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Examination Report on Objection to
Cirebon Coal-fired Power Plant Project –
Unit 2, West Java, Indonesia

Kazuaki HOSHINO & Shinsuke TOYONAGA
Examiners for Environmental Guidelines
Japan Bank for International Cooperation (JBIC)

September 5, 2022

The Japan Bank for International Cooperation (hereinafter “JBIC”)’s Examiners for Environmental Guidelines issue this report on the basis of Paragraph 1, V. 5 of the Summary of Procedures (hereinafter “the Summary”) to Submit Objections concerning JBIC Guidelines for Confirmation of Environmental and Social Considerations (hereinafter “the Environmental Guidelines”). This report describes the results of the investigation on whether confirmation of the environmental and social considerations over the Cirebon Coal-fired Power Plant Project Unit 2, West Java, Indonesia (hereinafter “the Project”) which JBIC has financed were made in accordance with the Environmental Guidelines, along with the progress of dialogues between parties in this case.

1. Outline of request received

The outline of the Request is as follows:

(1) Name of country: Republic of Indonesia

(2) Name of city in which the project is located: Cirebon, West Java

(3) Name and outline of project: The Cirebon Coal-fired Power Plant Project Unit 2 in West Java. The Project involves the construction, ownership, and operation of a coal-fired power plant with a capacity of 1,000MW in Cirebon, West Java, Republic of Indonesia (cost approx. USD 2 billion, 25-year power purchase agreement with PT Perusahaan Listrik Negara signed in October 2015). JBIC and private banks provided syndicated loan (amount of approx. USD 1.74 billion, agreement signed in April 2017) to PT. Cirebon Energi Prasarana (CEPR) (invested in by Marubeni Corporation (35.00%), JERA Co., Inc. (10.00%), Indika Energy (6.25%), IMECO (18.75%), ST International (20.00%), and Korea Midland Power (10.00%), the proponent of this project (hereinafter “the Project Proponent”). This Project is an expansion of the Cirebon Coal-fired Power Plant Project Unit 1 (hereinafter “the Cirebon Project Unit 1”).

(4) Stated damage: The two aspects of actual damage stated by the Requestors are (a) loss of livelihood and income opportunities by small-scale fishermen and (b) worsening air pollution and damage to health.

(5) Indicated non-compliance with the Environmental Guidelines can be divided into the following six points:

(A) Part 1, 3. (Basic Principles Regarding Confirmation of Environmental and Social Considerations) (3) (Information Required for Confirmation of Environmental and Social Considerations) paragraph 4, as well as Part 2, 1. (Environmental and Social Considerations Required for Funded Projects) (5) (Social Acceptability and Social Impacts), paragraph 1 of the Environmental Guidelines

On resident participation, only selected residents were invited across all of the meetings related to the Project; the only involvement from objecting residents was several small-scale fishermen from Kanci Kulon Village participating twice. Fishermen who participated in these meetings expressed a clear opposition to and rejection of the Project at every opportunity available, explaining their concerns about the negative impact of the Project on residents’ livelihoods, but what they said was not reflected in the Environmental Impact Assessment (AMDAL) or the project

plan. In addition, in terms of disclosure of information in the AMDAL or environmental permit formulation process, (i) no notification of information was made regarding environmental permit applications or AMDAL-related documents assessment commencement dates, and (ii) according to the West Java Provincial Government, the environmental permits (as new environmental permits were subsequently issued, hereinafter the “Former Environmental Permits”) dated May 11, 2016, were publicly released on July 24 the same year. However, as they were only released on the internet and no notification was made on the project’s site, many local residents were from the outset of the Project not provided with the opportunity to appropriately participate in the decision-making process concerning the Project in a timely manner. JBIC not confirming that resident engagement, disclosure of information, etc. was carried out appropriately constitutes a violation of Part 1, 3. (Basic Principles Regarding Confirmation of Environmental and Social Considerations) (3) (Information Required for Confirmation of Environmental and Social Considerations) paragraph 4, as well as Part 2, 1. (Environmental and Social Considerations Required for Funded Projects) (5) (Social Acceptability and Social Impacts), paragraph 1 of the Environmental Guidelines (hereinafter “Claim A”).

- (B) Part 1, 3. (Basic Principles Regarding Confirmation of Environmental and Social Considerations) (4) (Standards for Confirmation of Appropriateness of Environmental and Social Considerations) 1), as well as Part 2, 1. (Environmental and Social Considerations Required for Funded Projects) (4) (Compliance with Laws, Standards and Plans), paragraph 1

With regard to the Project, after the small-scale fishermen who are objecting filed administrative litigation in December 2016 contesting the legality of the environmental permits issued by the West Java Provincial Government (a violation of laws and ordinances related to environmental regulations), on April 19, 2017, the judgment handed down by the Bandung State Administrative Court held in conclusion that, as the Project was planned to be constructed spanning the Astanajapura District and the Mundu District and the Ordinance No. 17 of 2011 related to the Cirebon Regency spatial plan (for 2011 to 2031) only permits power plant construction in the Astanajapura District, the Project was not covered by the above Ordinance. This Court ordered the West Java Provincial Government to annul the environmental permits (to distinguish it from subsequent judgements, this shall hereinafter be referred to as “the First Judgement”). Therefore, and despite the Requestors three times sending letters to JBIC indicating illegalities in relation to the spatial plan, JBIC neglected to check if the Project may be in violation of laws and ordinances. In addition, JBIC signed a financing agreement for the Project the day before the First Judgement, neglected to check the decision of the Bandung State Administrative Court, and even though JBIC should have carefully checked for possibility of illegalities, it neglected to do so. Finally, even though JBIC should have checked the content of the litigation with the Requestors, the NGOs supporting the Requestors, and their lawyers, it neglected to do so. As a consequence, JBIC was in violation of Part 1, 3. (Basic Principles Regarding Confirmation of Environmental and Social Considerations) (4) (Standards for Confirmation of Appropriateness of Environmental and Social Considerations) 1), as well as Part 2, 1. (4) (Compliance with Laws, Standards and Plans), paragraph 1 of the Environmental Guidelines (hereinafter “Claim B”).

