**Indonesia Republic**

**National Commission of Human Rights**

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| Number : 2.829A/K/PMT/VII/2015  Attach : -  Characteristic : Immidiately  Concerning : Jatigede Dam in Sumendang Flooding Delay | Jakarta, July, 31st, 2015  With Honor to :  The President of Indonesia Republic  National Palace, Presidential Block  North Merdeka Street, Jakarta |

The National Comission of Human Rights receive complaints from people who will affected by Jatigede dam flooding in Sumedang Regency, West Java. Both who joined in Affected People Association, Village Forum, also others group and individuals. The point is those complaints oppose Jatigede dam project continued before social, economy,and culture problems be solved, especially about resettlement, land acquisition and feasible compensation and completed to all affected people. And also the culture site be saved from dam flooding.

As follow those complaints, The National Commission of Human Rights has done several monitoring steps, those are : (a) Doing meeting and information request to local regency government of Sumedang ; (b) Doing meeting and information request to Legislative of Sumedang regency; (c) Doing meeting and information request to West Java Province government dan Administration Task Force (SAMSAT) for social and environment impact handling of Jatigede dam development; (d) Doing meeting and information request to Ministry of Public Works; (e) Doing meeting and information request to communication of affected people association and Village Forum of Jatigede dam flooding; (f) Doing monitoring to jatigede dam location ; and (g) Receiving all related documents.

Based on monitoring steps above, The National Commissin of Human Rights found data, information, and facts which show that still there are problems from developing of Jatigede dam, include Jatigede dam flooding plan at August, 1st, 2015. The problems that found, among others :

1. Jatigede dam project that has been plan since 1963 is not well planned in its implementation. So that cause social,economy, and culture problems that still has not been solved until now.
2. The developing of jatigede dam and area among it that become supporting dam activity will flooding and use about 9.300 acre of land ( About 4.896 acre as water catchment area, 3.224 acre as flooded area, and 1.200 acre for supporting facility). All of that covering 26 of villages in 6 sub-district, with affected people in directly are about 30.000 person.
3. Dam development plan that has been begin since 1963 that included several planning study and design since 1963 to 1991 but never been completed to physical development and land acquisition thoroughly and comprehensively with giving attention to rights of affected people for their social, economy , and culture living sustainability.
4. Since 1982 it has been doing several time of land acquisition compensation and property rights of people just only for about 7.209 householder.which in detail : 4.065 householder in 1982 to 1986, 1,226 householder in 1994 to 1997, and 1.918 householder between 2005 until now.
5. The compensation has been doing not as overall and dissimilar (year of 1982-1986, 1994-1997, and 2005 until now).Also not followed with land acquisition actively. It has create uncertainty in the middle of affected people. They confused about dam project continuation, so that not all of them leave their origin location. Majority keep stay live in dam development plan.
6. The effect of that dam development plan uncertainty, the people social, economy, and culture life keep going and grow in all around dam area. The number of population keep on growing, both by naturally and people migration, the development of people and infrastructure that had been done by government also take place, even several village expansion in that area.
7. There are 5 (five) village in Jatigede sub-district that impacted but not yet recorded as villages and its resident that will get compensation. The name of those villages are, Cijeungjing, Jemah, Sukakersa, Ciranggem, Mekarasih.
8. Otherwise in 1999, the villages that impacted by Jatigede dam was got development support from government, such like electrical network, road stiffening, and fixing social public facilities. The development in those villages made residents become back alive for doing their activity.
9. The people and development growth that take place all this time has made the number of resident who have compansation rights are no longer based to compensation that had been given, beside their assets appraisal in this time are different also than years before.
10. Government and institution assets and institution of social, religion in village,sub-district, and province level such as school, religion house and public service office that will be lost with flooding has not been counting yet.
11. The property of culture site of Sumedang even West Java people in common which fastener of culture social living as community that has lived over generation in flooded location area will be lost together with flooding plan is still no solution found at all.
12. Form of compensation that dissimilar since 1982 has cause problems and jealousy in people. One of compensation form is relocation clause that had been given to people by compensation data of 1982-1986. There are still 5.857 householder that by local governmnet and administration Jatigede dam social and environment impact task force (SAMSAT) be avowed as resident who do not have relocation rights. And in fact they stay and settle in flooding area. In details are 1.918 householder that had been got compensation in year of 2005-2007, 1.226 householder in year of 1994-1997, adn 2.713 householder who by SAMSAT clasified as resident who has no regulation connection to land but live in Jatigede dam area.
13. There are no clarity about living sustainability and social-economy rights from others resident that live all tihs time. They depend even serve to residents who live in Jatiged dam area.
14. Relocation problems, especially to resident who have rights, beside the location still not clear also the facilities has not build to start new live in new location. Those things made them not willing to moved.
15. In compensation process that had been done in year of 182-1986, 1994-1997, 2005 until now are still more problems of mismeasure, data fault, and target fault, just like failure in land clasification, failure in land measure. There are land that has never been got acquisition yet and failure in payment to person who not the owner of the land.
16. The flooding area beside as settlement also as farming area that could produce productive rice and necessary for Sumedang district and be supplier area to food security for West Java province for sure.
17. Affected people, Sumedang district governmental, Sumedang legislative make a deal that National Government has to delay Jatigede dam flooding before all social-economy, and culture problems be solved.
18. Because of there are still no solution to all problems has become long term psycological pressure to affected people. So it dropping their role to project developing plan, even majority of people considering Jatigede dam project reflecting government injustice that torment them only just for prosperity of people in other area.
19. Jatidege dam development uncertainty since year of 1980 and all the problems that has not been solved are potentially and in several things has cause human rights violation as noted in national regulation Law No.39/1999 about Human Rights and Law No.11/2005 about International Convenant Ratification for Economy, Social, and Culture Rights.

