____ | [l] rent/lease _____ |

B. LENGTH OF RESIDENCY AND ASSISTANCE FROM GOVERNMENT

1. How long has your family been living in this place? ____ years.
2. Is your family a transferee to this place? [a]__ Yes [b]__ No
3. Has your family been issued with ration card? [a]__ Yes [b]__ No
4. Indicate the subsidies that your household received, if any: [a]__ fuel [b]__ food [c]__ health care

II. THE AFFECTED PROPERTIES**A. LAND**

1. Location of the affected land: [a]__ urban [b]__ rural
2. What is the total area of affected land? _____m².
3. Land use of the affected land: [a]__ agricultural [b]__ residential [c]__ commercial [d]__ orchard
4. Which of the following that gave you the rights to occupy or use the land:
 [a]__ Right of ownership (*Hak Milik*) [d]__ Right to use (*Hak Pakai*)
 [b]__ right to build (*Hak Guna Bangunan*) [e]__ Right of exploitation (*Hak Guna Usaha*)
 [c]__right to rent (*Hak Sewa Bangunan*) [f]__ None
5. If the household possesses any of the rights, when will that right expires? _____
6. If the household has no right to the land, who is the real owner of the land? _____
7. Area to be acquired from the affected land _____ m².
8. Is the household has land in other areas outside the affected land or in other place? [a]__ Yes [b]__ None
9. If yes, what is the total area of that land in other areas? _____ m².
10. What are the total lands of the affected household? _____ m² (This is calculated as total area of affected land + land in other areas).

C. AFFECTED HOUSE

1. Location of the affected house: [a]__ in site of the proposed WWTP [b]__ above the sewer line.
2. Floor area of affected house. _____ m². 3. Height of the house: _____ feet.
4. Type of construction materials used in the house: [a]__ permanent [b]__ semi-permanent [c]__ light materials
5. Status of household occupancy in the house: [a]__ owner of the house [b]__ with permission from the owner [c]__ renter.
6. If owner of the house, is there a renter in the house? [a]__ Yes [b]__ No 5. If yes, how many? _____
7. If with permission from the owner or renter, what is the name of the real owner? _____
8. If renter, how much is paid for the monthly rent? Rp _____.

D. OTHER STRUCTURE

1. Types of affected structures (these structures are separate from the house)

Other Affected Structures			Area m ²	Length (m.)	Height (feet)	Materials Used
a		Small business shop				
b		Fence				
c		Animal shelter				
d		Toilet				
e		Developments made on yard				
f						

E. SMALL BUSINESS SHOP

1. Business of the AP: [a]__small variety store [b]__ eatery [c]__ food service [d]__ vulcanizing [e]__ _____ [f]__ None
2. Is the shop of affected business can be moved? [a]__ Yes [b]__ No
3. How much is the average sales per day? Rp _____

4. How many persons are employed in small business? _____

TREES AND CROPS

1. Types of wood trees owned by AP.

Name of Wood Trees			Number of Wood Trees			Number of Affected Wood Trees	
			Total	Affected	Remaining	Young	Mature
a							
b							
c							
d							
e							
Total Wood Trees							

2. Types of fruit trees

Name of Fruit Trees			Number of Fruit Trees			Number of Affected Fruit Trees	
			Total	Affected	Remaining	Young	Fruit-bearing
a							
b							
c							
d							
e							
Total							

3. Crops

Name of Crops			Areas Planted to Crops (in m ²)		
			Total Area (in m ²)	Affected Area (in m ²)	Remaining Area (in m ²)
a					
b					
c					
d					
e					
Total					

F. OTHER ASSETS

1. Domestic animals/poultry raised by household in affected lands.

Name of Animals			Number of Heads
a			
b			
c			
d			
e			

2. Household facilities and utilities: [a]__ tap water connection [b]__ deep well [c]__ electricity connection
[d] __ motorcycle [e]__ public utility vehicle [f]__ service vehicle

III. SOCIO ECONOMIC ASPECT

A. FOOD SECURITY

- Number of times the family eats dinner in a day: [a]__ twice [b]__ thrice [c] four or more.
- What is the staple food of the household: [a]__ rice [b]__ bread [c]__noodles [d] __ tubers.
- Is the household has access to sustainable supply of food? [a]__ Yes [b]__ No
- How many times in a month the household finds it difficult to buy foods? [a]__ once [b]__ twice [c] thrice or more [d]__ none.
- What makes it difficult for the household to buy foods: [a]__ lack of money [b]__ shortage of stock in the

store.

B. HEALTH AND PHYSICAL CONDITION

1. Number of household members who got sick in the last six months: [a] male____ [b] female ____ [c] none
2. If there was any, which of the following diseases have affected the household member/s?
[a]__ cough [b]__ pneumonia [c]__ diarrhea [d]__ dysentery [e]__ fever/influenza [f]__ hepatitis
[g]__ elephant feet [h]__ dengue [i]__ malaria [j]__ wound infection [k]__ leptusphyrosis
3. Number of household members who is affected by long-time illness: [a] male____ [b] female ____ [c] none
4. If there is any, which of the following illnesses that affect your household member? [a] __ heart ailment
[b]__ high blood pressure [c]__ breast cancer [d]__ lung cancer [e]__ other form of cancer
[f]__ diabetes [g] __ others _____.
5. Which of the following physical disabilities your household member has: [a]__ blindness [b]__ amputated
hand/leg [c] __ deafness [d]__ bedridden [e]__ nobody has physical disability.

