

Social Due Diligence Report

#Due Diligence Report for Civil Work 04A of Maluku Subproject:
Additional Land for Petra and Yacobus Check Dam.
August 2021

Indonesia: Flood Management in Selected River Basins Sector project – Part 1

Prepared by Directorate of River and Coastal, Directorate General of Water Resources, Ministry of Public Works and Housing for the Republic of Indonesia and the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 31 August 2021)

Currency unit	–	Rupiah (Rp)
Rp1.00	=	\$0.0000697691
\$1.00	=	Rp14,333

ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected Household
AP	–	Affected Person
MASP/BPN	–	Ministry of Agrarian and Spatial Planning/National Land Agency/ Badan Pertanahan Nasional
BWS	–	<i>Balai Wilayah Sungai</i> (Center for River Basin)
DED	–	Detailed Engineering Design
DGWR	–	Directorate General of Water Resources
DMS	–	Detailed Measurement Survey
EA	–	Executing Agency
FMSRBSP	–	Flood Management in Selected River Basins Sector Project
HH	–	Household
IA	–	Implementing Agency
IOL	–	Inventory of Losses
LAIT	–	Land Acquisition Implementation Team
LRP	–	Livelihood Restoration Program
PIB	–	Project Information Booklet
PIU	–	Project Implementation Unit
PPAT	–	<i>Pejabat Pembuat Akta Tanah</i> (Land Deed Official)
SES	–	Socio Economic Survey
SPS	–	Safeguards Policy Statement

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EXECUTIVE SUMMARY

1. **Background and Project Location.** The Flood Management In-Selected River Basin Sector Project (FMSRB) is being implemented as a result of the agreement between the Government of Indonesia and the Asian Development Bank (ADB). The Executing Agency (EA) of the project is the Maluku River Region Hall (BWSM) of the Ministry of Public Works and Housing.

2. The proposed project will support the government and the community to better manage and reduce the risk of flooding. The project aims to shift the paradigm of project-oriented flood control centered around structural measures, for process-oriented integrated flood risk management (IFRM) that provides a balanced mix of non-structural, institutional and capacity building, and structural work interventions to reduce the negative impact of flooding. Project interventions will (i) improve data, information, knowledge base and institutional coordination for flood management, (ii) improve or develop water management infrastructure, (iii) reduce erosion and improve watershed conditions, and (iv) prepare communities to manage flooding. The main beneficiaries are floodplain communities in certain watersheds located in the Batu Merah river basin area which includes villages: Batu Merah, Rijali, Amantelu, and Wayhoka Village.

3. One of the sub-projects of FMSRB is the Construction of Petra and Yacobus check dams located in the upper reaches of the Batu Merah River, in the area of Wayhoka and Batu Merah Village, Sirimau District, Ambon City, Maluku Province. Maluku River Region Hall (BWSM) of the Ministry of Public Works and Housing will be the Implementing Agency (IA) for the subproject. The sub-project is expected to reduce the impact of floods that often occur around the Batu Merah river settlement in Ambon City.

4. **Reasons for Due Diligence.** The Due Diligence Report (DDR) for acquired 2.231 m² of land required for the sub-project (CW04A) was prepared and approved by ADB in November 2019. During the construction, an additional land of 11,660 m² is required for the sub-project and was acquired by BWS Maluku without any land acquisition and resettlement plan (LARP) document that was prepared. The compensation for the lost land and non-land assets owned by 3 AHs was provided on 22 December 2020 and the payment for the remaining 1 plot of land owned by 1 AH still pending due to disagreement with the compensation rate. As the land has been acquired, a DDR is prepared to trace and show that land acquisition for this sub-project has been conducted in accordance with regulations of Indonesian government, ADB Safeguard Policy Statement (SPS), and safeguard principle set forth in the Resettlement Framework (RF) of the project (FMSRB) approved by ADB in 2015. Land acquisition and compensation payment plan for the remaining land owned by 1 AH will be included in the DDR and CAP.

5. **Methods.** The method used for the due diligence are the following: (i) field visits to observe location and condition of project area; (ii) consultations and interviews to APs and other key stakeholders, and (iii) review of documents relating to the land acquisition process from BWS Maluku and Ministry of Agrarian and Spatial Planning/National Land Agency of Ambon City.

6. **Land Acquisition Process and Compliance with the ADB's Safeguards Policy Statement for the Project.** Land acquisition has been undertaken in following the government procedure for negotiated land acquisition. The Land Acquisition Implementation Team I(LAIT) of BWS Maluku completed the land acquisition activities in December 2020, which included: (i) consultation on project and required additional land and detailed measurements of the affected assets, (ii) appointment of an independent appraiser team to value the compensation for the lost assets following replacement cost principles, (iii) negotiation on the type and amount of compensation, (iv) compensation payments and release of land rights; and (v)

handling of complaints related to inventory of loss (IOL) and compensation. Some issues on land acquisition process and compensation payment are identified and a corrective action plan (CAP) has been prepared in consultations with the APs and to meet the resettlement principles set forth in the project RF and ADB SPS. The CAP include (i) disclosure of DDR on MPWH and ADB website; (ii) the land acquisition payment to 1 land owner through unblock DIPA process; (iii) establishment of GRM; (iv) verification by independent party on negotiated land acquisition; (v) provide compensation and/or assistance for impact during construction as per provisions in the project RF; (vi) internal monitoring of LAR activities and impacts during construction; and (vii) implementation of Social Action Plan (SAP).

7. Consultation and Disclosure. Meaningful consultations were conducted for the land acquisition process since at the stages of planning, preparation and implementation. Only 1 woman participated in the consultations, she is the wife of AH's. The consultations were conducted by the BWS Maluku and Ambon City Government during June 2020 and on 17 December 2020. Information Notification related to the project plan and land acquisition was done through APs meetings and posting announcements in Churches and Village Offices Boards. The summary of the DDR and CAP in the form of PIB or leaflet will be distributed to the APs.

8. Loss of assets, Compensation Valuation. A total of 11.660 m² additional land consisting of 5 plots is required for the sub-project, The land plots are owned by 4 AHs (14 APs). None structure was affected and no business income loss was identified. The acquired land is the plantation area and did not affect to the physical relocation of people. Impacts during construction including the lost non-land assets will follow requirements and entitlements in the project RF. BWS Maluku mobilized an independent appraiser team to value the compensation for the lost land and non-land assets and the valuation was carried out in July 2020 and the result have been reported in October 2020. No depreciation for the lost trees/crops applied for the valuation.

9. Compensation payment. The payment was provided on 22 December 2020 to 3 AHs who agreed the compensation rate. However, compensation payment for 1 plot of land owned by 1 AH is still pending because no agreement reached between the LAIT and the land owner (AH). Following the annual budget system, the BWS Maluku returned the unused budget for land acquisition to the national MPWH. As no budget allocation for compensation payment for CW04A, the BWS Maluku is allowed to use another budget component for social handling to pay the compensation planned to be delivered in September 2021.

10. Submission of results and the land. Certification process will be carried out starting in June 2021 by the MASP/BPN of Ambon City from and expected to be completed by 2nd 2022.

11. Livelihood Recovery. 1 AH (5 APs) is considered as vulnerable people and all AHs would be severely affected, and therefore, the livelihood restoration program will be provided to all the AHs. The program and budget will be provided by the Ambon City Government and included in the Social Action Plan (SAP) program. The SAP will be started in 1st quarter 2022 by Ambon City Government.

