

(This is an unofficial translation by WALHI - The original document was written in Indonesian.)

Indramayu, November 6, 2016

Mr. Shinichi Kitaoka

President of Japan International Agency Cooperation (JICA)

Best Regards from us, the affected society of fishermen-women and farmers incorporated in JATAYU. This is our second letter for Japan International Cooperation Agency (JICA) regarding the investment plan in our village in Indramayu, West Java. In the first letter, we have presented (1) the impact of Power Plant 1 on the pollution of our ocean and farming land and (2) the location selection process that created socio-economic impact for our village.

In this second letter, we write to you about awareness and concern toward environmental and social impact of JICA's investment in Indramayu. We want to make sure that you know in full consciousness about your decision's impact on our village and communities in Indramayu.

Deviation in Consultation, Allurement and Intimidation

The prevailing law regulation obliges every company, including PLN (National Electricity Company), to hold public consultation involving affected communities when intending to develop any infrastructure, as regulated in the act, **Undang-Undang (UU) No. 2 Year 2012 about Land Procurement to Development for Public Interest**. One of the obliged agenda in the consultation is the agreement from affected society on the development plan.

Nevertheless, facts on the field show how this process is not practiced, thus not being complied. Many society members state that they were never involved in the public consultation. Public consultation done by PLN on 24 February 2016 only invited land owners, although in the regulation it is clearly stated that the affected society must be involved in the consulting process. UU 2/2012 regulated detailed mechanism if there is any objected member of society. Though we were not invited, we, the affected society incorporated in Jaringan Tanpa Asap Batubara or Network of Free Coal Smoke, shortened as JATAYU, insisted to come and tried to tell our objection in public consultation on 24 February 2016, held in Patrol District office.

The facilitator from PLN of the consultation didn't allow us to speak up, even though we demanded to talk in the consultation. Thus we just handed our letter of objection for the committee team of land procurement (TP2T) at the last part of the consultation. We also delivered letter of objection for the governor directly on 11 March 2016, but has been receiving no response. Even the governor released the decision letter about location permission instead on 24 May 2016.

Many community members to be affected by PLTU 2 also question the promise the PLN has made, saying, *"...PLTU [PLN] promised to repair roads, build health center, provide CSR, and prioritize local people to work. But in the end, only few of our people work in PLTU. They accept only rough workers."*

In the consultation process, the government has never given any intact and transparent information, it's as if they try to cover the environmental and health impact that is highly possibly caused by that plan. Among the invited land owners, the government also invited influential social figure and religious leaders that can support their policy claim. The government and PLN often promise to build streets, schools, healthcare institution, and other public infrastructures. They also promised CSR. But just like the previous PLTU 1, we expect that those promises will never been fulfilled.

With the discriminative law framework and defective consulting process, many society members disagree and are unhappy with the development plan of PLTU 2. Our community has held demonstrations and posted rejection banner along Mekarsari Village in September. Before and after the demonstrations, police and military officers pay intimidative visits to the houses of vocal leaders who did the rejection demonstration. The intimidation methods vary, from the soft ones until literally threatening the villagers so they will not do another demo and support the government program.

Meeting Result with JICA Consultant

On Thursday, 15 September 2016, located in Fish Auctionary in Ujung Gebang, Sukura, representatives of 8 affected villages incorporated in JATAYU discussed directly with Japanese consulting party, represented by Mr. Hideyuki Takagi and local consultant from Padjajaran University, represented by Mr. Feby. Approximately 200 people representing 8 villages expressed their aspiration and wished for JICA to cancel their funding on PLTU 2 development.

In that opportunity, beside expressing strong rejection, society members presented some letter-documents they have delivered, such as (1) Letter of Complaint on the supposition of environmental crime done by PLTU 1 to the Ministry of Environment and Forestry (KLHK), (2) Letter of objection from the society to West Java Governor, (3) Signatures of rejection supporters, and (4) Visual documentations and proves that their soils are productive ricefields.

Results of this meeting with consultants are:

1. Society assertively rejects JICA's consulting parties to do data and information gathering to make Land Acquisition Reshuttlement Action Plan (LARAP)
2. Society urges JICA to cancel their funding plan for PLTU 2 development in Indramayu

The basis of that rejection is the threat of socio-economic, health, and environmental degradation impact.

Then, on October 22,23,24,25 and 29, 2016, JICA consultants as well as the PLN's local consultants from Padjadjaran University held meetings with the land owners, tenant farmers and agricultural laborers in the village Mekarsari, Sumuradem and Patrol Baru, to discuss CSR-related programs in the second plant of Indramayu. But the persons invited in the meetings were mostly landowners, while tenant farmers and farm workers were even only a small percentage. And they are the ones who support the second power plant in Indramayu.

After that, although the residents affected incorporated in Jatayu explicitly rejected the second plant in Indramayu in the earlier meeting, the JICA consultant and Padjadjaran University plans to hold another meeting with the community even though Jatayu does not want to meet with the consultant if they discuss any topic related to the PLTU 2 project

Even if Jatayu decided to attend the occasion set by Consultants on November 6, our presence does not mean “participation” in making LARAP. Our purpose to be in the occasion is just to show a strong denial once again to JICA.

Anyway, because we didn’t receive any official invitation letter from the JICA Consultant team by November 5, the community members have decided not to come to the occasion. We would like to remind that the consultant team promised to provide their official invitation letter to JATAYU on October 26 when they visited the JATAYU coordinator’s house in Mekarsari village.

