

The Longest Dam Project Completion on Earth (1960 – Now)

Jatigede Dam Construction Case : Review from Human Rights Violation Aspects and Understanding The Impact

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Introduction (Project Background)

The planing construction of Jatigede Dam was came up since Dutch east indies government in Indonesia. Dutch east indies government socialized that plan but rejected by Prince Kornel or Prince Kusumah Dinata as a regent of Sumedang. Jatigede is a name of sub-district in Sumedang region. The reason of rejection was it will destroy arable lands and the sites of Sumedang people ancestry.

Further, get in year of 1960, The President Soekarno made a tied relation with President John.F.Kennedy for economy cooperation, so that Indonesia got supporting from world agencies. As a result President Soekarno could build a national monument and international standard sport stadium in capital city of Jakarta. Beside that, President Soekarno launched a dam project for irrigation and electricity. But the project could not created because of unstable political condition.

So then, when the new order rezim was in charge the project of Jatigede Dam became realized. It was begin in 1982, the new order rezim did land grabbing over farmers production land that had been belong to them for hereditary in 28 villages with the reason is for national development necessary.

The compentation process for land that belong to people in years of 1982, 1984, 1986,1993, and 1996 was done by model and practical that breaking the human rights. Such as, intimidation by government officer to people who did resistance. Unilateral price determination in releasing peoples land. The land owner never got involved in measurement of area and many more practical that very unfair for people in compentation process.

After the new order rezim collapsed and replaced by reformation era in 1998, the social movement was raise through mass strike. Demanding cancellation the procect of Jatigede dam because it detrimental to the people. When the flow of reformation period and change of power from BJ .Habiebie, Gus Dur, then Megawati, the activist or organic young intelectual doing movement that not only mobilize mass masive striking to parliament in region,province, until national, but beside that searching obvious information to highest level that is The President.

In trantition period of reformation power by President B.J.Habibie and Abdurahman Wahid (known as Gus Dur), the project problem still not yet clear. But, when the power trantition changed over to President Megawati the project has been obviously answered. That according to her the dam project plan would be continued and the blue print had been done by government planning agency or (Bapennas).

In 2007 President Susilo Bambang Yudhoyono (SBY) signed US\$ 300 million loan agreement with Exim Bank of China for dam project. The construction works agreement also singed with Sinohydro. It followed by West Java province governor statement, that the dam project will be continued with establishment of acceleration task force.

In last December 2014, Indonesia Electrical State Own Enterprise pointed and signed an aggreement with Sinohydro for engineering procurement construction

works of hydropower in Jatigede Dam. The hydropower capacity is 2 x 55 MW with total construction cost is US\$ 150 million.

June 2015 Indonesian government has made new loan proposal to Exim Bank in the amount of US\$ 53 million for dam ring road project and other works that has not been finished done yet. So, total loan for Jatidegede dam project is US\$ 353 million.

The project of Jatigede dam area that in mid of 2005 will be drowned, until now still not yet finishing the problem that relating to real people who settle in that area. The project will drowned few area, covering rice field, forest, wild life, people settlement, fields, village road, school, worship place, and ancient culture sites. More over 11.469 family (the result from government audit board agency verification) will lose their home and living source.

It should be not only focusing to complete the dam construction project, but it must be concern to people interest that one of them is rights of people affected. Because of the dam project they must to leave their homeland place of birth when the dam ready to operate. The government should pay attention seriously to the rights of people affected. Do not because of constructing dam, the government as state representation doing actions that violate human rights.