C. WOMEN CONCERNS

1. Inconveniences experienced by woman/girl in the household when floods occur and blend with wastewater.
[a]__ difficulty in using the toilet [b]__ difficulty in buying milk for the baby [c] __ difficulty in washing their
body [d]__ difficulty in cooking food [e]__ difficulty in sending and taking back the child to and from the
school [f] __ difficulty in drying clothes [g]__ difficulty in going to work place [h]__ no inconvenience
encountered.

D. FINANCIAL SUPPORT

1. How would you mark your household compared with the households in your neighbourhood? [a]__very poor
[b]__ poor [c]__ fair.
2. If you mark your household as poor or very poor, do you receive financial support from relative or any
member of your household? [a]__ Yes [b]__ No.
3. Is your monthly household income enough to cover your monthly expenses? [a]__ Yes [b] No__.
4. If no, do you borrow money in order to meet your monthly expenses? [a]__ Yes [b]__ No
5. If yes, how often do you borrow money in a month? [a] __ once [b]__ twice [c] __ thrice [d]__ more.
6. Do you pay your debt on time? [a]__Yes [b]__No.

E. ACCESS TO INFORMATION

1. Which of the following utilities do you have in your households? [a]__ radio component [b]__ television set
[c]__ cell phone [d] __ computers with internet.
2. Do you read newspapers? [a]__Yes [b]__ No
3. Do you read magazines? [a]__Yes [b]__No

F. ACCESS TO SOCIAL SERVICES

1. Distance of the house to the nearest road. _____ meters.
2. If the household has school children, what is the distance of the school from the house? _____ meters or
_____ km.
3. Distance of the house from the nearest public market. _____ meters or _____ km
4. Distance of the house from the health clinic. _____ meters or _____ km

THANK YOU VERY MUCH

Interviewer:

(Name)

(Date)

Appendix – 2

CIMAHI - Length Of WC Pipes and clear width of Roads/Streets Covered Under the WCS Component

No.	Name	Length of WC Pipes (m)	Clear width (m)	Remarks
01.	Jl. Juliaeha	550	08 m	Mixed land use: houses, businesses and school
02.	Kl. Kaum	200	8 m	Offices
03.	Jl. Alun-Alun	200	8 m	Businesses
04.	Jl. H. Amir Mahmud	975	10-12 m	One way street, housing and business area
05.	Jl. Gandawijaya	800	7 m	One way street, business area
06.	Jl. Gatot Soebroto	2200	8-10 m	One way street. Businesses, school, military establishments
07.	Jl. Sriwijaya	800	11-12 m	Mixed land use. Housing, local market, bus terminal
08.	Jl. Stasiun	500	7-8 m	Houses, railway station
09.	Jl. Sudirman	500	7-8 m	Houses, school
10.	Jl. Sam Ratulangi	1300	3 m	Houses
11.	Jl. Baros	900	6-8 m	Houses, business and offices

KRALIFIKASI DARI BAPPEDA MENGENAI PEMBEBASAN LAHAN
CLARIFICATIONS WITH BAPPEDA OF CIMAHI ON LAND ACQUISITION

HAL-HAL YANG PERLU DIKLARIFIKASI	RESPON
1. Kapan anda mulai melakukan negosiasi pembebasan lahan dengan pemilik lahan? <i>When did you start negotiating the land acquisition with the owners?</i>	For the 0.6 ha 2010, and for the 1.0 ha 2011.
2. Apakah pembebasan lahan tersebut dilakukan untuk IPAL? <i>Is the land acquisition intended for the WWTP?</i>	The 0.6 ha was originally acquired for flood control of the City Government. The 1.0 ha is for WWTP.
3. Sudahkah anda menjelaskan kepada pemilik lahan alasan pemerintah mengambil lahan mereka? <i>Have you explained to the owners the purpose why the government is taking their lands?</i>	For the owner of 1.0 ha., yes. For the owners of 0.6 ha., no because the land was for flood control.
4. Berapa kali anda berkonsultasi dengan pemilik lahan mengenai jumlah yang akan dibayar untuk lahan mereka? <i>How many times have you consulted the land owners on the amount you will pay for their lands?</i>	More than 3 times
5. Apakah semua pemilik lahan sudah mendapatkan bayaran sebagai kompensasi lahan mereka? <i>Have all the land owners been paid of compensation for their lands?</i>	Yes
6. Berapa harga per meter yang ditawarkan oleh pemilik lahan sebelum pemerintah membebaskan lahan mereka? <i>What was the price per square meter being offered by the land owner before the government has acquired the land?</i>	Rp 300,000 / m2 for the owners of 1.0 ha.
7. Berapa harga lahan yang ditawarkan oleh pemerintah untuk pemilik lahan? <i>What was the price of land that the government was offering then to the landowners?</i>	Rp 200,000 / m2 for the owner of 1.0 ha.
8. Berapa harga yang ditetapkan oleh Penilai Independen (independent appraiser)? <i>What was the price established by independent appraiser/s?</i>	Data still waiting from <i>Bagian Pemerintahan Setda Cimahi</i> (Division of the Government of Cimahi City)
9. Berapa harga per meter yang disepakati dengan pemilik lahan? <i>At what price per square meter have you agreed with the land owners?</i>	Rp 250,000 / m2
10. Siapa yang pertama diberikan kompensasi lahan, dan kapan? <i>Who was the first person paid for the compensation of the land, and when?</i>	Owner of 0.6 ha (data owner still in Division of Government of Cimahi City, the official not at office)
11. Siapa yang terakhir kali mendapatkan kompensasi lahan, dan kapan? <i>Who was the last person paid of the compensation for the land, and when?</i>	Ali Chandra Atmaja family (1.0 ha)