I. INTRODUCTION

A. Project Background and Location

1. The proposed project will support the government and the community to better manage and reduce the risk of flooding. The project aims to shift the paradigm of project-oriented flood control centered around structural measures, for process-oriented integrated flood risk management (IFRM) that provides a balanced mix of non-structural, institutional and capacity building, and structural work interventions to reduce the negative impact of flooding. Project interventions will (i) improve data, information, knowledge base and institutional coordination for flood management; (ii) improve or develop water management infrastructure, (iii) reduce erosion and improve watershed conditions, and (iv) prepare communities to manage flood recipients the main benefits are floodplain communities in certain watersheds located in the Batu Merah river basin that includes villages: Batu Merah, Rijali, Amantelu, and Wayhoka Village.
2. In Flood Management Selected River Basin Sector Project (FMSRB) activities in Ambon Maluku include 5 rivers namely; Way Batu Merah river, Way Ruhu, Way Batu Gantung, Way Tomo and Way Batu Gajah river. However, the 2 rivers that are prioritized are sure of the Way Batu Merah River and Way Ruhu.
3. Existing river infrastructure, such as bridges or culverts, limits the channel flow capacity, where it cannot resolve increased flow rates. This existing infrastructure will need upgrades to resolve additional floodwater flow. The floods that occurred in 2013 brought serious damage to the Ambon city, including damage to nearby areas along the Way Batu Merah RBT. The steep slope and critical geophysical conditions of the upstream river basin territory induce sediment transport in the river channel, which requires additional appropriate treatment.
4. Way Batu Merah Flood Management activity plan consists of: a) CW04A – (*Upstream Area*) Way Batu Merah for Construction of new Check Dam to control sedimentation (*sedimentation protection*) i.e. Petra and Yacobus Check Dams. b) CW04B – (*Middle Stream Area*) Way Batu Merah – CW04B for Rinjani Check Dam Rehabilitation (dead storage condition because it is \pm 34 years old, built in 1985 so that rehabilitation needs to be carried out) and construction of Retention Pools.
5. The Check Dams Petra and Yacobus sub-project (CW4A) is in the upstream area of Batu Merah River in Ambon City. It is located in Wayhoka and Batu Merah Villages, Sirimau District, Ambon City, Maluku Province. The DDR is prepared for the additional land required for the construction and rehabilitation of this project.

Figure 1: Location of Check Dam Petra and Check Dam Yacobus



B. Subproject Description

6. The construction of Petra and Yacobus check dams is located in the upper reaches of Batu Merah River, where steep channel slopes and potential landslides tends to induce flash flooding with a mass volume of sediment. Erosion of the critical land and sediment in upper river basin can be improved through engineering countermeasures, such as slope protection works and check dams.

7. Development of the CW04A has required the additional acquisition of 11,660 m² (1.16 Ha) of land. Which is consist of 5 plots of land and owned by 4 Affected Households (AHs).

8. Referring to SPS ADB 2009, this Sub-project is categorized B which means the sub-projects has no significant impact on involuntary resettlement. In B Category, the number of affected peoples are less than 200 peoples (there are 14 APs).

9. The CW04A sub-project consists of 1 component, i.e. the construction of Petra and Yacobus Check Dam. The land acquisition plan in this component has been financed by the Directorate General of Water Resources, Ministry of Public Works and Public Housing through the Balai Wilayah Sungai Maluku. Project components as shown in Table 1.

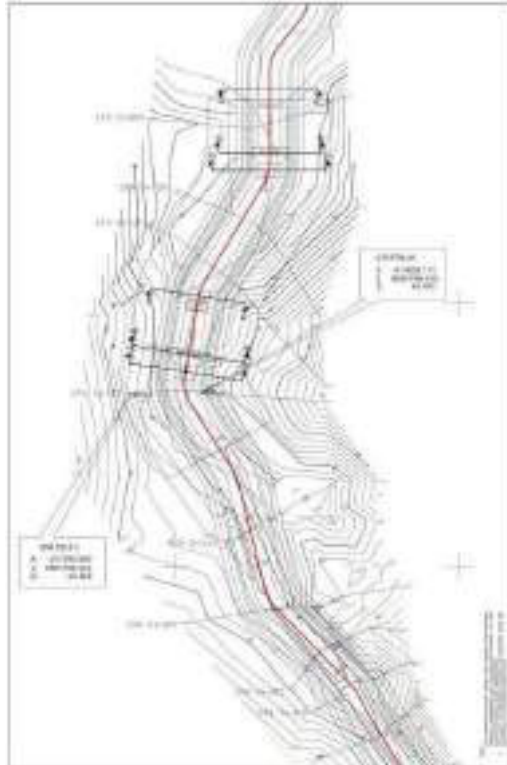
Table 1: Project Components and Resettlement Impact

No	Component	Description	Involuntary Resettlement (Yes/No)
1	The Construction of Petra and Yacobus Check Dam.	Construction of new Check Dam to control sedimentation (<i>sedimentation protection</i>)	Yes

C. Civil Works to be Undertaken

10. Petra Check Dam actually consists of a cascade of two reinforced concrete structures: Petra 1 Check dam and Petra 2 Consolidated Check dam (Figure 2).

Figure 2: Plan of Petra Check Dam Cascade



Source: DED Civil Work 04A Petra and Yakobus Check Dams

11. Features of Petra 1 Check Dam (reinforced concrete structure) are listed in Table 2 and features of Petra 2 Consolidated Check Dam are listed in Table 3.

Table 2: Features of Petra 1 Check Dam

Features	Dimension
Total length	29.70 m
Dam length	20.50 m
Total width	49.50 m
Dam crest width	37.00 m
Opening top width	20.00 m
Opening crest width	17.00 m
Bottom width	16.60 m
Total dam height	10.00 m
Opening crest height	1.50 m
Upstream apron (reinforced concrete)	8.50 m
Downstream apron (reinforced concrete)	3.50 m
Dam crest elevation	EL ±35.70
Opening crest elevation	EL ±32.70
Upstream apron elevation	EL ±27.70
Downstream apron elevation	EL ±26.20
End sill elevation	EL ±24.20
Type of check dam	Slit type
Area of Flow	56 ha
River Length	1,10 km
Riverbed width	18 m
Riverbed Slope	4.7%
Planned discharge 100 year	24.30
Max stone Diameter	0.75 m
Sediment volume before check dam (Vsb)	8,074 m ³
Shear coefficient in sabo material (tan φ)	0.75

Source: DED Civil Work 04A Petra and Yakobus Check Dams

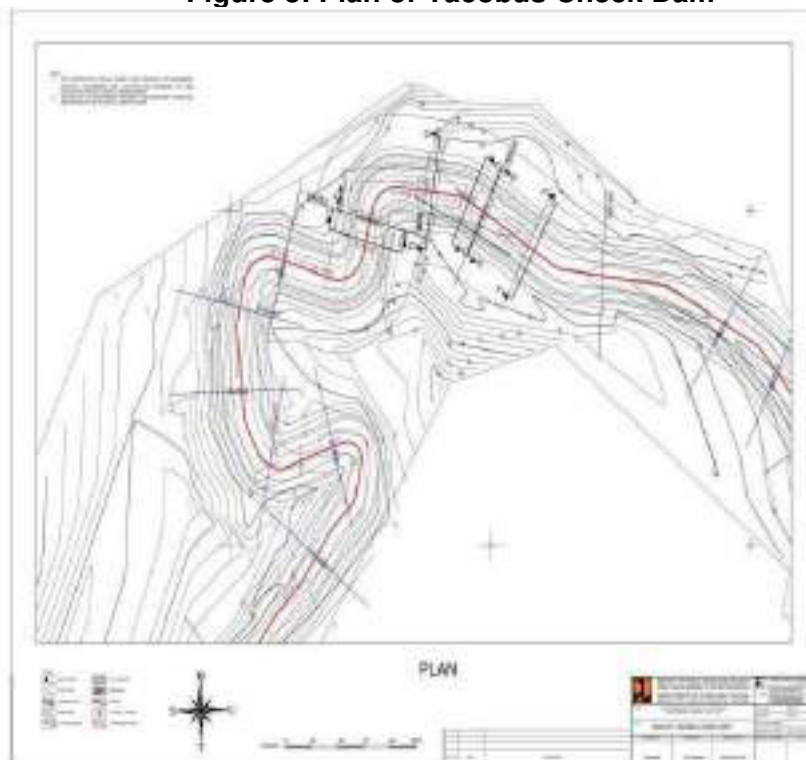
Table 3: Features of Petra 2 Consolidated Check Dam

Features	Dimension
Total length	28.00 m
Dam length	19.50 m
Total width	41.50 m
Dam crest width	36.00 m
Opening top width	18.00 m
Opening crest width	15.00 m
Bottom width	16.60 m
Total dam height	7.00 m
Dam crest elevation	EL ±24.80
Opening crest elevation	EL ±21.80
End sill elevation	EL ±16.80
Type of check dam	Closed type