Jatigede Dam Location

Jatigede Dam project is located in Jatigede sub-district of West Java Province. The river that will be dammed is Cimanuk river that flow from mount of Papandayan to downstream in Java Sea. Cimanuk river is 180 km long and pass across 5 region of West Java province



Chronology of Land, House Acquisition and Its Standing

In detail, the mechanism of land acquisition for Jatigede dam project base on regulation covering location, as follows :

- a. Land acquisition chronology in 1982-1986 (base on Minister of Home Affairs Regulation No.15/1975)

Acquisition target area :

No	Name of Village	Sub-District
1	Jemah	Jatigede
2	Sukakersa	Jatigede
3	Cirangem	Jatigede
4	Mekar Asih	Jatigede
5	Padajaya	Wado
6	Cisurat	Wado
7	Jatibungur	Darmaraja
8	Cipaku	Darmaraja
9	Paku Alam	Darmaraja
10	Karangpakuan	Darmaraja
11	Pajagan	Cisitu

- b. Land acquisition chronology in 1996-1997/2004 (base on President Decree No.55/1993)

Acquisition target area :

No	Name of village	Sub-District	Information
1	Sukamenak	Darmaraja	Most of area will be drown.Only one group of family outside the area
2	Leuwihideung	Darmaraja	All of area will drown
3	Sirna sari	Jatinunggal	Some of farmers fields
4	Neglasari	Darmaraja	Some of farmers fields
5	Cibogo	Darmaraja	All of area will drown.

- c. Land acquisition chronology in 2005-2012 (base on President Decree No.36/2005)

Acquisition target area :

No	Name of Village	Sub-District	Information
1	Cibogo	Darmaraja	
2	Tarunajaya	Darmaraja	Elevation area
3	Sukaratu	Darmaraja	Only 2 sub-village
4	Jatibungur	Darmaraja	Elevation area
5	Karang Pakuan	Darmaraja	Elevation area
6	Cikeusi	Darmaraja	Elevation area
7	Paku Alam	Darmaraja	Elevation area
8	Pawenang	Jatinunggal	Half of village area
9	Wado	Wado	Half of village area
10	Cisurat	Wado	Elevation area
11	Pada Jaya	Wado	Elevation area

There are 2 target more that get in to land acquisition scheme, that are :

- Land for forest resettlement
- Ring road.

The payment compensation responsibility in the form of money in President decree No.1/2015 is compensation for land acquisition. It is not best form of compensation if it not paid to fair compensation value. But with that form it concerned that people affected will spend the money directly and deviate from what it means. The impact is they just become poor.

In many things, compensation with land acquisition scheme is much better than money it self. If the quality of land is not good, then the effort income recovery and training perhaps could become appropriate alternative. The goal is to provide various of choice for people affected so that they could choose what is the better alternative for them selves in an effort to recovery their lost income. So that the lives and livelihood of people affected would not decreased but even increased than before.

d. The Problems That Arise

1. From all villages affected there are still people right that missed data collection, missed compensation, missed classification, miscalculation land and house measurement.
2. From all villages are still inhabited by people who had received compensation and who has not. But they are all the people who domiciled in area of Jatigede dam project.

e. The Compensation (rights releasing) realization in 1982-1986

1. No socialization about exemption regulation.
2. Deliberations are not aspirational.
3. The money compensation are in a half cash and rural savings, so that it is to easy and worried to spend directly by people affected.
4. The value of compensation is very low.

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g. The Compensation (rights releasing) realization in 2004-2012

1. No socialization about exemption regulation.
2. Deliberation are good
3. Money compensation transfered to account of owner rights
4. Value of compensation nearly appropriate.