DUE DILIGENCE QUESTIONNAIRE

(Land Owners)

Village: **Leuwi Gajah** District **Cimahi Selatan**

City: **Cimahi** Province: **West Java**

Introduction. Thank you very much for giving your time to this meeting. The purpose of this interview is to get information from you for us to assess if the procedures in acquiring your lands are consistent with the policy requirements of Asian Development Bank on Social Safeguards.

Name: **Ali Chandra Atmaja** Sex: ☒ Male ☐ Female Ethnicity: **Sundanese**

Present Occupation: **Pensioners**

1. Total area of the land **10,800 m²** 2. Area of acquired land **10,000 m²**
3. Use of the land: ☒ agricultural land ☐ land for growing rice ☐ forest land
☐ residential land ☐ other use (specify)
4. Do you have other lands other than the land acquired by the government? ☒ Yes ☐ No
5. If yes, what is the size of your other land/s? 800 m²
6. Are you aware of the treatment plan that shall be established here in your village? ☒ Yes ☐ No
7. Have you been met and consulted by land requesting agency before the acquisition of your land?
☒ Yes ☐ No
8. Have you been given written information about the Project here in your area when you were consulted? ☒ Yes ☐ No
9. Were you informed of your rights in case you have complaint about your compensation? ☒ Yes ☐ No
10. Were you informed of other assistance under the Project? ☒ Yes ☐ No
11. When was your land acquired? **2011**
12. Has the purpose of taking your land been explained to you? ☒ Yes ☐ No
13. Did you have any objection during the acquisition of your land? ☐ Yes ☒ No
14. If yes, how your objection has been resolved? -
15. When did you receive the compensation to your affected properties? **2011**
16. Have you been consulted on the compensation of your affected properties? ☒ Yes ☐ No
17. Which office has given the payment for your compensation? **Government of Cimahi City**
18. How much did you receive? **Rp 2,500,000,000,-**
19. What are the compositions of the amount paid to you? (a) land Rp **Rp 2,500,000,000,-** (b) crops Rp _____; (c) fruit trees Rp _____ (d) trees Rp _____.

20. How was your compensation paid to you? ☒ full ☐ installment
21. Have you raised any complaint concerning your compensation? ☐ Yes ☒ No
22. If yes, who helped you in resolving it?
23. Before the acquisition, how much income do you get from your land? About **very low, it is infertile land**
24. How often do you get this income, ☐ weekly ☐ monthly ☒ other (specify) **some time**
25. Is the income from your land the main source of your household income? ☐ Yes ☒ No
26. If **yes**, what is your present source of income? _____
27. If **no**, what is your main source of income? **About Rp 2,000,000 /month**
28. Which of the following statement would apply to your household income after the acquisition of your land?
- ☐ significantly reduce household income
- ☐ little impact on household income
- ☒ no impact on household income
29. How many members of your households who live in your house are working? **5 persons (3 childrends)**
30. Are you satisfied with the amount of compensation for your land? ☐ Yes ☒ No
31. Give your opinion on the amount of compensation for your acquired land: ☐ good ☒ fair ☐ low
32. How did you use the compensation you received for your land? **Distributed to all brothers and sisters (10 persons). They used for bough the land, and others investation**

THANK YOU!

List of APs/AHs in Acquired Lands

Name of APs/Siblings	Land (m²)
A. Owners of the 1.0 ha Land	
1. Ali Chandra Atmaja (Representative)	10,000
2. Tarya Atmaja	
3. Sudrajat	
4. Abdul Gani	
5. Kuswiyah	
6. Jaji	
7. Suparman	
8. Rita	
9. Karwati	
10. Cartika	
B. Owners of the 0.6 ha Land	
1. H. Ahmad Husen (Representative)	826
2. Jamilah	
3. Khalid Ridlwan	
4. Imas Zakiah	
5. Ahmad Sarif Tarmidi	
1. Hj Darikan AIP (Landowner)	557
1. Rustaya Sharif Hidayat (Rep.)	1,052
2. Maman Suriaman	
3. Ny Kariah	
4. Arom (dead but with 3 heirs)	
5. E. Rohaya	
6. Ny Jumariah (dead with 3 heirs)	
1. Sukandi (Representative)	840
2. Aban	
3. Ipah Warasipah	
4. Siti Jubaedah	
5. Soni Sonjaya	
6. Kumiashi	
7. Sulaeman	
8. Wawan	
9. Kurniati	
1. Eha (Landowner)	2,363

PUBLIC CONSULTATION

No.	Date	Name of Place for Workshop	Description of Stakeholders	No.of Participants	Specific Issues and Concerns Raised
01.	Sept. 24, 2012	BAPPEDA office	Village heads: 2 Government Officials: 9 Affected Households: 2 Civil Society: 5	18	Disposal of debris and construction material Access Disposal of waste Noise and dust
02.	Sept 2012 to February 2013	Information dissemination to individual land owners	Land Owners	5	Time for land acquisition Compensation amount Advance notice to facilitate harvesting of crops/fruits etc.
03.	Feb. 2013	Project roads covered by the WCs component	Randomly selected roadside occupants	-	Possible impact on properties Lack of access Noise Business loss

**MINUTES OF THE INITIAL PUBLIC CONSULTATION AND SUBPROJECT
DISCLOSURE HELD AT CIMAHI CITY HALL, WEST JAVA PROVINCE
ON 24 SEPTEMBER 2012**

Persons Present:

BAPPEDA of Cimahi

Ifa Yasyfina
Amy Pringgo M.
Indra
Galih Imaduddin

Office of Public Works

Indira H.