- (C) Part 1, 3. (Basic Principles Regarding Confirmation of Environmental and Social Considerations) (4) (Standards for Confirmation of Appropriateness of Environmental and Social Considerations) 3)

The air pollution control technology scheduled to be installed as part of the Project was inferior to the highly efficient and best available technology (hereinafter “BAT”) used in coal-fired power plants in Japan. Even though JBIC should have checked that a similar level of consideration was given to the health of local residents as would be given by Japanese companies in Japan, monitored that Japanese companies are not exporting air pollution by way of a double standard, and checked measures to improve consideration of health, it neglected to do so. As a consequence, JBIC was in violation of Part 1, 3. (Basic Principles Regarding Confirmation of Environmental and Social Considerations) (4) (Standards for Confirmation of Appropriateness of Environmental and Social Considerations) 3) of the Environmental Guidelines (hereinafter “Claim C”).

- (D) Part 1, 4. (Procedures for Confirmation of Environmental and Social Considerations) (3) (Environmental Reviews for Each Category)

After the Bandung State Administrative Court ordered the West Java Provincial Government to annul the environmental permits necessary for the carrying out of the Project (the First Judgement) on April 19, 2017, that Provincial Government lodged an appeal on April 21 the same year. Although the relevant environmental permits were still valid (at the point the request concerned was made), it was necessary for JBIC to check if the determination of the Bandung State Administrative Court that the relevant environmental permits were invalid had been sustained by the courts of appeal and last instance. However, it neglected to do so. As a consequence, JBIC was in violation of Part 1, 4. (Procedures for Confirmation of Environmental and Social Considerations) (3) of the Environmental Guidelines (hereinafter “Claim D”).

- (E) Part 1, 5. (Disclosure of Information Regarding Confirmation of Environmental and Social Considerations by JBIC) (1) (Basic Principles), paragraph 2

Given that the Requestors indicated to JBIC through letters issues such as the possibility that environmental permits may be invalidated due to illegalities in relation to the spatial plan, JBIC should have, in order to ascertain details of the indications, approached not only the Project Proponent but also the Requestors, the NGOs supporting the Requestors, and their lawyers to seek further opinions, but nevertheless JBIC neglected to do so. In addition, JBIC neglected to check the decision of the Bandung State Administrative Court when signing the financing agreement, and as a result of all the above, neglected to reach a conclusion after obtaining the opinions of multiple stakeholders in a balanced fashion. As a consequence, JBIC was in violation of Part 1, 5. (Disclosure of Information Regarding Confirmation of Environmental and Social Considerations by JBIC) (1) (Basic Principles), paragraph 2 of the Environmental Guidelines (hereinafter “Claim E”).

- (F) Part 2, 1. (Environmental and Social Considerations Required for Funded Projects) (7) (Involuntary Resettlement), paragraphs 2 and 3

To date, sufficient and efficient compensation or measures to restore livelihoods have not been taken to improve or at least restore the living standards of local residents such as small-scale fishermen. In addition, the Requestors have not to date been made aware of specific plans related to the Project to restore livelihoods, and

furthermore, even if the Project Proponent of the Project had provided programs related to corporate social responsibility as the proponent of the Cirebon Project Unit 1 did, and even if such programs (for example, microfinance programs could be envisaged) were useful in creating side businesses, for small-scale fishermen - who only receive rudimentary education - they would not be effective enough to restoring livelihoods. As a consequence, JBIC was in violation of Part 2, 1. (Environmental and Social Considerations Required for Funded Projects) (7) (Involuntary Resettlement), paragraphs 2 and 3 of the Environmental Guidelines (hereinafter "Claim F").

2. Results of Preliminary Investigation

Attachment 1 shows the results of the preliminary investigation specified in V. 2 of the Summary.

Following the results of the preliminary investigation, the Examiners (including their predecessors. Hereinafter the same) made the decision to begin the Request procedures, but, among the grounds for request raised, turned down the objections on Grounds for Request D as the descriptions in the request letter were insufficiently compliant with the items in the relevant Environmental Guidelines, and therefore not considered to be fairly reasonable (see V. 3, paragraph 1 of the Summary). It was deemed that other items were subject to the Environmental Guidelines, and the investigation proceeded. However, it was determined that the litigation concerning the legality of the permits related to Grounds for Request D was a related matter.

3. Results of investigations on relevant facts; encouragement of dialogues

(1) Record of Interviews with JBIC's Operational Department for Investigating Compliance with JBIC Environmental Guidelines

- (i) Dates of interviews: August 9, September 15, and October 27, 2017, and June 23 and 30, 2022
- (ii) Details of interviews: Summarizing statements by the Requestors and JBIC on the causal relationship between non-compliance matters with JBIC Environmental Guidelines and the damage, confirming the content of environmental reviews conducted by JBIC for the Project, the provisions of the Summary, and the Environmental Guidelines, listening to information collected during visits to the local area, etc.

