

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

Indramayu, April 8, 2019

Mr. Shinzo Abe, Prime Minister

Mr. Taro Kono, Minister of Foreign Affairs

Mr. Shinichi Kitaoka, President, Japan International Cooperation Agency (JICA)

Re: Request No More Japanese Support and Loan in Any kind of Form for Indramayu Coal-fired Power Plant Expansion Project, West Java, Indonesia

We, JATAYU (Jaringan Tanpa Asap Batubara Indramayu or Indramayu Network of Free Coal Smoke), are writing to you to repeatedly express our strong opposition against the expansion of the Indramayu coal-fired power plant (including substation and switchyard¹) (hereinafter, the “Project”) in West Java, Indonesia. The international civil society has already warned the Japanese government on the serious human rights violations in Indramayu by a petition letter dated October 12, 2018 with the endorsements of 188 organizations from 26 countries², and has called on the Japanese government and JICA to stop any support for the Project. Amid the Indonesian government’s ongoing intention to push through the Project at the local level, we reiterate our request no more support or loan from the Japanese government and JICA in any kind of form for the Project. Because our life and environment cannot be replaced with any form of compensation and must be protected for our next generation as well as our current daily life.

We are aware that JICA has already deeply got involved in the Project to support the Indonesia's state-owned electricity company (PLN). The Feasibility Study (F/S) for the Project (1,000 MW) was conducted by JICA in 2009-2010. The Land Aquisition and Resettlement Action Plan (LARAP) for the Project was allagedly complete with support of a JICA’s expert in 2016-2017, where the process to make the LARAP has raised lots of questions to us (Please see the attached letter from JATAYU to PLN dated August 7, 2017). JICA has also made a loan agreement on the Engineering Service (E/S) for the Project in 2013 (1.727 billion Yen, or around 220 billion Rupiah with a current exchange rate). We understnad that JICA has already disbursed around 600 million Yen, or around 77 billion Rupiah (as of March 1, 2019), for the basic design of the substation and switchyard as well as the power plant and jetty since 2016, on which the consulants of TEPCO has mainly worked. And currently, the Japanese government and JICA are reportedly waiting for the official loan request from the Indonesian government for the main construction of the Project.

It is grave concerns and unacceptable facts for us that JICA has kept provided its support and E/S loan for the Indonesian government or PLN despite of no social acceptability for the Project, the illegality of the Project, and serious human rights violations, including criminalization against our local farmers who are opposing the Project. As you have noticed, PLN has already started to acquied the farmland with compensatio payment for the landowners, has put up the fences

¹ https://www.jica.go.jp/english/our_work/evaluation/oda_loan/economic_cooperation/c8h0vm000001rdjt-att/indonesia130328_02.pdf

² <http://www.foejapan.org/en/aid/181012.html>

surrounding the main construction site, has started to work on the substation and switchyard site, and has been preparing for land preparation in the main construction site by continuous on-site survey. This year, PLN has even approached us to offer much smaller alternative farmland than the size of the Project site, which is not a solution for us, though. It is certain that PLN has continued its work on the Project, having a confidence to obtain the JICA's support for the Project. Thus, we urge the Japanese government and JICA to show more decisive attitude to the Indonesian government and PLN by stopping any loan, including the E/S loan, for the Project. In fact, the Japanese government and JICA must do it because of the following reasons.

< Community's Strong Opposition, thus No Social Acceptability >

Since our ancestors's time, our main livelihood is agriculture and our expertise skill, both for male and female, is farming. Our farmland is very productive. Our rice paddies equipped with irrigation water can provide us with harvest two times a year. We could also cultivate various kinds of vegetables and fruits for a whole year, such as red onions, long beans, egg plants, chilis, pumpkins, cucumbers, papaya, banana and so on. All of them are food and source of earnings for our families.

Our life with this productive farmland could not be easy to replace with other livelihood means. It would be indeed a big loss for our peasants, or tenant farmers and daily farm workers, if the Project is pushed through and deprive us of our farmland to cultivate. Our loss of farmland would be equivalent to killing our peasants little by little.

Our concerns are based on the facts that in Indramayu, we have already witnessed some negative impacts by the existing coal-fired power plant (330 MW x 3 units), which started its commercial operation in 2011. The local farmers and fishermen nearby the existing plant have complained about its huge impacts on livelihoods. Small-scale fishermen who are catching "rebon" (small shurimp) along the coastline have felt less catch after the existing plant. On the other hand, only a small amount of local people have been employed in the existing plant due to the limitation of our skill and education level. Some local community members, especially childrens, have been also suffering from health damages, such as cough or respiratory diseases.

In the Project, a larger farmland is acquired and a bigger jetty along the coastline is constructed, comparing with the existing plant. Though the Project meets the Indonesian standards of air pollution, it will not be equipped with the best available technology which has been installed in most of the coal-fired power plants in Japan. We are simply concerned that our suffering in livelihood and health damages would be deteriorated with the Project.