MSMIP TA Consultants

Ruel Janolino, International Environmental Specialist
Angelito N. Corpuz, International Social Safeguards Specialist
Ariani Dwi Astuti, National Environmental Specialist
Supriadi "Datuk Tumpatih", National Social Safeguards Specialist

Stakeholders/Participants (see attached list)

1. The following is a summary of the initial public meeting and consultation concerning the proposed Off-site Wastewater Collection System and Treatment in Cimahi.

A. Introduction to the Meeting

2. The joint Subproject disclosure and public consultation was started at 9:45 a.m. following the arrival of Mr. Drs. H. Bambang Nuguroho, PLT *Sekretaris Daerah* Cimahi. He delivered his opening remarks by expressing his appreciation to the people who attended the meeting. Mr. Nuguroho discussed about the need for the Subproject and the benefits it would bring to Cimahi City. After which, he gave the floor to Mr. Herry Antasari, Head of Physical Division in the City Government of Cimahi.

B. Presentation of the Subproject

3. Mr. Antasari disclosed to the participants that Cimahi is among the five cities selected for MSMIP as recipient of technical assistance (TA) from Asian Development Bank (ADB). He told that the City was not originally included in the long list of cities being considered for the TA. He mentioned that Cimahi has 600,000 inhabitants with 63% live in on-site wastewater treatment system and cited the need for WWTP facility because: (i) PHBS recorded in 2010 rose to 38%; (ii) Citarum River is the largest contributor of E Coli; (iii) 11% of the 30,000 population of Cibereum Village suffer from diarrhea in which cases rose by 4% in 2009 as compared to the reported cases in 2008; and (iv) large population of poor people live in small districts of the City.

4. Mr. Antasari used a power point in presenting the scope of the Subproject. He told that the proposed location of WWTP has a small fishpond and would require large investment. Participation of other parties is deemed necessary. On service connection, he informed the participants that monthly charge will be further reviewed according to the affordability of local communities. The service charge will be set out into a regional regulation (*Perda*).

5. After his presentation, Mr. Antasari opened the floor for open forum.

C. Issues and Concerns

6. During the open forum, the participants raised several issues and concerns which were clarified by BAPPEDA, with assistance from TA Consultants. These are summarized in the matrix below.

No	Issues and Concerns	Responses
1.	<p>Pak Rukmaya, Karang Mekar Village:</p> <p>I heard about this project in 2011, why is the master plan just prepared now? The project needs land acquisition, what is the follow up action? Who will manage the existing communal facility? With regard to pipe laying works, how will these works be executed? Every earthwork leaves debris, especially by PLN. They leave much waste and debris after earthworks.</p>	<p>Pak Herry Antasari:</p> <p>MP was accomplished in 2011 and today is the implementation. [The existing wastewater treatment consists of] 30% on site and some communal facilities. The off-site system will be built in the village. This meeting is the first one. There will be another meeting. Land acquisition for 2,500 m² is just planned for Leuwi Gajah</p> <p>Pak Djani A. N:</p> <p>What is planned is for city scale, i.e. to serve 31,000 persons. [the facility will be managed by] KSM. However, they need further advocacy and this guidance has been provided and well run.</p> <p>Bu Ariani Dwi Astuti, TA Consultant:</p> <p>Clean construction will be introduced to avoid any damage. This approach has been implemented in Bali. In this meeting, we also propose grievance redress mechanism for environmental complaints during construction. This mechanism is still a proposal and we soliciting for suggestions if some additional clause or questions are needed.</p>
2.	<p>Bapak Sharif Hidayat, Local Leader, Karang Mekar Village:</p> <p>Based on the experience of communal WWTP, this facility may be constructed in alleys. The waste is disposed to river Cipolang due to no land for disposal. Piping system will be flushed with 1 pail of water only. What about the slope? Will the waste drain away [just flushed with 1 pail of water]?</p>	<p>Pak Djani A. N:</p> <p>Due to limited land, the communal system will be built along roads and public facility sites with no unpleasant odor. In case of land, there will be 100 – 200m² plot to be provided that will be sufficient for a communal system to serve 100 – 200 households.</p>
t3.	<p>Bu Artha, Health Office, City Government:</p> <p>Is there a decrease in investment?</p>	<p>Reni Nuraeni, Sanitary Office, City Government:</p> <p>The master plan proposes [the Subproject] in 3 stages at 3 locations, i.e. stage 1 (1.0 ha) in Leuwi Gajah, stage 2 [6.0 ha), and stage 3 for small scale, i.e. 1 ha. Yes, there is a decrease in investment.</p>