Interviews between JBIC and the Requestors etc. as well as on-site inspections etc. are as shown in Attachment 2.

(2) Results of investigations on the facts concerning JBIC's compliance/non-compliance with the Environmental Guidelines

a. Damages actually incurred and its likelihood

(a) Loss of livelihood and income opportunities by small-scale fishermen

The Requestors state that, if the Project is completed, their access to fishing grounds would be limited by the jetty constructed as part of the Project as well as that wastewater from the Project would pollute the marine ecosystem, leading to degradation of fishing resources, lower catches of fish, and consequent loss of livelihood and income opportunities.

On these points, given that (i) regarding the results of the plankton and benthos monitoring carried out by the Project Proponent from 2014 to 2020, a third-party organization assessed that the sea water contained sufficient nutrients for fish and shellfish, (ii) statistics about the fish catch near the Project site show that, while there are variations, the catch is largely stable, (iii) the Requestors have only expressed the reduction in fish catch before and after the Cirebon Project Unit 1 was completed as well as before and after the Project is forecast to be completed in terms of how they perceive it, and (iv) the Requestors have not presented documents showing details of their income before project completion, we could not find the reduction in fish catch and its likelihood as well as the loss of income opportunities and their likelihood.

(b) Worsening air pollution and damage to health

The Requestors state that, once the Project is completed, harmful atmospheric pollutants such as fly ash emitted by coal-fired power generation will cause damage to the health of residents.

As grounds for this statement, the Requestors point to the many cases of coughing and throat pain in Kanci Kulon Village included in the results of the Environmental Impact Assessment (ANDAL). It is certainly true that the ANDAL does list such cases (from pages 2-127 to 2-128). However, according to the report from a third-party organization, symptoms of coughing etc. have been ongoing and occurring in to some extent since 2003. In addition, symptoms of coughing etc. are held to vary significantly depending on environmental conditions and individual patterns of health behavior and health. Therefore, the reasonable probability that symptoms of cough etc. are occurring due to the completion of the Project is not considered likely.

In addition, the Requestors have presented photographs of fly ash located near where they live as grounds for this statement. However, the photographs concerned only show a gray dust-like deposit on the fingertips, and the Requestors have not presented any documents showing what the substances are. In addition, the report from a third-party organization holds that the dust around the Project site does not contain fly ash derived from coal.

Furthermore, in terms of actual damage due to air pollution, the Requestors have presented documents claiming that a doctor has found that the grandchild of one of the Requestors has been affected by bronchial pneumonia. However, even if this were a document actually drawn up by a doctor, it lacks description related to the causes of the bronchial pneumonia, in particular lacking what mechanism by which this child (a two-month-old infant)'s bronchial pneumonia was caused by emissions from Cirebon Unit 1. It cannot be considered that specific damage to health is occurring based on such documents alone.

Therefore, we could not find the incurrence of actual damage to health and its likelihood.

b. Facts regarding Compliance with JBIC Environmental Guidelines

(a) Regarding Claim A

(i) Procedures for Participation in Consultation

The Requestors state that JBIC overlooked that the procedures for resident participation in consultation with the Project Proponent etc. were not conducted in an appropriate manner.

On this point, it can be considered that JBIC confirmed that, in accordance with the Republic of Indonesia Minister of the Environment Regulation No. 17/2012 (hereinafter “Minister’s Regulation”), consultation meeting procedures such as listing notifications of holding the meetings in local newspapers at least ten days before the meeting date were appropriately carried out when holding public consultations with the Project Proponent etc.

(ii) Regarding Disclosure of Information

Moreover, regarding methods of information disclosure, according to the Minister’s Regulation, it requires disclosure through TV, on the internet, and/or bulletin boards when applying for environmental permits as well as disclosure online and/or in mass media such as newspapers when permits are issued. For the Project, we found that disclosure was made via newspapers etc. at the time of application and on the internet at the time of permit issuance.

Therefore, we could not find that Grounds for Request A constitute a violation of the Environmental Guidelines.

(b) Regarding Claim B

Part 1, 3. (4), paragraph 1 of the Environmental Guidelines stipulates that “JBIC ascertains whether a project complies with environmental laws and standards of the host nation and local governments concerned, as well as whether it conforms to their environmental policies and plans” and, in addition, Part 2, 1. (4), paragraph 1, sentences 1 and 2 of the Environmental Guidelines stipulate that “Projects must comply with laws and regulations, and standards relating to environmental and social considerations established by the governments governing the project site (including both national and local governments). They must also conform to policies and plans relating to environmental and social considerations established by the governments governing the project site.” On this point, the Requestors state that JBIC’s financing does not comply with local laws and plans relating to environmental consideration, because the environmental permits - the ground to carrying out the Project - obtained by the Project Proponent were held to be illegal by a local Court.