Based on information, data, fact that found in the field, The National Commission of Human Rights have certain view and recomendation to President of Indonesia Republic, for :

1. Delay Jatigede dam flooding in Sumedang, West Java province until all social-economy, and culture problems in affected people be solved totally.
2. Command to Government National Planning Agencies and SAMSAT and related institution to re-identified, re-examination, re-collection and also analizing with very detail and comprehensive about update numbers of affected people their social-economy, and culture rights before flooding plan be done.
3. Give special attention to the lost of one of necessary food barns in Sumedang district that caused by Jatigede dam if it related to National Food Sovereignty Programe and improving of rights to food in Indonesia.

For consideration , The National Commission of Human Rights remind such things :

1. Rights to untaken of what belong in arbitrary be guaranteed by article 28H, clause 4 Constitution Law of 1945 nad article 36 Law No.39/1999 about Human Rights.
2. Rights to fullfill living needs, rights to decent living and self develop be regulated by article 28C, clause 1 Constitution Law of 1945, article 11 Law No.39/1999 about Human Rights, and article 11, Law No.11/2005 about International Convenant Ratification for Economy, Social, and Culture Rights.
3. Rights to feel save be guaranteed by article 28G, clause 1, Constitution Law of 1945 and article 30, Law No30/1999 about Human Rights.
4. Rights to work guaranteed and protected by article 38 Law No.39/1999 about Human Rights and article 6, Law No.11/2005 about about International Convenant Ratification for Economy, Social, and Culture Rights.
5. The duty and resposibility to fullfill human rights mainli is Government responsibility as regulated in article 8 and 71. Law No.39/1999 about Human Rights.

Accordingly this recomendation has made base on data, information, and fact, both in written document also direct interview to all related part about Jatigede dam development.

For Mr. President attention, we would like to convey our thanks.

National Commission of Human Rights

Sub-Commission of Monitoring and Investigation

Dianto Bachriadi, Ph.D

Commissioner

Copy :

1. Chief of National Commission of Human Rights
2. Minister of National Development Planning in Jakarta.
3. Governor of West Java Province in Bandung.
4. Administration of Jatigede Dam Social and Environment Impact handling Task Force (SAMSAT).
5. Village Forum of Jatigede Dam Flooding Victim
6. Communication of Affected People Association in Sumedang
7. Archive.