Source: DED Civil Work 04A Petra and Yakobus Check Dams

12. Plan of Yakobus Check Dam are shown in Figure 3 and features of Yakobus Check Dam are listed in Table 4.

Figure 3: Plan of Yakobus Check Dam



Source: DED Civil Work 04A Petra and Yakobus Check Dams

Table 4: Features of Yakobus Check Dam

Features	Dimension
Total length	29.70 m
Dam length (L)	20.50 m
Total width	52.00 m
Dam crest width	40.00 m
Opening top width	39.00 m
Opening crest width (T)	17.70 m
Bottom width (B)	15.00 m
Total dam height	8.50 m
Opening crest height	1.00 m

Features	Dimension
Upstream apron (reinforced concrete)	3.50 m
Downstream apron (reinforced concrete)	2.50 m
Dam crest elevation	EL 43.00
Opening crest elevation	EL 40.35
Upstream apron elevation	EL 38.40
Downstream apron elevation	EL 34.50
End sill elevation	EL 33.00
Type of check dam	Slit type
River bed slope: S_o	0.025
Overflow width: B	15 m
Overflow Talud: m_s	0.50
Maximum water discharge (flood discharge) : Q_o	46.7 m ³ /s
Volumetric sediment concentrations in river beds: C^*	0.60
Sediment concentration in the stream: C_d	10 ~ 0.35
Shear angle in the ground: ϕ	30°
Concrete specific gravity (unit weight of concrete): G_c	2.30
Soil / sediment mass density: ρ_s	1700 kg/m ³
Debris flow mass density (water + sediment) : ρ_w	1200 kg/m ³
Concrete mass density: ρ_c	2300 kg/m ³
Acceleration of gravity: g	9.80 m/s ²
Catchment area	133 ha
Thickness of protection layer	1.5 m

Source: DED Civil Work 04A Petra and Yakobus Check Dams

D. Rationale for Due Diligence

13. Resettlement Framework for the entire project was prepared and approved by the EA and ADB in 2015. The Due Diligence Report (DDR) on 2,231 m² of acquired land for CW04A was approved by ADB in November 2019. However, during the construction, the sub-project needs an additional land of 11,660 m². Acquisition of the land was conducted in 2020 and compensation payment was provided by the BWS Maluku through the LAT to the 3 AHs (11 APs) on 22 December 2020; while 1 plot of land owned by 1 AHs still pending due to no agreement reached for the compensation rate. As the land has been acquired and no land acquisition and resettlement plan was prepared prior to the compensation payment, a Due Diligence Report is prepared to report the land acquisition process and its impact to the APs and to trace whether land acquisition activities were in accordance with the government procedure on land acquisition, project RF (2015), and ADB SPS. Any outstanding issue or gap identified, it will be properly addressed and included in the CAP. Land acquisition and compensation payment plan for the remaining land owned by 1 AH will be included in the DDR and CAP.

E. Approaches and Methods

14. Approach of this due diligence is attached to the consultation and participation of affected people (APs), BWS Maluku as the Implementing Agency (IA), and other entity mandated (CS 01) to oversee aspects of Land Acquisition process. The following methods were used for the due diligence:

- a. Site visit. The site visit was conducted by the BWS Maluku and CS 01 team in January 2020.
- b. Consultations and interviews. Consultation with AHs were conducted in January to June 2020. SES interviews were conducted in March-April 2021. Please see **Appendix 1** for a list of interviewees, consultation participants, and several photos;
- c. Review of documents related to the land acquisition process from BWSM and MASP/NLA of Ambon City.

II. LAND ACQUISITION IN THE PETRA AND YACOBUS CHECK DAM

A. Subproject Principles

15. The purpose of project resettlement safeguard policy is to avoid involuntary resettlement if possible; to minimize involuntary resettlement by exploring project alternatives and designs; and to improve, or at least restore, the livelihoods of all displaced and vulnerable people in real terms, relative to pre- project levels, and to improve the living standards of displaced poor people and other vulnerable groups.

16. The project Resettlement Framework includes principles of negotiated land acquisition. As the land acquired is less than 5 hectares, the BWS acquired the land through negotiated land acquisition. The principles applied for the negotiated land acquisition as per the RF are the following;

- a. Compensation is paid at replacement value which takes into account the prevalent market prices as determined by independent appraisal or through consultation with entitled parties including those without legal title to assets to enable all affected land owners to replace their affected assets. No administrative cost will be deducted and tax obligations will be covered by the negotiated transaction.
- b. All negotiations with the landowners and users if any will be carried out in an accessible location, in an open and consultative manner without any coercion and with sufficient time for consideration of offers.
- c. The documents pertaining to the land acquisition such as map, land registries, sales written records, consultation records, decision records, law and policies for the negotiations and development plans are to be disclosed to the entitled parties involved in the negotiated land acquisition or settlement.
- d. Adequate and fair price for land and/or other assets will be offered. Owners are free to refuse to sell their land or to refuse the offers of DWRG's or implementing agency. If negotiations fail, an alternative way will be sought and the process begins again.
- e. An independent external party who is not involved in the project will record and validate negotiation process and ensure that the process is transparent and the bargaining positions of the parties involved in the negotiations are equal.
- f. When negotiations are completed, inventories of affected land and other fixed assets are prepared in consultation with affected landowners and a copy of the same is to be given to each land owner.
- g. The negotiated amount will be paid immediately to landowners after all necessary documents required for the land acquisition processes have been completed by land owners.
- h. All market analysis, negotiation and other consultation proceedings will be documented and the land sale and purchase agreement will be signed by the negotiating parties in the presence of a Land deed official (PPAT) and the village head or community leaders.
- i. Land acquisition identification, planning and monitoring will ensure that gender concerns are incorporated.
- j. Grievance mechanism will be established to receive and facilitate resolution of the entitled parties concerns.
- k. DGWR will not award a civil works contract until payment has been fully provided to the entitled parties and rehabilitation measures if any.

B. Subproject Petra and Yacobus Check Dam and Impact Coverage

17. **Loss of Land.** BWSM and BPN had conducted an DMS and the data was used as the

basis by independent appraiser in July 2020 and reported in October 2020. Sub-project required a total of additional land area of 11,660 m² (1.16 Ha) located in 2 villages in Batu Merah Village and Waihoka Village. The total land of 8,204 m² (0.82 Ha) has been paid by BBWSM in December 2020 and the remaining land of 3,456 m² (0.34 Ha) owned by 1 AH (3 APs) has not been paid due to disagreement on the compensation rate. The total land of 8.204 m² (0.82 Ha) consisting of 4 plots of land owned by 3 AHs (11 APs) and the remaining land of 3.456 m² (0.34 Ha) consist of 1 plot of land owned by 1 AH (3 APs). All 4 AHs have another land outside the project area, but the impacts of land acquisition are considered significant (lost more than 10% of total owned land).

Table 5: Land Area and Status to be Acquired

No	Name AHs	Location	Total Land (m ²)	The Land Status	Payment Status
1	Karim Hunsow/Lisma Umagap	Petra, Batu Merah	3.521	Private Land	Paid
2	Karim Hunsow/Lisma Umagap	Yakobus, Batu Merah	1.576	Private Land	Paid
3	Istawan Mahakena	Petra Wayhoka	3.456	Private Land	Not yet paid
5	Said Waliulu	Yakobus Batu Merah	1.808	Private Land	Paid
6	Mary Alydrus/Attamimi	Yakobus Batu Merah	1.299	Private Land	Paid

Source: inventory of loss (IOL) and socio-economic survey (SES), 2021 and RCS by Independent Appraiser, 2020

18. Loss of Crops and Trees. There are 22 types of crops and trees with a total of 399 units owned by 4 AHs (14 APs). As seen in table 6, crops and trees from no of Plot 2 to 5 had been paid in December 2020 with total of 361 units owned by 3 AHs (11 APs). The rest is 1 of plot has not been paid yet, there are 8 types of crops and trees with total of 28 units owned by 1 AH (3 APs).