Law-Defective Environmental Permission and A Fault

Firstly, PLTU 2 Indramayu AMDAL (Environmental Impact Analysis) Documents had been arranged in 2010 and AMDAL assembly was held in 2011. Based on the AMDAL assembly, through Regional Secretary Letter of Indramayu Regency No. 660.1/2304/KLH dated 2 December 2011, the agreement on ANDAL document and RKL-RPL of PLTU 2 Indramayu development plan explain:

*“The ANDAL and RKL-RPL documents agreed upon still need **improvement/refinement process**, after the improvement/refinement is done, please deliver to the secretary of AMDAL Adjudicating Commission as the basis of recommendation later publication/ AMDAL approval powerblock letter*

After almost 4 years, on 24 May 2015, Indramayu Regent published the Environmental Permit No. 660/ Kep. 51 A-BLH/2015, by noting letter from Regional Secretary of Indramayu Regency (mentioned above) for PT. PLN (persero) Development Master Unit VIII. However the regional secretary letter No. 660.1/2304/KLH is **not appraisal recommendation or final judgement/ Decision Letter on Environmental Appropriateness (SKKL)** and does not contain considerations as regulated in Article 29 clause (4) Government Regulation No. 27 Year 2012 about Environmental Permission.

As regulated in article 36 clause 2 UU 32/2009 about management and control of environment:

“Environmental permission as meant on clause (1) is published based AMDAL approval powerblock letter”

AMDAL approval powerblock letter at least must contain about consideration basis of the statement . The consideration basis meant is about the negative impact of any activity plan, Environmental appropriateness statement, terms and conditions that must be fulfilled by company based on RKL-RPL, and obligations of the company. The regent should release a letter of environmental *inappropriateness* by noting that in the letter the AMDAL must still be improved/refined, meaning that the environmental permission issued by the regent is **law-defective**.

Secondly, the environmental permission decision letter in the consideration part is still using expired regulations, such as:

1. Government Regulation (PP) No. 18 Year 1999 about hazardous and toxic waste management, which has been replaced by PP No. 101 Year 2014 on the same issue.
2. Act No. 7 Year 2004 about water resource, which has been repealed by constitutional court decision in 2013 on decision numbered 85/PUU-XI/2013

The exclusion of prevailing regulation is one proof how the making of the environmental permission decision letter is not carefully drafted and proves that the environmental permission letter is once again **law-defective**.

Thirdly, AMDAL Document drafted in 2010 if referring on the regulation, has been for 5 years. Meanwhile AMDAL is unprevailed/expired for 3 years, according to Government Regulation No. 27 year 2012.

Forthly, there have been many changes on the environment and the AMDAL has not calculate the important negative impact of the PLTU 1 existence that started full-operation 5 years ago in 2011.

As an example, that AMDAL PLTU 2 is irrelevant anymore to be used could be understood when we compare the ocean water quality in factual color of PLTU 2/2010 (Source: AMDAL for PLTU 2) with results of environmental monitoring and management PT. PLN/PJB year 2013-2015 is explained below:

Ocean Water Quality

Parameter	Unit	Environmental Monitoring and Management Period 2013 – 2015 PLTU 1 (See Annex)	Factual Color PLTU 2/2010 (Source: AMDAL for PLTU 2)
Phenol	Mg/l	Measurement result on phenol content is 0,282 mg/l, 0,309 mg/l, 0,289 mg/l beyond quality standards of 0,002 mg/l.	From 5 sampling sites, it is shown that Phenol is measured under 0,002 mg/l
Zinc	mg/l	measured 0,114 mg/l – 0,671 beyond quality standards of 0,1 mg/l.	From 5 sampling sites, it is shown that zinc is measured 0,08 s/d 0,075 mg/l
Lead	Mg/l	measured in the range of 0,055 – 0,566 beyond quality standards of 0,05	From 5 sampling sites, it is shown that lead is measured 0,004 mg/l
Cadmium	Mg/l	0,055 mg/l – 0,577 mg/l beyond quality standards of 0,01 mg/l	From 5 sampling sites, it is shown that cadmium is measured under 0,003 mg/l

Copper	Mg/l	measured 0,058 mg/l – 4,262 mg/l beyond quality standards of 0,05 mg/l.	None data
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Please also see Annex for the details. (The data in the Annex are collected from Environmental Monitoring and Management Reports, which we could obtain from 2013-2015. In the Annex, the figures highlighted with yellow color show the ones beyond the environmental standards.)

Note : It should be noted that Sampling in AMDAL PLTU 2 does not publish coordinate points of sampling.

Finally, in the process of environmental permission publishing, the government is obliged to announce to the society, especially those affected through multimedia and announcement board. Multimedia being used must be effective and easy to be reached by society members. The In the location of activity/business plan, announcement board should be made. But those things are not done by the government, so that the society loses its opportunity to give suggestion, opinion, and response regarding the environmental permission.

We request that JICA carefully confirm the information above regarding the environmental and social aspects, such as limited and improper participation in consultation process, improper information disclosure and no transparency, and illegality, according to “JICA Guidelines for Environmental and Social Cordinations”, during its environmental review on the coal-fired power project in Indramayu. And we rierate our demand that JICA must not to fund for this project.

Sincerely,

(JATAYU’s two coordinators’ signatures)