The relevant facts on this point are as follows. In the case in which the legality of the Project’s environmental permits was contested, on April 19, 2017, the Bandung State Administrative Court found that, despite the Cirebon Regency spatial plan (for 2011 to 2031) - the ground to the carrying out of the Project - only permitting power plant development in the Astanajapura District, the Project’s planned development area included the neighboring Mundu District as well as the Astanajapura District, and therefore held that the Former Environmental Permits were unlawful (the First Judgement. In addition, this determination was subsequently confirmed by the West Java Provincial Government withdrawing its appeal on August 1, 2017). Subsequently, on July 17, 2017, the West Java Provincial Government annulled the Former Environmental Permits and at the same time issued new environmental permits (hereinafter “the New Environmental Permits”).

In response, the Requestors and the NGOs filed a lawsuit contesting the legality of the New Environmental Permits. On May 2, 2018, the Bandung State Administrative Court found that the New Environmental Permits had been issued based on the determination of the First Judgement in relation to the Former Environmental Permits, and, in

accordance with the laws and ordinances of the Republic of Indonesia, ruled that the Court did not have the authority to make a determination (hereinafter “the Second Judgement”). Subsequent decisions of the courts of appeal and last instance as well as Judicial Review and Civil Review by the Supreme Court of Indonesia upheld the Second Judgement.

Considering these facts, the question before us is whether JBIC decided and complied with local laws and plans relating to environment or not. Given that (1) the legal effect of the Former Environmental Permits continued until the New Environmental Permits were issued and the validity relating to environmental permits was ongoing, (2) the West Java Provincial Government issued the New Environmental Permits on July 17, 2017, and (3) the initial court decision related to the legality of the New Environmental Permits (the Second Judgement) reasoning that the issuance of the New Environmental Permits annulled the Former Environmental Permits and at the same time was based on the First Judgement, we could not find that JBIC’s financing violates the laws and plans relating to the environment of the Republic of Indonesia.

In addition, and in relation to the above, as it is confirmed as fact that JBIC and the Project Proponent signed a financing agreement on April 18, the day before the initial court decision on April 19, 2017, pronouncing the Former Environmental Permits to be illegal, the Requestors state that such actions by JBIC indicate an intentional bringing forward of the financing agreement signing.

According to related documents, the lending from JBIC to the Project Proponent was not immediately disbursed after the financing agreement was signed, but made after the New Environmental Permits were issued. In addition, courts in the Republic of Indonesia do not always specify in advance the date that a decision will be handed down. Considering these two facts, this statement by the Requestors does not influence the above conclusion.

Therefore, we could not find that Grounds for Request B constitute a violation of the Environmental Guidelines.

(c) Regarding Grounds for Request C

The Requestors state that the air pollution control technology planned for adoption in the Project is not BAT, does not draw on good practice from coal-fired power plants in Japan, and is in violation of the stipulation in Part 1, 3. (4) 3) of the Environmental Guidelines that “Where appropriate, JBIC also refers to standards established by other international financial institutions, other internationally recognized standards, and/or standards or good practices established by developed countries such as Japan as benchmarks. If JBIC believes the environmental and social considerations of the project substantially deviate from these standards and good practices, it will consult with the host governments (including local governments), borrowers, and project proponents to confirm the background and rationale for such deviation, and the measures to rectify it if necessary.”

On this point, the Examiners have checked that JBIC determined that the concentration of harmful atmospheric pollutants emitted by the Project (planned value) was not covered by the phrase “Where appropriate” by reason of being significantly lower than the local standards of the Republic of Indonesia as well as values indicated in the International Finance Corporation (IFC)’s EHS guidelines.

Accordingly, when considering the above determination made by JBIC, it is clear that variations exist due to social and geographical conditions because environmental

regulation standards are not set at as threshold values above which damage to health would occur as well as because there are no absolute standards globally common. Therefore, even if regulation standards were to diverge between power plants in Japan and the Project with regard to emissions of harmful atmospheric pollutants, viewed from the perspective of comity based on respect for the sovereignty of the Republic of Indonesia, it cannot be said that there is a problem with the above decision made by JBIC. (Moreover, the Cirebon Project Unit 1, which precedes the Project, far from that, was highly praised by the competent authority the Ministry of Environment and Forestry for gradually reducing toxic substances through the deployment of even more advanced technology than previously.)

Therefore, we could not find that Grounds for Request C constitute a violation of the Environmental Guidelines.

(d) Regarding Claim E

Despite being aware of the illegality of the spatial plan and the possibility of the Former Environmental Permits being revoked in the decision-making process leading to the financing decision, by not seeking the opinions of the Requesters and NGOs, the Requesters state that JBIC has violated the provision of the Environmental Guidelines (Part 1, 5. (1), paragraph 2) that states that “JBIC may also, when necessary, seek the opinions of concerned organizations and stakeholders.”

In this regard, the Examiners acknowledged that JBIC, in its environmental reviews prior to the start of construction of the Project, had recognized the possibility that there was a discrepancy between the spatial plan - the ground of the Project - and the content of the Project but had deemed it not necessary to seek the opinions of concerned organizations and stakeholders based on that environmental permits had been obtained in accordance with the environmental laws and standards of the host nation and local governments concerned, as, in a letter dated March 1, 2016, the National Spatial Planning Commission, which has jurisdiction over spatial planning in the Republic of Indonesia, made clear its intent to allow environmental impact assessment procedures to be undertaken in parallel with spatial planning change procedures and the Project Proponent had obtained environmental permits on May 11, 2016.

