

April 28, 2015

Mr. Shinzo ABE, Prime Minister

Mr. Taro ASO, Minister of Finance

Mr. Hiroshi WATANABE, Governor, CEO, Japan Bank for International Cooperation

**Urgent Request to Stop Construction Work without Local Consent
in the Proposed Project Site of Batan Coal-fired Power Plant, Central Java, Indonesia**

Despite not having the consent of the local residents, at the beginning of April 2015, construction work commenced at the proposed project site of the “Batan coal-fired power plant project in Central Java, Indonesia”, a large scale development project invested in by several Japanese companies, and with potential financing from the Japan Bank for International Cooperation (JBIC). The Indonesian army has reportedly moved heavy equipment into the area and started clearing and embanking works in the middle of farmland, causing an extremely tense situation.¹ We express our grave concern regarding this situation, and, in light of the fact that it is occurring within the context of a development project pushed forward by both the Japanese public and private sectors, hereby submit this urgent petition to the Japanese government and to the JBIC.

Ongoing and strong concerns regarding a loss of livelihoods, such as farming and fishing, and health impacts from pollution, have been raised persistently by local communities, and the project has been unable to proceed for three years. During this period, community leaders opposed to the project and landowners refusing to sell their land in the proposed project site have been subject to repeated human rights violations, such as intimidation, violence, and arbitrary arrest and detention at the hands of the army, the police, and other actors. Despite these human rights violations, the landowners who own approximately 10 percent of the proposed project site are still refusing to sell their land. On April 9, 2015, local residents opposed to the project submitted a letter to JBIC, reaffirming their “determination never to accept a coal fired power plant in (their) community” and calling on JBIC “not to finance this project.”

However, at the beginning of April, excavation work was started in the proposed project site, without any explanation to local residents. Indonesian soldiers guarding the site have reportedly prevented at least one landowner from entering his own farmland. In addition, the embankment work has blocked the irrigation water way to the farmland, making cultivation impossible.

After receiving a complaint from local residents, the Indonesian National Commission on Human Rights issued urgent recommendations to the local government, the army, the State Electricity Company (PLN), and Bhimasena Power Indonesia (BPI) on April 23, 2015 (Please refer to the annex). The Commission recommends respect for the landowners’ rights, including their right to withhold consent; the ensuring of access to irrigation water and farmland; and the withdrawal of all military personnel, in accordance with Act No. 39 of 1999 on Human Rights.

The project proponent and the Indonesian government have indicated their intention to apply Law No. 2 of 2012 on Land Acquisition, and to forcibly appropriate the land. It is clear from the recommendations of the National Commission on Human Rights that the current construction work is being pushed forward without any consent of some landowners, in a highly oppressive manner.

We, therefore, make the following requests of the Japanese government and JBIC:

1. Immediately communicate strong objections to the all companies involved in the project and to the Indonesian government regarding the fact that the current construction work is being advanced without the

¹ <https://www.youtube.com/watch?v=YwbMlvU1HqA&feature=youtu.be>

- consent of local residents and with the oppressive involvement of the Indonesian army; urge the above to halt immediately any kind of construction work;
2. Verify the detailed facts of this matter with the project proponent and Indonesian government immediately.
 3. Urge all companies involved in the project and to the Indonesian government to ensure appropriate rehabilitation and compensation for any damage to farmlands and for any negative impact on farmers' livelihood (including free access to farmland and irrigation water) caused by the current construction work.

The Japanese government has stated that this project is being advanced pursuant to “a request from Indonesia”.² However, the *JBIC Guidelines for Confirmation of Environmental and Social Consideration* require that any project receive the “social acceptability” of the local population. It is difficult to see how this project, which clearly cannot proceed without oppressive methods including the use of the military, can be said to have received this “social acceptability”. There are many other violations of the JBIC Guidelines in this project: for example, no “agreement with the people who will be affected” has been reached, and no “appropriate participation by the people affected and their communities” has been secured in the process of land acquisition.³

We request that the Japanese government and JBIC take a strong and resolute position against this project which has resulted in these serious violations of the human rights, and listen sincerely to the concerns of the local residents.

Friends of the Earth Japan
Japan Center for a Sustainable Environment and Society (JACSES)
Kiko Network
Network for Indonesian Democracy, Japan (NINDJA)

Annex: Recommendation Paper from Indonesia National Human Rights Committee dated on April 23, 2015 (Both the original paper in Indonesian language and the Japanese translation)

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² The response by Ministry of Finance to the parliament interpellation at the committee of Foreign Affairs on April 8, 2015

³ For example, in the letter dated on February 3, 2014 sent to JBIC, 90 CSOs from 27 countries pointed out that the project violates Indonesian domestic laws, also resulting in a violation of JBIC Guidelines. Violations of the Guidelines were also pointed out at quarterly meetings between the Ministry of Finance and NGOs, especially with regard to provisions regarding “involuntary resettlement”.