Table 6: Loss of Crops and Trees

No	Type of Crops & Trees	The Plot of Name				
		1	2	3	4	5
		Istawan Mahakena	Karim Hunsow	Karim Hunsow	Said Wailulu	Mery Alydrus/Attamimi
I.	Crops					
1	Cassava		250			
2	Banana	20	10	3	4	
3	Taro		1			
4	Bamboo	3	4	3		2
5	Breadfruit	3	5			
6	Pineapple		1			
7	Coconut	2	1	9		1
8	Lengkuas/Galangal		7			
9	Eucalyptus Wood		7	2	20	
10	Jackfruit	1	1	6		1

No	Type of Crops & Trees	The Plot of Name				
		1	2	3	4	5
		Istawan Mahakena	Karim Hunsow	Karim Hunsow	Said Wailulu	Mery Alydrus/ Attamimi
	Total Crops	29	287	23	24	4
II	Trees					
1	Durian			1		1
2	Kecapi/Lute Tree			6		
3	Nutmeg			2		
4	Mango			2		1
5	Cashew			2		1
6	Cassowary				1	
7	Linggua				1	
8	Salawaku				2	
9	Red Marong				3	
10	Rambutan	5				
11	Guava	1				
12	Teak Wood	3				
	Total Trees	9	-	13	7	3
	Sub Total	38	287	36	31	7
	Total	399				

Source: RCS by Independent Appraiser, 2020

Figure 4: Yacobus Plot of Land



Figure 5: Petra Plot of Land



19. The summary of impacts on loss of land, crops, number of AHs/APs, vulnerable groups and severely AHs/APs are outlined in the table 7 below:

Table 7: The Summary of Additional Land Impacts for Petra and Yacobus Check Dam

Item	Unit	Quantity
Affected households	HH and persons	4 HH/ 14 APs
Land Affected by Damascus area (Farmlands) - plantation land owned by the community	M2	11,660,00
Productive tree	Tree	399
Agricultural Crops	M2	10,494,00
Plantation land around the Check Dam area	Ha	-
Structure / building around Check dam area	Unit	-
Land settlements around the check dam area	Ha	-
Households around the check dam area	HH	-
Total number of Vulnerable AHs/APs	HH/person	1 AH/ ...5 APs
- Poor AHs	HH/person	-
- Female headed household	HH/person	1 AH/5 APs
- Disable headed households	HH/person	=
- Households headed by poor parents	HH/person	-
Severe AHs	HH/person	4 AHs

C. Basic Socio-Economic Information

20. CS01 Consultant has conducted a SES in March-April 2021 to 3 males and 1 female respondents. There are 4 AHs (14 APs), 3 AHs are headed by male and 1 AH is headed by female. The age range of the head of family member are 49 – 59 years old. All of 4 AHs are Ambonese, 2 AHs are Moslem and 2 AHs are Christian. 1 head of AH completing bachelor degree and 3 head of AHs are high school graduate. The 3 AHs are entrepreneurs and 1 AHs is fisherman. Average of income of AHs are IDR 4,325,000 with the lowest income is IDR 1,500,000 and the highest income is IDR 10,000,000.

Table 8: Summary of Profile AHs/APs

No	Name AHs	Sex	Age (years old)	Work	Income/month (Rp)	No. of Family Members (Persons)			Vulnerability	Note
						Male	Female	Total		
1	[REDACTED]	Female	52	Entrepreneur (Trader)	2,800,000	1	4	5	Vulnerable	Died in March 2021. Now the head of the family is his wife: Lisma Umagap
2	[REDACTED]	Male	59	BUMN Employee	10,000,000	1	2	3	Not vulnerable	
3	[REDACTED]	Male	46	Fisherman	3,000,000	2	3	5	Not vulnerable	
4	[REDACTED]	Male	49	Entrepreneur (Trader)	1,500,000	1	0	1	Not vulnerable	Was died. Respondent represented by her son: Muhammad Alydrus

Source: Field data collection by CS 01 Consultant, April 2021

21. Project Information. The 3 AHs stated that they know the project development plan from BWS Maluku and consultant (CS01) and 1 AH stated from the customary leader.

22. Perception of the Project. 1) The project benefits. The 1 AHs has the perception that: (i) Getting compensation for land and other assets, (ii) Opening up new job or business opportunities, and (iii) No more flooding on river basin territory; The 2 AHs have the perception that: (i) Getting compensation for land and other assets and (ii) No more flooding on river basin territory; and 1 AHs had the perception that: (i) Getting compensation for land and other assets. 2) The project negative impact. 1 AH feels that the project development will have an impact on dust and noise during construction activities; 1 AH feels about landslides caused by the development project; and 2 AHs feel that there is no loss or negative impact caused by the project. 3) The project plan. All of AHs agreed and supported the development project plan.

Table 9: Perception About the Project

No	Perception	AHs				APs		Total		
		M	%	F	%	M	F	AHs	APs	%
1	Supported to the project	3	75	1	25	5	9	4	14	100
2	Not Supported	0	0	0	0	0	0	0	0	0
	Total	3	75	1	25	5	9	4	14	100
No	Project Benefit	AHs				APs		Total		
		M	%	F	%	M	F	AHs	APs	%
1	a. Getting compensation for land and other assets;	1	25	0	0	1	2	1	3	25
	b. Opening up new job or business opportunities									
	c. No more flooding on river basin territory									
2	(i) Getting compensation for land and other assets	2	50	0	0	3	3	2	6	50
	(ii) No more flooding on river basin territory									
3	(i) Getting compensation for land and other assets	0	0	1	25	1	4	1	5	25
	Total	3	75	1	25	5	9	4	14	100

No	Project Negative Impact	AHs				APs		Total		
		M	%	F	%	M	F	AHs	APs	%
1	Dust and noise during construction activities	0	0	1	25	1	4	1	5	25
2	Landslides caused by the development project	1	25	0	0	1	0	1	1	25
3	No loss or negative impact caused by the project	2	50	0	0	3	5	2	8	50
	Total	3	75	1	25	5	9	4	14	100

D. Entitlements: Assistance and Compensation

23. Eligibility. The entitled parties are those, as a consequence of the project, all or part of their physical and non-physical assets are affected including houses and income generation opportunities. Such impacts can be permanent or temporary. The parties who have the right to fulfill the conditions for obtaining compensation in cash or goods and other assistance under this project.

24. The Cut of date for project rights refers to the date when the Resettlement Implementation Team led by BWS together with the Ambon City BPN, posted the results of detailed measurement survey (DMS) in public places (for example, village offices, public sports areas). The cut-off date set a time limit to determine the eligibility of people living and/or with assets or interests within the project area. If they are negatively affected, they should be entitled to compensation for their affected assets, including the necessary rehabilitation measures, enough to help them improve or at least maintain their pre-project standard of living, income generation capacity and level of production. Those who penetrate into the project area, or one of its sub-projects, after the cut-off date will not be entitled to compensation or other assistance.

25. The resettlement entitlements for the sub-project refers to the entitlement set forth in the project RF and outlined in the Table below.

Table 10: The Entitlement Matrix

No	Category of Impact / Loss	Eligible People	Project rights	Information
A. Land Loss				
1	Land loss, including agricultural land and settlements	Those who have formal legal rights (certificates) or those who claim land are recognized as complete titles including those who occupy state land in good faith.	<ul style="list-style-type: none"> Cash compensation at replacement costs and reflect fair market value at the time of compensation payments; or land replacement with at least attributes similar to land acquired in terms of value, productivity, location and certification. Every tax and transactional fees are borne by the project. Financial assistance for renewal of land ownership documents (certificates and land documents recognized as full titles) for the remaining land of the rightful person. 	<ul style="list-style-type: none"> Compensation assessment carried out by an independent licensed property appraiser. This was used for compensation payments by the Land Procurement Implementation Team. months advance notice is given to the entitled party before they have to destroy the overall house and store

			<ul style="list-style-type: none"> • If the remaining affected land cannot function for special use and use, the rightful party can request compensation for all their land at replacement cost • (Law No.2 of2012 article 35). 	
B. Loss of trees / plants:				
1	Loss of Plants and Trees:	The owner, regardless of land ownership status (with recognizable certificates or rights, informal residents, occupants).	<ul style="list-style-type: none"> • Annual crops: cash compensation will be paid based on prevailing market prices. • Annual crops: compensation at replacement costs taking into account their productivity and age. • Timbers/trees: compensation at the current market level based on age, tree type and stem diameter of trunk at breast height. • Law No. 2 /2012 Article 33 • Presidential Regulation No. 71/2012 Article 65 • Government Regulation No. 19/2021 concerning Administration of Land for Development for Public Interest. • Indonesia Valuation Standards 204 (SPI 204) / 7th Edition Year 2018 	<ul style="list-style-type: none"> • Commercial plants: refers to the income approach using Discarded Cash Flow (DCF) for 1 cycle. • Non-commercial crops: refers to the market approach with reference to standard prices issued by the local government • Non-productive crops: refers to the approach to the cost of non-productive plants: refers to the cost approach; • Assessment of non-productive crops will use a cost approach; • 30 to 60 days prior notice before harvest / land clearing.
C. Temporary or Permanent Impact on Non-Land Assets During Construction				
1	Temporary or permanent impacts due to construction activities	For those who have formal legal rights (certificates) or those who claim land are recognized as full rights	<ul style="list-style-type: none"> • For payment of lease of land affected by the contractor based on the applicable rental costs and agreement with the land owner. • For temporary impacts on productive land, AH can choose • (1) rental costs which are considered not less than net income that will be generated from land affected by productive impacts; • Compensation for non-land assets acquired (trees / plants, structures) that are permanently affected will be compensated with replacement costs • Land will be returned to pre-project conditions or even better after construction is completed 	