Considering JBIC’s decision above, it can be said that the issue of the Bandung Administrative Court judgement on April 19, 2017 (the First Judgement), that the Former Environmental Permits were illegal was remedied by the issuance of the New Environmental Permits based on that judgement (see the Second Judgement). In addition, as mentioned above, the Project Proponent and JBIC followed the intent clarified by a competent national agency, and JBIC took all reasonable measures. Therefore, viewed from the perspective of comity based on respect for the sovereignty of the Republic of Indonesia, it cannot be said that there is a problem with the above decision made by JBIC.

Therefore, we could not find that Grounds for Request E constitute a violation of the Environmental Guidelines.

(e) Regarding Grounds for Request F

The Environmental Guidelines stipulate that “People to be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by the project proponents, etc. in a timely manner. Prior compensation, at full replacement cost, must be provided as much as possible. The project

proponents, etc. must make efforts to enable the people affected by the project to improve their standard of living, income opportunities, and production levels, or at least to restore them to pre-project levels.” (Part 2, 1. (7), paragraph 2) The Requesters state that compensation provided under the CSR program by the Project Proponent is neither sufficient nor effective.

On this point, we find that the Project Proponent has installed fishing reefs and provided fishing nets to local fishermen. In addition, the Project Proponent was recognized for implementing a wide variety of CSR programs for residents, such as mangrove protection and conservation activities, microfinance, vocational training, life and accident insurance, and free health check-ups. And such CSR programs are recognized as complying with Performance Standard 5 (Land Acquisition and Involuntary Resettlement) paragraph 28 of the International Finance Corporation (IFC). Furthermore, according to interviews with local residents by JBIC and on-site inspections by the Examiners, CSR programs by the Project Proponent are recognized as contributing to and becoming important activities for local communities. Also, the programs were highly acclaimed in a CSR program assessment survey conducted by a third-party organization.

Therefore, we could not find that Claim F constitute a violation of the Environmental Guidelines.

Also noted that, although the Examiners confirmed that there are residents who have not received the CSR program benefits provided by the Project Proponent, the receipt of CSR program benefits is not the obligation of the target residents, so even if some of the subjects of the CSR programs, including the Requesters, did not receive benefits, the above conclusion will not be affected.

(f) Other

In addition, the Requesters raise multiple issues in letters addressed to the Examiners and in interviews with the Examiners, and the major points are judged to be those below.

Whether the statement that the Project Proponent provided bribes to government officials is true or false is uncertain, and any relevance of this statement based on the Environmental Guidelines cannot be found.

In addition, along with the progress of the construction of the Project, the fishermen who were operating near the Project site are moving to the mouth of the river on the east side of the Project site. Therefore, with regard to that fish catches near the mouth of the river are expected to decrease when the Project is completed, we could not find the occurrence or the likelihood of such actual damage.

Furthermore, regarding the statement of the smell of chlorine due to inadequate wastewater treatment in the site of the Cirebon Project Unit 1, and polluting the sea, such as the discharge of wastewater into the seawater and the foaming of the seawater, we could not find such facts according to the statistical data on the state of seawater pollution and the on-site inspection by the Examiners.

c. Causal nexus between the damage actually incurred and the facts concerning compliance/non-compliance with Environmental Guidelines

As mentioned above, we could not find that the actual damages stated by the Requesters have been incurred or its likelihood to be incurred in the future. Moreover, since JBIC’s non-compliance with the Environmental Guidelines cannot be found, the causal nexus

between the facts related to compliance/non-compliance with the Environmental Guidelines and specific damage cannot be recognized.

d. Final result

As described above, as a result of our investigation, we could not find that the actual damages stated by the Requesters have been incurred or that is likely to be incurred in the future. In addition, no violations of the Environmental Guidelines by JBIC were found. Furthermore, no causal nexus was found between the specific damages and the violation of JBIC's Environmental Guidelines stated by the Requesters.

(3) Agreement between the parties on the encouragement of dialogues and record of dialogues held between the parties

- a. Date of dialogue promotion: April 13, 2016
- b. Content of dialogue: Explanation of the content of the CSR programs, etc.

(4) Contents of agreement reached between the parties

No agreement was reached.

(5) Necessity of further mediation

There is no necessity for further mediation, because the Requesters clearly refused to engage in additional dialogues with the Project Proponent.

4. List of materials that served as Basis for Judgment of Examiners

(1) Letters from the Requesters

The letters sent by the Requesters to the Examiners are as follows.

Date	Sender	Title of Letter (original titles are indicated by double-quotation marks)
April 2016	Requesters	“Concerns and Request regarding the Cirebon Coal-fired Power Plant Project in West Java, Indonesia”
July 28, 2016	FoE Japan (FoEJ, international environmental NGO), Japan Center for a Sustainable Environment and Society (JACSES), Kiko Network	Letter of request for resolving existing problems and for refusal of NEXI's decision to insure the Expansion Plans of Two Coal-Fired Power Plant Projects in Java, Indonesia
September 28, 2016	Requesters	“Updated Concerns and Request regarding the Cirebon Coal-fired Power Plant Project in West Java, Indonesia”
January 24, 2017	FoEJ, JACSES, Kiko Network, 350.org Japan	Letter of request for resolving existing problems and for refusal of public financing for the expansion plan of the Cirebon Coal-fired Power Plant Project in West Java, Indonesia