No	Issues and Concerns	Responses
4.	<p>Bapak Ahmad Mulyana, former teacher and Village Leader:</p> <p>He agrees with the program. The majority of communities dispose their waste in the river. Only few of them use septic tank despite non-standard construction. Socialization should be further intensified to elaborate the program in details. The program can decrease disease.</p> <p>Cimahi has hundreds of thousand inhabitants. How many WWTP will be developed? Where will the route go?</p> <p>I have my own septic tank. My neighbor, despite the huge yards, he builds septic tank close to my house. It has contaminated my ground water.</p>	<p>Pak Herry Antasari:</p> <p>I appreciate the support. Septic tank closed to the house/road without sound technology will cause problems, even if it is constructed in front of house.</p> <p>Pak Djani A. N:</p> <p>Septic tank must be emptied.</p>
5.	<p>E. Rengganis, Environmental Office, City Government:</p> <p>For WWTP investment and development there is socialization and consultation, what about [the procurement of] sludge trucks? Is there any socialization?</p> <p>While the WWTP is soundly designed, without good maintenance the facility will be damaged and may cause problems.</p>	<p>Pak Ahmad Mulyana, resident, Cimahi Village:</p> <p>Socialization is conducted every year both for on-site and off-site systems. Any resident requiring further information may visit DKP office for discussion.</p> <p>Septic tanks in Cimahi, built by local people are conventional ones. They leaked.</p> <p>Pak Herry Antasari:</p> <p>Despite of intensive socialization, not all people have the same understanding. Support of villagers is necessary to inform those people who have yet to understand the program.</p> <p>The issue on the procurement of sludge truck fleet is mentioned in Master Plan.</p> <p>Pak Djani A. N:</p> <p>Socialization with representatives of community groups was already undertaken. Information materials on socialization will be distributed to communities. Today, on-site system is just to reach 63% with 3 WWTP. The target is 100%. There is SNI standards on septic tanks.</p>
6.	<p>Pak Harun Alrasyid, Community Leader, Leuwi Gajah Village:</p> <p>The survey team need to ensure whether the network will pass the kampungs. There exist RW 6 and RW 7, IPAL in RW 2 next to the cemetery yard.</p> <p>Generally, the program receives support from the communities. There is a pond that is being used for fishing and sometimes its water is taken for watering plants. When the WWTP facility is constructed, will the said pond retain its present use?</p>	<p>Pak Djani A. N:</p> <p>There are 2 ponds close to WWTP site. Recreation activity and fishing will be relocated outside WWTP site.</p>

7. Before the open forum was closed, Mr. Angelito N. Corpuz explained the requirements in Social Safeguards as prescribed in ADB's 2009 Safeguard Policy Statements. He highlighted the importance of Land Acquisition and Resettlement Plan as a condition for the approval of Subproject loan. For his response, Pak Herry Antasari that they will follow the land acquisition procedures. According to him land acquisition for the Subproject is important because of complicated issues involved.

8. For his part, Mr. Supriadi "Datuk Tumpatih" cited Presidential Regulations № 71 of 2012 can fulfill the requirements of ADB. The Regulations deal on Land Procurement for Development in Public Interest. Regulation from the Ministry of Finance is needed for the release of funds that will expedite project implementation. On the other hand, Bu Dwi Retnani Y reminded that the approval of various stakeholders is necessary before the execution of the project, otherwise it will be rejected by the people in concerned communities. Pak Herry Antasari responded that the City Government of Cimahi has long experience in project implementation, including projects financed by World Bank. He added that the City Government has also experience in resettlement management including the resolution of associated issues.

9. For the final statement, Bu Ariani Dwi Astuti informed the participants that funding for DED and AMDAL will come from Indonesia Infrastructure Initiative.

10. There, having no other topics to be discussed, the initial public consultation and subproject disclosure was adjourned at 12:00 noon.

Attested by:

Ruel Janolino
International Environmental
Specialist

Angelito N. Corpuz
International Social Safeguards
Specialist

Ariani Dwi Astuti
National Environmental
Specialist

Supriadi "Datuk Tumpatih"
National Social Safeguards
Specialist

LIST OF STAKEHOLDERS/PARTICIPANTS

- | | |
|------------------------------------------------------------------|-----------------------------------------------------------------------|
| 1. Wiwin S. N.
Leader, Women's Organization
Cimahi Village | 10. Sri Wahyuni
BPMPPKB
City Government of Cimahi |
| 2. Ahmad Mulyana
Resident
Cimahi Village | 11. Dwi Retnari T.
BPMPPKB
City Government of Cimahi |
| 3. Sharif Hidayat
Community Leader
Karang Mekar Village | 12. Fitriani Manan
BPMPPKB
City Government of Cimahi |
| 4. Rukmaya
Resident
Karang Mekar Village | 13. Hendar
Health Office
City Government of Cimahi |
| 5. Lilis
Leader, Women's Organization
Karang Mekar Village | 14. Djani A N.
Sanitary Office
City Government of Cimahi |
| 6. Esther
Leader, Women's Organization
Leuwi Gajah Village | 15. Parbowo
Sanitary Office
City Government of Cimahi |
| 7. Harun Alrasyid
Community Leader
Leuwi Gajah Village | 16. Reni Nuraeni
Sanitary Office
City Government of Cimahi |
| 8. Nono S.
Village Official
Cimahi Village | 17. M. Thoha
Sanitary Office
City Government of Cimahi |
| 9. Surmama
Village Official
Leuwi Gajah Village | 18. E. Rengganis
Environmental Office
City Government of Cimahi |