		Those who do not have legal rights and rights that can be recognized as full ownership	There is no land rental fee during the period of impact The land will be recovered as before the project, or even better.	
D. Loss of resources base				
	Assistance for severely AHs and vulnerable Groups	Entitled parties who lose 10% or more of the total productive/income-generating assets and/or relocation households; Vulnerable households are (i) households headed by women, (ii) heads of households with disabilities, (iii) households that are below the poverty line, (iv) elderly household heads, (v) land less, (vi) people without legal title to land (non-land rights holders), and (vii) indigenous people or customary communities	<ul style="list-style-type: none"> • Be entitled to participate in the LRP. • Given the opportunity to get jobs related to the Subproject. 	<ul style="list-style-type: none"> • LRP includes agricultural assistance, provision of training, work placements, additional financial grants and micro loans for equipment and buildings, as well as organizational / logistical support to develop alternative income generating activities for APs. • LRP will be integrated with Ambon City Local Government social programs where the Subproject is located.
E. Other Appraisal Losses				
1	Transaction fees	Those who have the right to lose land and non-land assets	<ul style="list-style-type: none"> • Allowances to cover administrative costs, renewal of ownership of land for residual land, land clearing • Refers to Presidential Regulation No. 71/2012 Article 112 and Indonesia Standard of Valuation (SPI) 204, 2018. 	Calculations are based on IOL and SES

- ADB. *Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook* – Draft Working Document. November 2012.
- Article 29 of Law No. 2 of 2012

26. Assessment and Replacement Cost. In line with the RF of the FMSRB, BWS Maluku contracted an independent appraiser to assess compensation for land losses. Assessment of land acquisition applies the Indonesian Assessment Standard 204,2018. The basis of the assessment is:

- a. Fair Replacement Value - This value can be understood as a value based on the owner's interests (value for the owner);
- b. Equilibrium of market value;
- c. non-physical losses resulting from the release of the right that should be the property owner;
- d. property ownership is not limited to ownership rights, but can be interpreted as

- control, management and use of property in accordance with applicable laws and regulations or in accordance with the agreed scope of tasks; (v) The valuation date is the date of announcement, and the date of location determination for development in the public interest in accordance with the applicable laws and regulations;
- e. value addition is calculated based on the risk arising from the potential loss of the owner.

E. Mitigation Measures for Vulnerable and Severely AHs

27. Based on the survey, there is one woman-headed household affected or 5 APs and all AHs are considered severely affected. Therefore, the livelihood restoration program is needed to be budgeted or implemented by the Regional Government through the Social Action Plan (SAP) program. The type of program will be tailored to the needs of the AH's and will be directed by entrepreneurial programs with culinary training or food courts according to the needs in Ambon City. The SAP or livelihood program will be combined with the SAP for CW04B.

F. Grievance Redress Mechanism (GRM)

28. Complaints related to any aspect of the Project will be handled through negotiation with the aim of reaching consensus. The procedures that must be followed in resolving complaints about affected assets, the level of compensation offered by the government, and other aspects of the project are outlined below. All administrative channels, such as the Camat Office and the Village Office, will be exhausted in an attempt to resolve each complaint before being appointed to court for adjudication. There are no fees charged to APs in connection with complaints handling mechanisms.

1) Associated with the Affected Asset Inventory

29. The announcement of the results of the inventory and identification must include items of ownership, size, location, and map of the project area. The reason for the complaint is: (i) the right party does not receive the results of the inventory, and (ii) the party has the right to object to the results of the inventory. Thus, the complaints procedure that will be carried out are:

- a. The rightful party who feels aggrieved can raise objections to the results of an inventory of land and other assets found on the affected land (buildings, plants, other objects) in the Land Procurement Implementation Team (TPPT).
- b. TPPT within 14 days will examine the results of the inventory of affected assets belonging to the complaining citizen and will make revisions / improvements, as needed. If the citizen is not satisfied with the findings of the TPPT, residents can bring this matter to the local court for settlement.
- c. If a complaint / complaint regarding land ownership / control and / or other assets is found on the affected land, TPPT will seek a settlement with the complainant through consultation.
- d. If the consultation does not bring a settlement, the TPPT encourages those who have the right to resolve it through the court.

2) Related to Compensation

30. Based on Law Number 2 of 2012 and Law No. 11 of 2020 the rightful party who feels aggrieved can bring a complaint/complaint in terms of the level of compensation directly to the TPPT or land agency through community leaders, who will submit it to the TPPT both in writing and verbally. TPPT together with BPN and community leaders will try to find consensus to reach a settlement that can be accepted by the right party who is disadvantaged. Especially:

- a. The eligible party who is not satisfied with the amount of compensation offered by TPPT has 30 days to seek an agreement with the TPPT on the level of compensation for the

- affected assets, including the loss of trade income or work affected.
- b. If negotiations regarding damages with the TPPT (Land Acquisition Team) fail, the entitled party within 14 days may file a complaint with the district court regarding the compensation offered by the TPPT. The court will process this case within 30 days.
- c. If the rightful party is not satisfied with the decision of the district court, within 14 days after the decision by the district court, the person concerned can bring the case to the Supreme Court and look for a reversal of the district court decision. The Supreme Court will decide this case within 30 days.

3) Related to Other Aspects of the Project

31. Objections related to construction activities and other issues such as resettlement that are not included in the objection settlement mechanism in Law Number 2 of 2012, Law Number 11 of 2020 and Republic of Indonesia Presidential Regulation Number 71 of 2012 and Government Regulation Number 19 of 2021 such as access restrictions, settlement mechanisms can be taken as follows:

- a. The rightful party can submit objections to project staff, contractors, or village heads or local community leaders who will bring the objection to project staff in the field or subproject office. Project staff who handle land acquisition and social protection will record objections to sub-project management.
- b. The project manager will consider the complaint and within 15 working days to deliver the decision to the person who submitted the complaint. Project staff will facilitate communication between residents who raise objections to project management in resolving complaints. The project staff will document the objections and the settlement.
- c. If a citizen who expresses an objection is not satisfied with the decision or handling of an objection, the person concerned can bring the case, either in writing or verbally to the regent / mayor within 14 days of the issuance of the decision.
- d. The Mayor will decide the complaint within 30 days by asking for opinions / wishes from: (i) the rightful party who reports the complaint / objection, (ii) other related parties related to the complaint.
- e. If there is no decision for the complaint or if the affected person is not satisfied with the decision taken by the regent / mayor, the person concerned can bring the complaint / case to court for final settlement.

III. THE ACTUAL IMPLEMENTATION OF LAND ACQUISITION

A. Meaningful Consultation and Disclosure

32. **Meaningful consultations**¹. The meaningful consultations have been carried out with the entitled parties/APs and has been in line with the requirements set forth in the RF. The aspects described during the consultation activities are:

- a. An orientation on the project: Subproject designs, schedules of implementation,
- b. and identification / introduction of PIU focal / contact person;.

1. ¹ Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Particular attention will be provided to the needs of vulnerable group and ensure their participation.

- c. Project benefits, potential adverse impacts, and mitigating measures to be taken;
- d. Valuation methods and entitlements/compensation packages;
- e. Grievance process and monitoring; and
- f. Subsequent schedule of meetings.

33. **Disclosure²**. PIB in Indonesian has not distributed to APs so it needs to be included in the Corrective Action Plan (CAP). The PIB concept can be seen in the attachment. The following documents is required to be disclosed by DGWR:

- a. Draft DDR endorsed by the DGWR before subproject appraisal;
- b. The final DDR endorsed by DGWR after the census of entitled parties has been completed;
- c. New or updated DDR, and a corrective action plan prepared during subproject implementation, if any; and
- d. The DDR monitoring reports final completion report.