March 23, 2017	280 organizations including WALHI, FoEJ, JACSES, Kiko Network, and 350.org Japan	“Re: Japanese Government must Reject Financing the Cirebon and Indramayu Coal-fired Power Plants, West Java, Indonesia”
May 21, 2017	Requesters	“Objection Regarding the Cirebon Coal-fired Power Plant Project - Unit 2 in West Java, Indonesia”
August 31, 2017	FoEJ, JACSES, Kiko Network	Letter of request for cancellation of the loan agreement for the expansion of the Cirebon Coal-fired Power Project in West Java, Indonesia and for thorough scrutiny of effectiveness of the New Environmental Permits
September 2, 2017	Requesters	“Reconfirmation of Our Desiring Investigation and Resolution in the Objection Paper regarding the Cirebon Coal-fired Power Plant Project – Unit 2 in West Java, Indonesia”
September 20, 2017	Requesters	“Complaint about JBIC’s Continuous Neglect Our Voices regarding the Cirebon Coal-fired Power Plant Project – Unit 1 and Unit 2 in West Java, Indonesia”
September 20, 2017	Requesters	“Answers to the Further Information Required regarding the Objection Paper on the Cirebon Coal-fired Power Plant Project - Unit 2 in West Java, Indonesia”
September 29, 2017	FoEJ	Letter of request for JBIC’s thorough review and two-way dialogue with residents and the civil society before disbursing the loans for the expansion plan of the Cirebon Coal-fired Power Plant Project in West Java, Indonesia
October 17, 2017	Requesters	“Opinion to the Results of Examination regarding the Objection Paper on the Cirebon Coal-fired Power Plant Project -Unit 2 in West Java, Indonesia”
October 19, 2017	Requesters	“Request the Thorough Investigation on Our Concerns regarding the Cirebon Coal-Fired Power Plant Project - Unit 1 and 2 in West Java, Indonesia”
October 26, 2017	Requesters	“Clarification of Our Opinion about the CSR and the Meeting with CEP/CEPR regarding the Cirebon Coal-fired Power Plant Project – Unit 1 and Unit 2 in West Java, Indonesia”
November 16, 2017	WALHI	“WALHI’s objections to the disbursement of Coal-based Power Plant Cirebon 2 Project”

May 18, 2018	171 organizations including WALHI, FoEJ, JACSES, Kiko Network, and 350.org Japan	“Re: Japanese Government Must Stop Financing the Cirebon and Indramayu Coal-fired Power Plants, West Java, Indonesia”
October 15, 2018	Requesters	“Opinions and Request on the Projects in Cirebon, Indonesia, after Your New Policy of Coal-Fired Power Generation Business”
November 5, 2018	Requesters	“Opinion about the Meeting with Your Bank regarding the Cirebon Coal-fired Power Plant Project – Unit 1 and Unit 2 in West Java, Indonesia”
March 15, 2019	Dadan Ramdan (Director of WALHI West Java) Requesters	“Re: Ongoing Serious Impact on the Community and Our Continuous Demand to Stop the Cirebon Coal-fired Power Plant Project – Unit 1 and Unit 2 in West Java, Indonesia”
July 26, 2019	Adam McGibbon (Global Witness)	(No title)
August 5, 2019	FoEJ, JACSES, Kiko Network	Letter of request for accountability of JBIC regarding misconduct of parties related to the Cirebon Coal-fired Power Plant Expansion Project in Indonesia and for suspension of loan disbursement
September 18, 2019	Requesters Meiki W. Paendong (Director of WALHI West Java)	The Cirebon Coal-fired Power Plant Project in West Java, Indonesia (Units 1 and 2) - Continuing opposition and strong request to Marubeni for prompt divestment
October 11, 2019	FoEJ, JACSES, Kiko Network	Letter of request for suspension of disbursement of loans for the expansion plan of the Cirebon Coal-fired Power Plant Project in Indonesia and for thorough investigation and accountability for allegations of bribery
November 18, 2019	FoEJ, JACSES, Kiko Network	Urgent letter of request for immediate suspension of loan disbursement for the expansion plan of the Cirebon Coal-fired Power Project in Indonesia
January 7, 2020	Requesters	“Request the Immediate Stop of JBIC’s Loan Disbursement and Opinion about the Meeting with JBIC regarding the Cirebon Coal-fired Power Plant Project in West Java, Indonesia”
May 24, 2022	Requesters	“Reaffirmation of Our Position regarding the Cirebon Coal-fired Power Plant Project – Unit 2 in West Java, Indonesia”

(2) Other

- Letter from Deputy of Accelerated Development of Infrastructure and Region titled “Spatial Recommendation for the Constructions of PLTU Cirebon Expansion and 500kV Transmission Line in Cirebon Regency” (March 1, 2016) (English translation)