PEMERINTAH KOTA CIMAHI
BADAN PERENCANAAN PEMBANGUNAN DAERAH

Komplek Perkantoran Pemerintah Kota Cimahi Gedung B Lantai 3
 Jl. R. Demang Hardjakusumah Telepon / Fax: (022) 6642865 Cimahi 40513

DAFTAR HADIR

HARI/TANGGAL : Senin/24 September 2012
TEMPAT : Gedung Pertemuan Kantor Pemkot Cimahi

No.	Nama	Instansi	No. Telp	Tanda Tangan
1	WIKIAN. S. NISU - Widy PKR KEL CIMAHI		081910372731	
2	NONDIS	kel. Cimahi	08156227736	
3	Admas Mulyana msy Kel. Cimahi		08586004812	
4	STAROP HIRSYAT. temas Komagender		08740102256	
5	Rukmayu	msy Kep. 10 Mabr	0821522571	
6	LILIS	msy KT. TP. PKK. kel.	0822620222	
7	-	msy kar. Mekar.	05.	
8	ESTHER	msy kea TP PKR kel LG.	081.32105677	
9	Ka Yasyfina	Bappeba		
10	Indra .It	DPU	085624146100	
11	Fitriani Manan	Dinas Kesehatan	081322222543	
12	Hendar	- - -	081322377200	
13	DJANI - A - N.	DKP	08122397877	
14	Sti Wahyuni	BPMPPKB	081248190665	
15	Hikmah. Huseyir msy Tumas. LE		081624103780	
16	Sulastomo	Kel. Laminigasan	085722681967	
17	Dwi Retnani T	BPMPPKB	08122135951	
18	Parboup	DKP	08579306700	
19	Galih Mardudhin	Humas & Protokol	085624643351	
20	Andy Pringgo M	Bappeba	081221436351	
21	Rendy	"		
22	Reni Nurani	DKP	0811226121	
23	M. Thoha	DKP	08180499856	
24	E-RENGGANT	KLH	081221532525	
25	RUEL JANDLIAD	LAHMER-13P		
26	ANGELITO N. CORPUZ	Latmeyer-17P		
27	Surriadi	MSMIP Konsultan		
28	Aniani Dwi Astuti	MSMIP Konsultan		
29				

Selected Pictures during Public Meeting and Subproject Disclosure



The above is the picture of participants while waiting for Mr. Drs. H. Bambang Nuguroho who was to deliver the opening remarks.



One of the female participants who was raising an issue during the open forum.



Consultations with the Land Owners on February 12, 2013

PUBLIC INFORMATION BOOKLET
ADB TA 7993 INO
METROPOLITAN SANITATION MANAGEMENT INVESTMENT PROGRAM
(MSMIP)
WASTEWATER COLLECTION SYSTEM AND TREATMENT
Cimahi

OBJECTIVE

The main objective of MSMIP is the improvement of public and environmental health through the management of domestic wastewater in the city of Cimahi. The improvement of environmental health will have a direct impact on the improvement of public health.

PROJECT

The Metropolitan Sanitation Management Investment Project in Cimahi currently includes:

1. Wastewater Treatment Plant (WWTP); and
2. Off-site Wastewater Collection System

The wastewater treatment plant will be constructed at Kelurahan Leuwigajah covering an area of about 2.0 ha.

The construction of Wastewater Collection System will be carried out along the following city roads and streets covered by the subproject:

Jln. Lingkar, Jln. Baros, Jln. Stasiun, Jln. Gatot Soebroto, Jln. Sriwijaya, Jln. Gandawijaya, Jln. H. Amir Mahmud, Jln. Citeurep, and Jln. Encep Kartawira.

POTENTIAL PERMANENT AND TEMPORARY IMPACTS DUE TO THE PROJECT

Besides benefits of the project, there will be some adverse permanent impacts on people's properties in addition to temporary impacts during the construction phase on residential/commercial establishments along the roads and streets covered by the project.

The **permanent impacts** will result in the loss of private land that is required for the construction of wastewater treatment plant. Total area that is required is about 2.0 ha in Kelurahan Leuwigajah. However, of this 1.6 ha was already acquired by the government in the past and compensation based on the market prices and negotiations carried out with the land owners. There are no outstanding issues in regard to the land that is already acquired and all the land owners are fully satisfied with the compensation paid to them.

The project will need to acquire an additional 0.4 ha. The proposed acquisition of land will affect only 5 households. There will be no other impacts due to the acquisition of land as the land is generally unproductive. None of the affected households will need to be relocated as they do not live on the land to be acquired.

The MSMIP in Cimahi will also cause some adverse **temporary impacts** to the residents and businesses along the project roads where sewer pipelines will be laid out. No acquisition of land and/or private assets will be necessary. The temporary impacts may include inconvenience in parking and restricted flow of vehicular traffic and access to roadside businesses and residences for short durations.

COMPENSATION AND ASSISTANCE FOR PERMANENT AND TEMPORARY IMPACTS

MSMIP project in Cimahi has a detailed policy to provide compensation and assistance for permanent loss of assets and business due to the acquisition of land.

- All land and structures affected by the project will be compensated at replacement cost based on the current market prices. In addition, if there is any loss of business incomes due to the acquisition of land, the households will be compensated for their loss of incomes.
- In case the households are displaced due to the land acquisition, they will be provided with transport assistance and help in settling down at the new place.