B. The Consultation Implementation

34. **Socialization of the Land Acquisition Plan**. Due to Covid – 19 Pandemic, BWS Maluku and LAIT conducted one on one consultations with the APs using WhatsApp and meet directly with the AP at their respective homes in June 2020. The consultations which have been conducted include:

- (i) **Consultations on project plan and land acquisition**. The consultations were carried out to inform the APs on sub-project plan and requirement of additional land and land acquisition process.
- (ii) **Consultation for the RCS**. Socialization related to the appraisal activities was conducted by the appraiser team (KJPP) on 17 December 2020 via zoom meeting before negotiation of compensation.
- (iii) **Negotiation on compensation**. Negotiation with the APs on land price was carried out on 17 December 2020. 3 landowners agreed with the compensation rate based on the appraisal result, but 1 AHs rejected because the land price was considered to be lower than the market price for land with certificate (SHM).
- (iv) **Attention to gender and vulnerable groups**. During consultation, the wife's of 1 land owner always attend and involve in the decision of land acquisition process. Others rarely participate because of the custom in Ambon that they are not involved in decision making. There is a female family head who was also present to replace her husband who died in April 2021.

Table 11: Consultations on Project plan and Land Acquisition Conducted by BWS Maluku

No.	Name of HHs	Time of Socialization/Place	Issue Discussed	The HHs Response
1.	Karim Hunsow / Lisma Umagap	June 2020/Land owner House.	<ul style="list-style-type: none"> • Additional land required for check dam, located in Petra Batu Merah. • Land owner approval for the 	<ul style="list-style-type: none"> • Agreed for the project plan and land acquisition implementation process. • The compensation

²Disclosure is dissemination of information about this project through the distribution of PIB and socialization to community groups and other relevant stakeholders.

No.	Name of HHs	Time of Socialization/Place	Issue Discussed	The HHs Response
			land acquisition process <ul style="list-style-type: none"> • The Implementation of data collection and measurement plan. 	provided by BWSM in accordance with market price <ul style="list-style-type: none"> • The land condition on cliffs should be assessed the same as flat land.
2.	Istawan Mahakena	June 2020/Land owner House.	<ul style="list-style-type: none"> • Additional land required for check dam, located in Petra Wayhoka. • Land owner approval for the land acquisition process. • The Implementation of data collection and measurement plan. 	<ul style="list-style-type: none"> • Agreed for the project plan and land acquisition implementation process. • The compensation provided by BWSM in accordance with market price • The status of land with the proof of certificate should be valued higher than no certificate.
3.	Said Waliulu	June 2020/Land owner House.	<ul style="list-style-type: none"> • Additional land required for check dam, located in Yakobus Batu Merah. • Land owner approval for the land acquisition process. • The Implementation of data collection and measurement plan. 	<ul style="list-style-type: none"> • Agreed for the project plan and land acquisition implementation process. • The payment process can be carried out as soon as possible
4.	Mery Alydrus/Attamimi	June 2020/Land owner House.	<ul style="list-style-type: none"> • Additional land required for check dam, located in Yakobus Batu Merah. 	<ul style="list-style-type: none"> • Agreed for the project plan and land acquisition implementation process. • The compensation

No.	Name of HHs	Time of Socialization/Place	Issue Discussed	The HHs Response
			<ul style="list-style-type: none"> Land owner approval for the land acquisition process. The Implementation of data collection and measurement plan. 	<ul style="list-style-type: none"> provided by BWSM in accordance with market price The land condition on cliffs should be assessed the same as flat land.

Source: BWS Maluku, 2020.

35. The consultation with the APs on the amount of compensation value was held on 17 December 2020 at the BWS Maluku office. The Appraiser Team (KJPP Abdullah Fitriantoro) participated in the meeting through virtual platform (Zoom meeting). The KJPP Independent Appraisal Team Abdullah Fitriantoro and Partners presented the RCS to the APs and other relevant parties including BWSM. The results of the consultation were included in the minutes signed by all landowners and BWSM representative (see Appendix 2). The results of the deliberation were as follows:

- 2 land owners agreed with the value of compensation by Independent Appraisal and wish that the payment can be provided immediately.
- 1 land owner rejected the value of compensation because the land price is lower than the market price.
- 1 land owner considered that the land is flat land, not cliff land, so the price must be calculated the same as flat land. After further deliberation by BWSM with this land owner, he finally agreed to the price.
- BWS Maluku will deliver compensation payments to each landowner with the following conditions: i). Each land owner has submitted the Land Certificate and the land is not in a dispute with the conformation by the Government of Batu Merah Village, Wayhoka Village, and Sirimau Sub-districts. ii) Re-checking of evidence of land ownership and field review has been carried out by the Ambon City Land Office, iii) Payment will be carried out through a transfer process to each landowner's account.
- The provisions for paying taxes on compensation payments will be carried out by the BWSM.

36. Consultation will continue for implementation of livelihood restoration program, monitoring, and process of compensation payment for the remaining AH.

37. Implementation of Data Collection and Measurement of Land. Preliminary data collection on affected assets and affected peoples was conducted on 7-8 July 2020 at: 1) Near Petra Church between Wayhoka Village and Negeri Batu Merah, and 2) Near Yacobus Church between Wayhoka Village and Batu Merah Country. The data collection conducted involving the landowners and officials of the Batu Merah District, Wayhoka Village, Sirimau District, and the BWS Maluku staff. The results of data collection and measurement at the new Check Dam location were follows:

- For the Petra Check Dam, there is 1 landowner in Wayhoka Village and 1 landowner in Batu Merah. The land area to be acquired is 5,097.00 m². The condition of land use is empty land, planted with fruits trees (bananas, jackfruit, rambutan, and cashew nuts), and wood plants (linggua, bamboo).
- The location for Yacobus Check Dam, there is 1 landowner in Waihoka Village and 2

landowner in Batu Merah. The land area to be acquired is 6.563.00 m². The status of land use is vacant land.

- c. Based on identification by CS-01 consultant and BWS Maluku staff, when the measurement of land conducted in 7 -8 July there is no AH severely impacted by land acquisition. There is also no female-headed households affected by land acquisition. But 1 of AHs died in March 2021. Now the head of the family is his wife.

38. The final assets assessment of the final assets was carried out after the measurement by the National Land Agency of Ambon City. An assessment of the final assets was carried out as a reference basis for payment of compensation by the BWS Maluku to the landowner. The results of the assessment were also used as a basis for deliberation of the amount of compensation between landowners and BWS Maluku. The final assessment found some changes from the initial assessment results as follows:

- a. There is a change in the size of the land which must be released by the National Land Agency of Ambon City, especially in the new Check Dam location;
- b. Appraisal adjustments are made for the status of land (with proof of Ownership Certificate) located in the new Check Dam area near Petra Church in Wayhoka Village,
- c. Adjustments for swampy soil conditions that have the potential to become puddles when floods and dry land are located near existing Check Dam of Wayhoka Village.

39. On November 2020, the results of final assets valuation was announced and submitted to four (4) landowners whose land will be used as the checkpoint. The report on final asset appraisal has been completed by KJPP Abdullah Fitriantoro and Partners in 26 October 2020.

40. Valuation Asset by an Independent Appraisal Team. The asset valuation for inventory of loss was carried out by an Independent Appraisal Team, namely Public Appraisal Services Consultant (KJPP) Abdullah Fitriantoro and Partners who are based in Jakarta. Asset valuation was conducted on 7 - 8 July 2020, covering valuation on the lost land and plants. The valuation is used for the BWS Maluku to allocate budget and pay the compensation. The compensation valuation result by the KJPP / appraiser was reported on October 26th 2020 to BWS Maluku with a report number 00264/2.0051-00/PI/11/0152/1/X/2020. This result is the final rate for compensation payment.

41. The amount of the fair replacement value is determined by the following conditions: a) The value of the land price is adjusted to the prevailing market price which is calculated by an independent appraiser for each plot of land. b) For land that already has a certificate, the calculation of the value of the land price will be higher than that which has not been certified. Full details of the amount of the Compensation Form can be seen in the Appendix 2 which is an integral part of the Minutes of Meeting.