- ANALISIS DAMPAK LINGKUNGAN HIDUP (ANDAL) RENCANA PEMBANGUNAN DAN OPERASI PEMBANGKIT LISTRIK TENAGA UAP (PLTU) CIREBON KAPASITAS 1 X 1.000 MW KABUPATEN CIREBONJAWA BARAT (April 2016)
- ADENDUM ANDAL DAN RKL-RPL KEGIATAN PEMBANGUNAN DAN OPERASIONAL PLTU KAPASITAS 1 X 1.000 MW CIREBON KECAMATAN ASTANAJAPURA DAN KECAMATAN MUNDU DAERAH KABUPATEN CIREBON OLEH PT CIREBON ENERGI PRASARANA JULI, 2017 PT CIREBON ENERGI PRASARANA WISMA PONDOK (July 2017)
- Judgement by the Bandung State Administrative Court (April 19, 2017) (English translation)
- Letter from Minister of Law and Human Rights Directorate General of Public Law Administration (July 3, 2017) (English translation)
- Letter from Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency (May 29, 2017)
- Letter entitled “Spatial Recommendation for the Constructions of PLTU Cirebon Expansion and 500kV Transmission Line in Cirebon Regency” (March 2017) (Unofficial English Translation)
- Legal Opinion entitled “Legality of New Environmental Permit Issued for Cirebon Power Plant (CPP) 1 x 1.000 MW” (October 6, 2017)
- Extract of Makarim opinion (Environmental License) (August 21, 2017)
- E-MAIL TRANSMISSION FORM from Makarim RE: Memo Case No. 124/G/LH2016/PTUN-BDG (June 12, 2017)
- JBIC Environmental and Social Consideration Questionnaire for Cirebon Expansion Project, West Java, Indonesia (April 18, 2016)
- Minutes and attendance list of Public Consultations sessions (May 12, 2015) Desa Kanci, Kecamatan Astanajapura, Kabupaten Cirebon
- Opinion to the Results of Examination regarding the Objection Paper on the Cirebon Coal-fired Power Plant Project – Unit 2 in West Java, Indonesia (October 17, 2017) (English translation)
- Further Information Required with respect to Cirebon Coal-fired Power Plant Project: Unit 2 in West Java, Indonesia (Acceptance No.1701) (September 15, 2017)
- Answers to the Further Information Required regarding the Objection Paper on the Cirebon Coal-fired Power Plant Project – Unit 2 in West Java, Indonesia (September 20, 2017)
- “Re: RAPEL Answer letter on JBIC Examiner Inquiry” (October 6, 2017 (additional questions to the requesters by Email))
- “Re(2): RAPEL Answer letter on JBIC Examiner Inquiry” (October 15, 2017 (additional response from the requesters by Email))

- REPORT TO RESPOND ON RAPEL (NGO) CONCERNS FOR THE OPERATION OF CIREBON POWER PLANT – UNIT 1 AND UNIT 2
- Updated Concerns and Request regarding the Cirebon Coal-fired Power Plant Project in West Java, Indonesia (September 28, 2016)
- Two written answers to questions the Examiners (the predecessors) asked the Project Proponent
- DAFTAR HADIR Focus Group Discussion (FGD) (January 28, 2016)
- TANDA TERIMA PENYERAHAN JARING BANDENG DAN KEDUKANG (17-Jul-17)
- Written answers to questions the Examiners asked JBIC’s Operational Department
- Report on local investigation on confirmation of environmental and social considerations for the Cirebon Expansion Coal-fired Power Plant Project (October 27, 2017)
- Business communication memo (August 8, 2017)
- Memorandum on the relationship between the AMDAL procedures for the Cirebon expansion project and the spatial plan (August 2017)
- Summary of first instance in administrative lawsuits related to environmental permits
- Plaintiff/defendant claims and rulings in lawsuits related to environmental permits (first instance)
- Business communication memo (July 26, 2017)
- Environmental appraisal findings on the Cirebon Coal-fired Power Plant Expansion Project (March 2017)
- Examination Report on Objection to Cirebon Coal-fired Power Plant Project - Unit 1, West Java, Indonesia (March 21, 2017)
- Written answers from the Project Proponent to questions the Examiners asked (including additional answers) (August 19, 2022)
- Written answers from Dr. Eko's to questions the Examiner asked (July 21, 2022)
- Written answers from the Project Proponent’s legal counsel to questions the Examiners asked (August 25, 2022)
- Materials presented by the Requesters in the remote interview with the Examiners (July 2022)
- Report by Dr. Eko: “Respond on Rapel (NGO) concerns for the operation of Cirebon Power Plant Unit 1 and Unit 2 in 2020” (2020)
- Ruling by the Bandung State Administrative Court (April 19, 2017) (English translation)
- Judgement by the Bandung State Administrative Court (May 2, 2018) (English translation)

- Judgement by the High Court of Jakarta (April 1, 2018) (English translation)
- Judgement by the Supreme Court of the Republic of Indonesia (November 29, 2018) (English version)
- Judgment by the Supreme Court of the Republic of Indonesia (October 21, 2019) (English version)
- Judgement by the Supreme Court of the Republic of Indonesia (December 4, 2019) (English version)
- Record of meeting with West Java Provincial Department of Environment and Forestry, Indonesia (July 2, 2022)

Attachment 1: Results of Preliminary Investigation

Results of Examination

1. Formality requirements of the request

All items are written in Japanese, English or the official language of the country in which the Requester resides.	✓
There are items the descriptions of which are insufficient.	

(Items the descriptions of which are insufficient: _____)

2. Requirements to commence the procedures

(1) Requirements regarding the Requester

The request has been submitted by two or more residents in the country in which the project is implemented.	✓
The request does not satisfy the above requirement.	
The fact that the request has been submitted by the Requester cannot be confirmed.	

(2) Project with respect to which the objections are submitted

As a result of identifying the project based on the request, it has been confirmed that it is a project for which JBIC provides funding.	✓
As a result of identifying the project based on the request, it has been confirmed that it is not a project for which JBIC provides funding.	
The project cannot be identified based on the request.	