Thus, we have raised our concerns and have continuously tried to stop the Project in any peaceful means, including our lawsuits on the environment permit for the Project and several protest actions in various places, including the Project site itself and in front of the local parliament building in Indramayu, the PLN office in Bandung, the Presidential office in Jakarta, and the Japanese Embassy in Jakarta. Our strong opposition as the local community affected by the Project means that the Project has failed to secure "social acceptability", which the JICA Guidelines for Environmental and Social Consideration (hereinafter, "the Guidelines") requires for any project if JICA provides its support.

< Illegality Both in the Substation and Switchyard and the Main Construction Work >

Since February 2018, PLN has started the land preparation for the substation and switchyard of the Project. At that time, in order for PLN to proceed with the work amid the strong protest of our peasants, at least around 150 local police officers and at least around 10 military officials were deployed with heavy equipment of a subcontractor of PLN. So far, around a 10-hectares fertile farmland has been already filled with soils for the substation and switchyard, which used to be our rice and vegetable field.

However, the PLN's work in around 10 hectares there is illegal. In fact, currently, any work on the substation and switchyard needs to be suspended due to no approval yet to the amended addendum of the Environment Impact Assessment (AMDAL) for the transmission line and the substation and switchyard (As of February 25, 2019). While the addendum of AMDAL in 2016 allowed the area of the substation and switchyard only in Sub-district Sukra, PLN's work has encroached into Sub-district Patrol.

We together with WALHI West Java pointed out this illegality as early as in April 2018, sending a letter to the local environment authority (DLH). But PLN just pushed through its illegal land preparation, rather than reviewing its work. Even after DLH has confirmed the necessity to halt any work in July 2018 till the addendum AMDAL is amended and while the argument on the amendment of the addendum AMDAL is ongoing, PLN has still sometimes brought the construction materials into the substation and switchyard site after the land preparation, such as on February 24, 2019, only one day before the meeting on the amendment of the addendum AMDAL by DLH. This is how PLN is insincere in complying with laws and regulations.

As you have already known, the main construction of the Project also entails the illegality. The administrative district court in Bandung (PTUN) declared the cancellation of the environment permit for the Project in December 2017, as it confirmed that the Indramayu Regency (Bupati) has no authority to issue the environment permit for the Project but the West Java Governor has it, while Bupati issued it in 2015.

The Higher Court in Jakarta (PTTUN) and the Supreme Court dismissed our lawsuit respectively in April and September 2018, stating that such complaint needed to be filed within 90 days since the authority disclosed the information. But the information dissemination by the authority was insufficient and we couldn't learn such important information in those times. We together with our lawyers' team are currently under preparation for the verdict review (PK), which we will file in a few weeks.

It is obvious that the Project has big questions in its compliance with the Indonesian laws, which the JICA Guidelines also requires for any project if JICA provides its support.

< Serious Human Rights Violations and Criminalization against the Local Community >

Since our victory in the district court in December 2017, criminalization by the Indonesian government against our JATAYU's members has started. Firstly, three members were unjustly arrested in December 17, 2017 with a false accusation of "insulting national flag," or "raising the national flag upside down." Although having being released after 23 hours then, they were unjustly detained again since September 2018 and falsely convicted with 5 months in jail for two members,

and with 6 months for the other one. Even though they firmly denied such false accusation against them, there was no justice from the Indonesian government.

Aside from this “insulting national flag” case, there was another criminalization case, where four local residents, including one of the plaintiffs of the said administrative lawsuit, were imprisoned due to the violence case with a subcontractor of PLN over the construction of access road for the Project on November 29, 2017. These four residents have been detained from the beginning of April 2018, and a 6-month prison sentence was ordered at the middle of August 2018.

Our criminalized farmers and thier families in JATAYU have been indeed heavily burdened mentally and physically, as the daily normal life as family are deprived of and their family are impacted economically due to less income etc. Also, the other members of JATAYU are under burden, too, as we needed to allot time and cost in preparation for and participation in continuous trials etc. This is how the Indonesian government tries to weaken the strength or movement of local community by the criminalization as one of the oppression way.

In the Development Cooperation Charter of the Japanese government, as "Principles for securing the appropriateness of development cooperation", it states that “Japan will pay adequate attention to the situation in the recipient countries regarding the process of democratization, the rule of law and the protection of basic human rights.” The Japanese government must not support any project where local residents are unable to freely raise their voice to protest it, that is, in the situation where basic human rights, such as freedom of expression, and adequate participation of local residents are not secured. Your providing fund in such situation is the same as being complicit in human rights abuses by the Indonesian government.

Therefore, we call on the Japanese government and JICA to stop any more support or loan for the Project. The Japanese government and JICA must listen to our plea to protect our life and environment, and must take them seriously the opposition and concerns of our local community and the serious situation of human rights violations. If the Japanese government and JICA just continue any support for the Project, it would provide the Indonesian government with a false recognition that the Japanese government is satisfied with the current legal status and human rights situation in Indonesia.

Thank you very much for your attention and consideration in advance and we look forward to your sincere response to our plea.

Your sincerely,

(Signified by Advisory Board Member of JATAYU and Chairperson of JATAYU)

Attachment:

- A letter from JATAYU to PLN dated August 7, 2017