42. Compensation Payment. Compensation payment was provided by BWS Maluku on 22 December 2021 to the 3 AHs which have agreed with the compensation value. 1 AH rejected the compensation value because he disagreed with the land price based on valuation by the appraiser which is considered lower than the local market price of land with certificate (SHM). In February 2021, this AHs finally agreed with the offered amount of compensation and asked to receive the compensation immediately. However, BWSM has returned the fund that was unused in 2020 to MPWH and as of April 2021, the budget for land acquisition is still blocked. BWSM plans to deliver compensation in June 2021.

43. The submission of results and the land certification process has been carried out by the National Land Agency of Ambon City from the 11th day of the month. The submission of the results of the measurement data and the names of the landowners have been submitted by the National Land Agency of Ambon City to Maluku BWS on January 2021. While the submission of land certification still under process and will be carried out on June 2021.

44. Waiver of Rights was carried out on 7 December 2020 between the BWSM) and the landowners. This activity conducted before the payment provided by BWS Maluku to the landowners. The key points discussed and agreed on of the waiver of right were as follows:
- a. Each Land Owner and Balai Maluku River Region (BWSM) made an agreement to transfer the Land Rights known to the Batu Merah Government, Wayhoka Village, Sirimau District Government and National Land Agency of Ambon City. Full details of the proof of assignment right can be seen in the attachments.
 - b. The Ambon City Land Office will re-check proof of land ownership and physical condition of the land in the field.

C. Payment of Compensation

45. The compensation payment activity by the Maluku BWS was carried out December 22, 2020. The compensation payment process was carried out in accordance with the results of the deliberations carried out with the following conditions:

- a. Each landowner has submitted a Land Ownership Certificate and Not in Dispute Certificate known by the Batu Merah Government, Wayhoka Village and Sirimau District.
- b. Re-checking of proof of land ownership and field review has been carried out by the Ambon City Land Office.
- c. Payment was carried out through a transfer process to each account of the landowner.
- d. Report of the KJJP Independent assessment team Appoints a work agreement between the Ministry of Public Works Directorate of Water Resources in this case the Maluku BWS with the Office of Public Appraisal Services (KJPP) Abdullah Fitriantoro & Partners, 00264/2.0051-00/PI/11/0152/1/X/2020, dated October 26, 2020 and Work Agreement Number 02 / SPK / PPK-SP.I/VI/2020 dated July 6, 2020, to provide opinions regarding the assessment of compensation for land, crops and losses others as in the following table.

46. BWS Maluku with the consideration of independent appraiser has provided understanding to land owners who rejected the compensation value, that the compensation value could not be changed because it refers to the valuation principle and market price. Based on this decision, 1 land owner finally accepted the decision. So that the payment process could be carried out to 3 land owners on 22 December 2020. However, the one land owner still refuses the decision on the compensation value, so that the land acquisition fund was returned to DGWR. After BWS Maluku explained several times to the land owner, finally the land owner accepted the decision in February 2021. However, BWSM has proposed to DGWR for the acceleration of payment. The decision making for land acquisition activities can no longer be determined by BWSM because it has been handled directly by the SATKER for land acquisition in DGWR. The payment budget has been allocated from the land acquisition budget for other locations. The payment will be conducted in 2021 to AHs.

D. Complaint Handling Mechanism

47. Complaints related to any aspect of the Project were handled through negotiations with the aim of reaching consensus. All administrative channels, such as the Camat Office and the Village Office, will be exhausted in an attempt to resolve each complaint before being appointed to court for adjudication. There are no fees charged to APs in connection with complaints handling mechanisms. There is complaint from APs recorded by BWS Maluku because the payment had been delayed for a long time due to blocked funds. Following the mechanism have been and will be carried out by BWS Maluku to solve the complaint:

- (i) BWS Maluku will continue to propose the payment acceleration to the land acquisition unit in DGWR with all of data required. The payment budget will be allocated from another project;

- (ii) BWS Maluku will provide information to AHs related to the payment status periodically;
- (iii) BWS Maluku has arranged the payment to AHs in September 2021 at the latest.

48. The Complaint was submitted by 1 AHs to BWSM since April 2021 because the payment had been delayed for a long time due to blocked funds. However, BWSM has proposed to DGWR for the acceleration of payment. The decision making for land acquisition activities can no longer be determined by BWSM because it has been handled directly by the SATKER for land acquisition in DGWR. The payment budget has been allocated from the land acquisition budget for other locations (CW04B). The payment will be provided in September 2021 to AHs. The complainant has also raised his concerns to ADB in the period of April – August 2021 and this has been followed up by ADB through dialogues with BWSM and DGWR as well as sent letters to DGWR to ask the acceleration of the payment and temporarily suspend the construction works in the complainant land until the compensation payment has been fully disbursed to the AH (complainant).

Table 12: Details of Compensation for AHs

Name of AHs	Location	large M2	Replacement Cost							Reasonable Total (Rp)	
			Physical			Non Physical					
			Land (Rp)	Buil ding (Rp)	Plant (Rp)	Solatium (Rp)	Transaction Fee (Rp)	Waiting period interest (Rp)			
[REDACTED]	Petra Batu Merah	3.521	677.603.246	-	4.048.000	-	819.498	2.811.065	86.101.893	Asesment 2020	
	Yacobus Batu Maerah	1.576	175.270.243	-	4.980.000	-	2.353.900	993.051	65.029.641	Asesment 2020	
[REDACTED]	Petra Wayhoka	3.456	791.442.360	-	4.642.000	-	13.783.156	5.814.769	243.574.214	Asesment 2020	
[REDACTED]	Yacobus Batu Merah	1.808	383.385.270	-	3.725.000	-	2.353.900	993.051	39.742.863	Asesment 2020	
[REDACTED]	Yacobus Batu Merah	1.299	144.464.496		2.562.000	-	6.428.622	513.339	153.968.000	Asesment 2020	
	Total	11.660	2.172,165.616		19.957.000		126.490.120	7.756.236	2.326.369.000		

IV. RESETTLEMENT COMPLIANCE AND NEXT ACTIONS

A. Resettlement Compliance

49. Based on the explanation on land acquisition implementation, assessment on compliance on negotiated land acquisition was carried out and outlined in the table below;

Table 13: Compliance with Project Policies

Project Policy	Safeguard Compliance
(i) Compensation is paid at replacement value which takes into account the prevalent market prices as determined by independent appraisal or through consultation with entitled parties including those without legal title to assets to enable all affected land owners to replace their affected assets. No administrative cost will be deducted and tax obligations will be covered by the negotiated	<p>Compliance</p> <p>Compensation payment for the lost land was based on valuation by independent appraiser. Independent appraiser has been contracted for assets valuation even though the regulation allows BWS to negotiate it with land owners since total land acquired is under 5 hectares. The appraiser used the SPI 204 (Indonesia Valuation Standard) method for the compensation evaluation and there is no deduction of depreciation and tax obligation. The payment proofs have been documented by BWS Maluku and attached in this report.</p>
(ii) All negotiations with the landowners and users if any will be carried out in an accessible location, in an open and consultative manner without any coercion and with sufficient time for consideration of offers ensure their participation in the project cycle.	<p>Partially compliance</p> <p>Negotiations were conducted with the APs facilitated by the BWSM at BWSM office (accessible location for all of AH's). The negotiation process carried out in the local language. The official records on the consultations are attached in this report. Based on the negotiation, 1 AHs disagreed with the compensation rate offered in the first consultation conducted in 2020. After BWSM made several approaches to the AHs, in the second negotiation that conducted in February 2021, finally AHs agreed with the compensation rate.</p> <p>However, due to budget refocusing, compensation funds could not be given to AHs, so compensation payment was delayed for about 6 months.</p> <p>Required Action: BWSM arranges coordination with the central office to immediately disburse the DIPA and provide the payment to the remaining AH.</p>
(iii). The documents pertaining to the land acquisition such as map, land registries, sales written records, consultation records, decision records, law and policies for the negotiations and development plans are to be disclosed to the entitled parties involved in the negotiated land acquisition or settlement.	<p>Partially Compliance.</p> <p>No RP is prepared prior to additional land acquisition.</p> <p>Part of the documents pertaining land acquisition have been discussed with AHS such as map, land registries, sales written records, consultation records, etc. However, some of the documents have not been disclosed to the AHs.</p> <p>Required action: Since the land has been acquired for 4 plots and the remaining land to be acquired is only 1 plot. Therefore, a due diligence report completed with corrective action plan is prepared. The DDR will be disclosed on ADB and project website. Summary of DDR will be disclosed to AHs.</p>
(iv). Adequate and fair price for land and/or other assets will be offered. Owners are free to refuse to sell their land or to refuse the offers of DWRG's or implementing agency. If negotiations fail, an alternative way will be sought and the process begins again	<p>Partially compliance</p> <p>The value of compensation results from independent appraiser has been disclosed and offered to landowners. Only 3 of 4 AHs were paid according to the valuation acceptable to them. 1 AHs is still waiting the payment because previously disagreed with the compensation rate offered. When AHs finally agreed the compensation rate in February 2021, the budget for payment (DIPA) had returned to DGWR due to budget refocusing and need to be unblocked by DGWR, so that the compensation payment can be provided to AHs.</p> <p>Required action: Acceleration process to unblock DIPA by the</p>