(3) Period

The request was submitted during the period between the time when a loan agreement was executed and the time when drawdown was completed.	✓
The request was submitted on or before the time when a loan agreement was executed and, therefore, it is appropriate to transfer the request to the Operational Department for examination.	
The request was submitted after the completion of disbursement and JBIC's non-compliance with the Guidelines concerning JBIC's monitoring was pointed out.	
The request was submitted after the completion of disbursement but JBIC's non-compliance with the Guidelines concerning JBIC's monitoring was not pointed out.	

- (4) Substantial damage actually incurred by the Requester or substantial damage likely to be incurred by the Requester in the future as a result of JBIC's non-compliance with the Guidelines with regard to the project which JBIC provides funding

Substantial damage actually incurred or substantial damage likely to be incurred in the future is described.	✓
Substantial damage actually incurred or substantial damage likely to be incurred in the future is not described.	

- (5) Relevant provisions of the Guidelines considered by the Requester to have been violated by JBIC and the facts constituting JBIC's non-compliance alleged by the Requester

Provisions not complied with and the facts of non-compliance are fairly and reasonably described.	✓ ※
Provisions not complied with and the facts of non-compliance are not fairly and reasonably described.	

※Note: One item out of six mentioned on pages 7-12 of the objections (Acceptance No.1701) as shown below are not subject to the Procedure, as the facts referred are irrelevant as the content of the non-compliance.

【Irrelevant referred provisions of the Guidelines】

- page 10-11: (Environmental Reviews for Each Category)

- (6) Causal nexus between JBIC's non-compliance with the Guidelines and the substantial damage

Description of causal nexus is fairly reasonable.	✓
Description of causal nexus is not considered to be fairly reasonable.	

- (7) Facts concerning the Requester's consultation with the Project Proponent

The Requester has endeavored to have dialogues with the Project Proponent.	✓ ※
There is an unavoidable reason for the Requester that prevents the Requester from endeavoring to have dialogues with the Project Proponent.	
As the Requester has not fully endeavored to have dialogues with the Project Proponent, the Requester should first propose to have dialogues.	

※Note: The Agent of the Requesters had dialogues with the Project Proponent.

(8) Facts concerning the Requester's consultation with JBIC

The Requester has had communication with JBIC's Operational Department.	✓ ※
As the Requester has not fully endeavored to have communication with JBIC's Operational Department, the Requester should first propose to have dialogues.	

※Note: The Agent of the Requesters had communication with JBIC.

(9) Prevention of abuse

There is no concern that the request was submitted for abusive purposes.	✓
There is a concern that the request was submitted for abusive purposes and, therefore, it is inappropriate to commence the procedures.	
There is a serious false description in the request.	

(Describe the reasons why the request is considered to have been submitted for abusive purposes or the matters that are considered to be false.)

[THE END]

Attachment 2: JBIC interviews with the Requester and others, on-site inspections, etc.

Date	On-site inspection/interview	Detail
May 11-13, 2016	Cirebon 1 & 2 on-site inspection	Interviews with Project Proponent, West Java Environmental Management Agency, visit to surrounding communities, on-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project.
May 23, 2016	Interview with NGO	Q&A session with FOE Japan (FOE Japan is the agent for Requestors to Cirebon 2 project) and FOE Indonesia
September 30, 2016	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
March 8-9, 2017	Cirebon 1 on-site inspection	Interviews with Project Proponent by Examiners, on-site inspection of Cirebon 1, visit to CSR activity sites, etc.
May 24, 2017	Interview with Requesters, NGO, etc.	Q&A sessions with Requesters, FOE Japan (agent for Requestors to Cirebon 2 project), local NGOs, legislators, etc.
May 25, 2017	Interview with Requesters, NGO, etc.	Q&A sessions with Requesters, FOE Japan (agent for Requestors to Cirebon 2 project), local NGOs, etc.
July 26, 2017	Interview with Requesters, NGO, etc.	Q&A sessions with Requester, FOE Japan (agent for Requestors to Cirebon 2 project) and other local NGOs
August 9, 2017	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
September 18-20, 2017	Cirebon 2 on-site inspection	Interviews with Project Proponent, local Management Agency, local residents, on-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.

October 5, 2017	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs (attended by the Ministry of Finance)
October 19-20, 2017	Cirebon 2 on-site inspection	Interviews with local residents including Requestors and NGOs, on-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.
November 17, 2017	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs (attended by the Ministry of Finance)
December 8, 2017	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and local NGOs
December 13-15, 2017	Cirebon 2 on-site inspection	Interviews with local residents including Requestors and local Management Agency, visit to CSR activity sites, on-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.
March 29, 2018	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
May 18, 2018	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
November 20, 2018	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
November 28-29, 2018	Cirebon 2 on-site inspection	Interviews with local residents, visit to CSR activity sites, on-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.
March 20, 2019	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs

May 22, 2019	Interview with NGO, others	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project), other Japanese NGOs and legislative secretaries, etc. (attended by the Ministry of Finance)
June 11, 2019	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
November 1, 2019	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
November 25-27, 2019	Cirebon 2 on-site inspection	Interviews with local residents, visit to CSR activity sites, on-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.
March 3, 2020	Interview with NGO	Q&A sessions with FOE Japan (agent for Requestors to Cirebon 2 project) and other Japanese NGOs
February 3, 2021	Cirebon 2 online inspection	On-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.
February 24, 2022	Cirebon 2 online inspection	On-site inspection of Cirebon 1 operation and scheduled site for Cirebon 2 project, etc.