Project authorities have prepared a resettlement plan which provides detailed information on the policy on compensation and other entitlements.

Specific measures and assistance for temporary impacts include:

- Project authorities and contractors will ensure that temporary impacts are avoided or minimized. Where necessary, assistance for temporary shifting of businesses and vendors will be provided by the contractor.
- The contractor will be responsible to provide temporary access to all the roadside businesses facing the civil works for short durations.
- There will be no damages to any private properties. However, in the unlikely event of any damages, the contractors will be responsible to provide full compensation for such damages and to restore the properties to original conditions.
- In case the contractors use any private land, they will be responsible for paying rental in cash for the rented land outside the ROW. The rental amount would be negotiated between the owner and the contractors but will be no less than the prevalent market rates. Restoration of the land will be done immediately after use.
- In case of any loss of business incomes due to the civil works, the contractors will be responsible to pay for the loss of income for the duration of the loss.

COMPLAINTS AND GRIEVANCES

In accordance with the Indonesian laws, the project has established a simple but effective procedure to address any complaint or grievances that the communities may have in regards to any aspect of the project including the civil works that will be carried out.

- People can bring his/her complaint before any member of PPMU or to the village chief either in writing or verbally. These complaints will be addressed by the project authorities/Lurah/Camat immediately.
- In case the person filing the complaint is not satisfied with the decision taken by the Camat/project office, he/she can bring the complaint to Walikota.
- However, if the person filing the complaint is still not satisfied with the decision taken by the Walikota, he/she can bring the complaint to the Provincial Governor and finally to the Court of Law.
- Complaints received at various levels and the decision taken will be properly documented.
- All costs involved in filing the complaints will be borne by the project.

Additionally, the project authorities will take the following actions:

- Complaints / Suggestion Boxes will be placed at MSMHP strategic locations;
- Secretariat/Site Office will be established where community could file their complaints or suggestions;
- Complaint and Suggestion Forms will be made available at the Secretariat/site offices.
- Complaint Book/Register will be kept at secretariat/site office; and
- Socialization media will inform the respective communities where they could put/file their complaints.

For further information about the project or for filing the complaints, please contact:

- BAPPEDA Kota Cimahi
- abald.dkpcimahi@gmail.com
- Satker PPLP Mayor Office of Cimahi City

Telp/Fax: 022-6642865

Involuntary Resettlement Safeguards Policy Principles

Objectives: To avoid involuntary resettlement wherever possible, to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

Scope and Triggers: The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designed parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

Policy Principles:

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
3. Improve or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land-based where possible or cash compensation at replacement value of land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
4. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation schedule.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full cost of resettlement in the presentation of project's cost and benefits. For a project with insignificant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

Comparison of Land Acquisition and Involuntary Resettlement Policies

ADB Policy Requirements in SR2 of 2009 SPS	Regulation No. 3/2007 Issued by National Land Agency	Policy Gaps	Project Principles under MSMIP
Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.	The Regulation has no provision equivalent to this ADB policy requirement.	SR2 prescribes for a holistic approach in project development process that specifically addresses the social concerns prior to development of infrastructure projects. Whereas, Regulation No. 3 was formulated from legislations in the exercise of State power of eminent domain in pursuing infrastructure projects. It is not explicit in addressing intangible social impacts, like the vulnerability of APs.	The Project and its associated facilities will be categorized according to their social and economic impacts as a means in formulating mitigating measures to avoid the vulnerability of APs.
Carry out meaningful consultations with affected persons, host communities and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options, and requires for the establishment of grievance and redress mechanism.	Paragraph 2, Article 19 provides for socialization led by district/city LAC along with the agency requiring the land to clarify the objectives and purposes of development with the affected people and get their acceptance. The socialization shall be conducted at the venue to be determined by the District/city LAC. Article 41 and Article 42 provides for the approaches in the resolution of grievance and redress under the law if the owners reject the decision on the nature and/or amount of compensation issued by District/city LAC.	The Regulation does not mention on meaningful consultations and active participation of the APs and affected communities throughout the Project cycle. While practice shows that written information on the Project was prepared in local language, it is only confined on Project description and was not extended to providing information of APs entitlements and the procedures for filing grievances and/or complaints.	Meaningful and participatory consultations with APs and the affected communities will be undertaken throughout the Project cycle and printed information written in their language will be distributed in order to elicit their active participation. The printed information will ensure that the APs and affected communities know their entitlements and rights as well as the procedures in filing their grievances and complaints.
Improve or at least restore the livelihoods of all displaced persons.	The Presidential Regulation has no equivalent provision prescribed in SR2 of the 2009 SPS.	The Regulation has no provision that defines rights and options available to APs, the proposed mitigating measures vs. impacts of land acquisition and special assistance measures to severely affected households and vulnerable groups.	The EA will ensure that under the Project, land-based resettlement strategies will be provided if the affected livelihoods depend on land where possible, or cash compensation at replacement value of land when the loss of land does not undermine livelihoods. Prompt replacement of assets with access to assets of equal or higher value. Prompt compensation at full replacement cost for assets that cannot be restored will be undertaken.
Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically	Under Article 13, the nature of compensation to affected persons shall consist of: (a) money and/or (b) replacement land and/or (c) resettlement, and/or (d) combination of two or more of these provisions, and (e) other form as mutually agreed by related parties.	While the provisions in Article 13 of the Regulation prescribes for compensation based on the prevailing market value of the land, or replacement land, or resettlement and form of assistance, these provisions are short of meeting the SR2 policy. It does not provide for the social rehabilitation of the APs, transitional support and development assistance, among others.	APs who shall be displaced physically and economically will be provided with needed assistance like secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities and transitional support and development assistance, as prescribed in ADB policy