	central office; Intensive coordination between BWSM and Central Office for compensation payment to AHs; Intensive coordination between BWSM and AHs to avoid complaint raised by AH's.
(v). An independent external party who is not involved in the project will record and validate negotiation process and ensure that the process is transparent, and the bargaining positions of the parties involved in the negotiations are equal.	<p>Not Compliance</p> <p>The independent external party is not involved to record and to validate negotiation process. This party is not yet recruited by BWSM.</p> <p>Required action: BWSM needs to recruit The Independent External Party as set in RF for negotiated land requirements with the tasks: 1) to record and validate negotiation process; 2) ensure the process is transparent; 3) the bargaining positions of the parties involved in the negotiations are equal.</p>
(vi). When negotiations are completed, inventories of affected land and other fixed assets are prepared in consultation with affected landowners and a copy of the same is to be given to each landowner	<p>Compliance</p> <p>Inventories of affected land/assets have been prepared in consultation with the affected landowners. Consultations were conducted to discuss the inventory of loss and compensation.</p>
(vii). The negotiated amount will be paid immediately to landowners after all necessary documents required for the land acquisition processes have been completed by landowners.	<p>Partial Compliance.</p> <p>Compensation payments for 3 AHs was paid in December 2022. There is remaining 1 AH who was agreed the compensation rate in February 2021 has not received the compensation payment on time.</p> <p>Required Action: BWSM arranges coordination with the central office to immediately disburse the DIPA and provide the compensation payment to the remaining 1 AHs.</p>
(viii). All market analysis, negotiation and other consultation proceedings will be documented, and the land sale and purchase agreement will be signed by the negotiating parties in the presence of a Land deed official (PPAT) and the village head or community leaders	<p>Compliance</p> <p>The compensation value was provided by independent appraiser as documented in appendix 3 (Assessment Report by the Independent Appraisal Team). The Purchase agreement were signed by APs and BWSM in the presence of land deed official (PPAT) and the village head as attached in Appendix 8</p>
(ix). Land acquisition identification, planning and monitoring will ensure that gender concerns are incorporated	<p>Partial Compliance</p> <p>During land acquisition identification process has been attended by 3 AHs. One of AHs was accompanied by his wife to check the land that would be acquired by the project and it's process. 1 AHs was not accompanied by his wife due to his position as the <i>Dati</i> head who is responsible to the kinship family and his main family for the land acquisition process. During land acquisition process, there was 1 AHs died and has been changed by his wife. His wife to be as head of household and categorized as vulnerable people.</p> <p>The planning process is the process to prepare the planning of land acquisition document. In this process has been ensured that gender concerns are incorporated.</p> <p>The monitoring activities will cover gender concerns and will be monitored periodically by external monitoring.</p> <p>Required Action: BWSM will hire the internal and external monitoring to ensure that gender concerns are incorporated during land acquisition implementation.</p>
(x). Grievance mechanism will be established to receive and facilitate resolution of the entitled parties concerns	<p>Partially compliance</p> <p>The GRM in BWSM has not been well established. So far, complaints from AHs have been received without being properly documented.</p> <p>Required Action: needs to strengthen GRM for FMSRB project by BWSM, including documenting every grievance from AHs and/or community and the handling.</p>
(xi). DGWR will not award a civil works contract until payment has been fully provided to the entitled parties and rehabilitation measures if any.	<p>Partially Compliance</p> <p>Compensation payment has been provided only to 3 of the APs,</p>

	<p>and it was prior to the civil works contract. The payment to 1 of the APs will be provided prior the civil work continued by BWSM. The construction will be carried out in the area that have already been paid by BWSM.</p> <p>Required action: BWSM arranges coordination with the central government to immediately disburse the DIPA and provide compensation payment to the remaining AH.</p>
(xii) Assessment and Compensation. As per the government regulation on land acquisition, the BWS Maluku mobilized the independent appraisers to value the compensation. The services of an Independent Appraiser were to determine the scope of impact and unit of the affected assets. Unit rates for land were determined following valuation by independent appraiser.	<p>Compliance</p> <p>This has been in compliance with the principles mentioned in RF that compensation is paid at replacement value which takes into account the prevalent market prices as determined by independent appraisal or through consultation with entitled parties including those without legal title to assets to enable all affected landowners to replace their affected assets.</p>
(xiii) Livelihood Restoration. Vulnerable Group and Severely AHs must be included in the LRP/SAP in order to restore or improve their standard of living from before the project	<p>Partial compliance</p> <p>BWSM is aware and agrees that vulnerable group affected by the project need to be included in the LRP/SAP. Based on SES there are 1 AH considered as vulnerable. Hence the LRP needs to be budgeted and implemented by the Ambon City Government.</p>

B. Corrective Action Plan

50. This due diligence confirms that activities of land acquisition have been partially complied with the principles and procedure set forth in the project RF related to negotiated land acquisition. There are some issues identified and required action plan (corrective action plan) has been prepared:

- (i) Disclosure of DDR document on projects and ADB website.
- (ii) Continuation of process to unblock DIPA by the central office; Intensive coordination between BWSM and Central Office (DGWR) for budget allocation for compensation payment to AH; Intensive coordination between BWSM and AHs to update the process of budget allocation and payment. Deliver compensation payment to the AH
- (iii) Mobilization of an independent and external party as set in RF for negotiated land requirements to record and validate negotiation process and ensure that the process is transparent, and the bargaining positions of the parties involved in the negotiations are equal.
- (iv) Internal and external monitoring on CAP implementation. The external monitoring agency may cover the validation of negotiated land acquisition in addition to externally monitor the resettlement impacts and compliance for entire sub-projects with attention to gender concerns.
- (v) Strengthening of GRM for FMSRB project by BWSM, including documenting every grievance from AHs and/or community and the handling.
- (vi) Mitigation of impacts during construction by contractor and/or BWSM
- (vii) Implementation of Social Action Plan (SAP) to AHs considered vulnerable group and severely affected. Program and pay attention on women participation for the program.
- (viii) Land certificate from AP's ownership to BWSM's assets. In case of land owned by AP was partially acquired, land ownership update of APs land will be facilitated by BWSM with no charge to APs.

51. The CAP completed with the time line and responsible parties is outlined in the table below;

Table 14: Corrective Actions Plan

No.	Activities	Time frame	Responsible Parties
1	The Land acquisition payment to 1 land owner through unblock DIPA process.	September 2021	Satker land acquisition DGWR
2	Disclosure of DDR document on BWSM and ADB website as well as AHs	September 2021	BWS Maluku
3	Establishment of GRM and GRM record	4 th quarter 2021 prior to construction commencement	BWS Maluku
4	Verification by independent party on negotiated land acquisition as set in RF.	4 th quarter 2021	DGWR
5	Compensation and/or assistance for impact during construction as per provisions in the project RF.	Construction period	BWS Maluku/ Contractor
6	Internal and external monitoring of the impact of Land Acquisition and impacts during construction	Internal Monitoring: Starting 4 th quarter 2021 External Monitoring Starting first quarter 2022	BWS Maluku
7	Implementation of Social Action Plan (SAP) Program.	Starting 1 st quarter 2022	BWS Maluku in collaboration with Ambon City Government
8	Land ownership update	June 2021 – 2 nd quarter 2022	BWS Maluku in collaboration with Ambon City Land Office