The Potential of Human Rights Violation

- a. Violation of right to housing and supporting infrastructure
As a follow up of finished the Jatigede dam project that appropriate to President decree No.1/2015, then the flooding will soon be done. The flooding will force people affected to move. Base on that facts the government should to protect and respect people affected human rights.
- b. Violation of right to receive better livelihood
As an impact of displacing people affected, automatically people will lose their livelihood. With that lost people could not fullfill their daily needs and the government should provide people initial livelihood. For example, people works as farmer before and lose their land, so the government responsible to provide new land for them as a farmer again.
- c. Violation of right to receive feasible living standard
As an impact of flooding it will be much people who will lost their livelihood, job, and others. So that their living standard will decrease. Without job, livelihood, and source of living people could not fullfill their basic needs, such as cloth, food, and house.
- d. Violation of right to education
As an impact of dam project is loss of educational facilities. The impact is account of dropout rates will increase and rate of continuing school will decrease. It affect to basic rights of people that is education. It also will affect to living standard. Without education people do not have change to fix their lives.
- e. Violation of right to healthy live.
The dam project will drown many health facilities. If it not immediately overcome will affected to people. Therefor, in doing relocation or resettlement the government should provide health facilities substitute.
- f. Violation of right to public services.
Base on facts that happened in affected area of dam project for public services is not maximally. It because government lazy to develop affected villages. Government thought that the area will drowned so that there is no need to develop the villages.
- g. Violation of right to compentation
Base on facts that happened, the compentation that it should receive to people, many of it did not get to the hands of people affected. And the basic calculation considered unfair, so the compentation mechanism should fixed. Not only money but it should be start to think about post project of the dam that people affected, considering the sacrifice that they have given.
- h. Violation of right to consider and information access
Base on facts in field the project process was not involved partisipative, so affecting structural problem, where government always positioning them selves

as powerful authoritarian then ignore how importance people participation. In the past, new order regime was anti people participation in all aspect of statehood. Although there were participation, it was just mask in order to raise a impression that Indonesia applying people sovereignty as one of basic principal in statehood ¹.

- i. Violation of right to social security
Fate of people affected become obscurity. People relocation, land acquisition, permanent house, and others that government promised it just untrue. Law and human rights violation potential through enforcement and violence by government and their security officer to people in order to agree for dam project.

- j. Violation of right to non-discrimination.
Differences of compensation amount calculation base on President decree No.1/2015 that explain compensation receiver be divided into two category. One category who appropriate to Minister of home affairs regulation No.15/1975 and other category who did not.

The Impact of People Land Acquisition

- a. Housing, people system and structure, social connection and social services will be lost.
- b. Productive sources, including land, livelihood and income will be lost.
- c. Culture and people mutual cooperation will changed.
- d. Lost of living sources and livelihood could force ecosystem exploitation, difficulties of life, poverty and social tension.

People affected of dam project keep demand for land acquisition complain handling and social impact, where government responsible to fulfill facilities and infrastructure provision, as follows :

1. Road infrastructure
2. Irrigation
3. School
4. Health facilities
5. Sport facilities
6. Creative economy recovery
7. Tourism potential

The people who still stay inside dam flooding area will not move until land acquisition complain handling resolved.

¹ Reveal human rights violation, law, and corruption in Jatigede Dam, Sumedang – West Java (An Alternative Report) : Bandung Legal Aid.

The Impact on Wild Life

Jatigede Dam project also impact to wildlife. The project will flooding 1.389 acre of forest. It means that the ecosystem and wildlife animal habitat will have threatened. Base on field monitoring there are many protected animal in the forest that will be drowned, among others, leopard, python, long tail monkey, eagle, lemur, and many more. Beside that, there are more about 900.000 of tree. The government has relocation scheme for those kind of animal, but it is just a plan and never implemented.

What the alliance has being done

Since the Dam project has running again, The People Alliance for Jatigede Dam Rejection has been doing consolidation, mentoring to people affected and also advocacy to province and state government. The advocay has been doing to make sure that people requirement and project rejection could happened.

In early of June, 2015, The alliance submit a Judicial Review to supreme court for President Decree No.1/2015 and until now still no decision yet.

Closing

People affected of Jatigede dam project feel there is no justice in land acquisition mechanism and social impact handling, as it has regulated in President decree No.1/2015. This problem should become study materials and consider for government, so that people will not be victim.

In this case the government spared in social impact handling that they do not arrange social impact handling to susceptible group, like children, mother in pregnancy, and elderly people.

If there are no improvement in land acquisition complain handling and people social impact, so Jatigede dam project will provide new poverty in Sumedang Regency.

People Alliance for Refuse Jatigede Dam :

Bandung Legal Aid (LBH Bandung), WALHI West Java, AGRA, Kabuyutan Community, GSBI