and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			
Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.	The Presidential Regulation has no equivalent provision prescribed in SR2 of the 2009 SPS. Indonesia has no law on gender equality.	This ADB policy applies to affected persons according to their locations. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	The displaced poor and vulnerable group, including women displaced by the Project will be assisted in improving their standards of living.
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.	The Presidential Regulation has no provision prescribed in SR2 of the 2009 SPS.	The Presidential Regulation has no provision on land acquisition through negotiated settlement.	People who enter into negotiated settlements with the Executing Agency over the acquisition of their lands will still maintain the same or better income and livelihood status.
Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	Paragraph 9, Article 43 provides that those persons entitled to compensations are: (a) holders of land certificates or other rightful parties according to laws and regulations, or (b) nazhir in case of wakaf assets. For the lands secured under right to use or right of building or right of management, the rightful parties for compensation shall be the holders of the right to use, or right of building, or right of management.	While the law provides for resettlement lands, it is silent on the provisions that affected persons without title or rights to the land are eligible for compensation. Likewise, it did not provide if the affected persons will: (a) have security of tenure in relocation sites, (b) be extended with rehabilitation assistance, and (c) paid compensation for house and other structures based on replacement cost without provision for deduction of depreciation.	All APs whose names were recorded in the IOL/SES as of the cut-off date the census are eligible for compensation. The absence of certificate to the land is not a ground to deprive the landless from receiving compensation for their non-land assets.
Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation schedule.	Chapter 2, Article 2 provides that Government institutions requiring the land shall prepare the proposed development plan one year in advance prior to land acquisition with the following details: (a) objectives and purposes of development, (b) site and location of development, (c) areas of land required, (d) sources of funds, and (e) environmental feasibility including the impacts of development and mitigation measures.	While the Regulation requires for environmental feasibility study, the proposed development plan of the agency requiring the land does not provide for LARP.	Resettlement plan that elaborates the entitlements of, the income and livelihood restoration strategy for the APs will be prepared, with provisions for institutional arrangements, monitoring and reporting framework as well as budget and time-bound implementation schedule.
Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project	Paragraph 6, Articles 31 through 38 provides for deliberation between the agency requiring the land and the owners of the land. The discussion covers the	The GoI is incompatible with ADB policy; the former discuss about the development plan while the latter for the final resettlement plan and its updates.	The draft resettlement plan written in local language will be disclosed to the APs, the stakeholders affected communities and document the consultation process in a timely manner, before project appraisal. The final resettlement plan and its updated version

appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	planned development for public interest and nature and amount of compensation. Deliberation also seeks the mutual agreement of both parties, the result of valuation and the deadline for completion of development project.		shall also be disclosed to them.
Conceive and execute involuntary resettlement as part of a development project or program. Include the full cost of resettlement in the presentation of project's cost and benefits. For a project with insignificant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	The Presidential Regulation has no equivalent provision prescribed in SR2 of the 2009 SPS.	Resettlement under the present regulation in Indonesia is an exercise of State power of eminent domain as opposed to ADB's part of development project or program.	Resettlement plan implementation shall be provided with adequate budgetary support, institutional mechanism and monitoring system, which shall be satisfactorily complied with, including the resolution of grievances and complaints, as a condition before the approval of the Project loan.
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Payment of compensation for affected lands and other assets are paid after agreement during deliberations. Compensation is based on the price recommended by Land Valuation Agency or the Land Valuation Team per Paragraphs 4 to 5 of Regulation No. 3/2007.	Both policies of the GoI and ADB's SR2 are consistent in payment of compensation based on replacement costs. However, Regulation No. 3/2007 is short in providing compensation for economic displacement.	Compensation and other resettlement entitlements shall be paid in full to the APs before any physical or economic displacement shall take place. Internal monitoring shall be in place as part of resettlement management process.
Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	The Presidential Regulation has no equivalent provision prescribed in SR2 of the 2009 SPS.	Regulation No. 3/2007 has no clear provision in monitoring the impacts of land acquisition on the standards of living of displaced persons. It does not provide for external monitoring agency (EMA) to assess whether the objectives of the resettlement plan have been achieved.	Reliable and efficient database system will be established for the internal monitoring of resettlement plan implementation. External monitoring shall be conducted by an independent monitoring agency to assess whether the objectives of the resettlement plan have been achieved taking into account the baseline conditions of the taking into account the baseline conditions of the APs.

INDIVIDUAL COMPENSATION OF AFFECTED HOUSEHOLDS

Code	Name of AH or Representative	Affected Land (m²)	Price per m² (in Rp)	Compensation (in Rp)
AH-1	Oman	490	250,000	122,500,000
AH-2	Rahman	350	250,000	87,500,000
AH-3	G. Bandi	350	250,000	87,500,000
AH-4	Hj. Eneh	350	250,000	87,500,000
AH-5	Ali Chandra	980	250,000	245,000,000
TOTAL		2,520	-	630,000,000