

Mr. Masumi KAKINOKI,
President and Chief Executive Officer, Marubeni Corporation
Mr. Yasunari NAKABAYASHI,
President Director, PT Musi Hutan Persada

An Open Letter Concerning the Provision of Alternative Land to Former Residents of Cawang Gumilir

On August 10, 2021, we received the following reply from the person in charge at the Sustainable Management Department of Marubeni Corporation in response to our "Open Letter: Petition Regarding Support for the Reconstruction of Livelihoods of the Displaced Residents of Cawang Gumilir"(hereafter referred to as "the petition") which was sent by us on June 21, 2021.

We would like to offer the following reply in response to the "Open Letter: Petition Regarding Support for the Reconstruction of Livelihoods of the Displaced Residents of Cawang Gumilir ," which was addressed to the president of our company and the president of the industrial company PT Musi Hutan Persada (MHP), and dated June 21, 2021.

MHP has continued to consult every stakeholder (local residents, local NGOs, and construction supervisory authorities) and under the guidance of the government, we have completed the selection of alternative candidate sites and returned this land to the government. We understand that the procedures for providing this alternative land to the former residents are to be led by the government.

We will continue to monitor the progress that has been made.

Thank you for your query.

Thank you for sending the reply. In relation with this response, we would like to inquire about the following points.

1. In the petition, we requested you to consider the possibility of return of the former population of Cawang Gumilir to Cawang. Could you tell us whether this point was considered? If yes, how was it considered, and for what reason did you come to the decision that instead of bringing back the community to Cawang, a substitute site would be provided?
2. In your reply, you have stated the selection of "alternative land" and also that the return of this land to the government has been completed. In addition, according to an article published on July 16 in an Indonesian media, "Liputan 6,"¹ the MHP is deliberating a 385-hectare patch of land suitable for residential living called "Teras" as one of the potential sites for the relocation of the former residents of Cawang Gumilir village . Is this the land referred to as "alternative candidate sites" in your response? Please let us know the location of the "alternative candidate sites" and the name of the administrative district/village under which it falls as well as the area of the land.
3. Please tell us who selected the "alternative candidate sites" and whether you make a consultation with Cawang Gumilir people and/or the WALHI Sumsel prior to engaging in the selection process.
4. You have said in your response that you understand the future procedures for the provision of alternative site

¹ Liputan 6, "Para Perempuan Cawang Gumilir, Tergusur dan Bertahan di Tengah Ketidakpastian." published on July 16, 2021, <https://www.liputan6.com/regional/read/4609061/para-perempuan-cawang-gumilir-tergusur-dan-bertahan-di-tengah-ketidakpastian-1> (accessed September 1, 2021).

will be led by the government. How does your company and MHP plan to be involved in the process of providing alternative site in the future? We believe it is essential for “Kelompok Tani Hutan Cawang,” an organization representing the Cawang Gumilir community to participate in the process. We also believe facilitation by NGOs such as WALHI Sumsel is necessary in this process. Could you tell us what kind of response your company is considering about this aspect?

5. In the petition, we urge you to compensate people for possessions such as houses, crops, and so on, which were destroyed during the forced eviction. In this regard, WALHI Sumsel has opined that the superficies destroyed by the forced eviction includes not only houses and crops but also public facilities (including school building). Therefore, compensation for these facilities is also necessary. They also expressed the opinion that compensation should be provided not only for physical damage but also for the mental damage exerted by the forced eviction. In your company's Basic Policy on Human Rights, it is stated that "we will create a system (complaint resolution mechanism) for reporting when our business activities have a negative effect on human rights or we have been involved in human rights violations. If such reports are received, appropriate procedures for redress will be taken once the facts are sufficiently ascertained".² Through this "complaint resolution mechanism," we hope that you will seriously consider compensation for the Cawang Gumilir people. Please tell us the considerations that your company is making about dealing with this regard.
6. Shortly after we received your response to the petition, the Indonesian National News Agency (ANTARA) reported on August 14, 2021 that MHP had destroyed about 15 hectares of land that had been used for more than a decade as rubber and oil palm gardens by residents of Sugihan village in the Muara Enim province.³ We deeply regret that your subsidiary has again taken such repressive, hard-line measures to secure land for business purposes. Your “Basic Policy on Human Rights ” states that "we do not violate human rights" and "we shall engage in sincere dialogue and discussion with relevant stakeholders in order to promote initiatives in line with this Policy." In light of these policies, how can the forced removal be justified? Please let us know your company's thoughts on this issue.
7. In the future, if a land-related problem arises between residents who have been engaged in agriculture or other activities on MHP’s concession areas, we request you to solve the problem through dialogue instead of repressive, hard-line measures, in accordance with your company’s philosophy called "Basic Policy on Human Rights." Please tell us what your company thinks about this point.

We would like you to respond to the above points in writing. We look forward to receiving your reply.

Sincerely,

Hairul Sobri Eep (WALHI Sumatra Selatan, Executive Director)

Mishiba, Junichi (FoE Japan, Executive Director)

Harada, Akira (Japan Tropical Forest Action Network, Director)

Kawakami, Toyoyuki (Japan Tropical Forest Action Network, Steering Committee member)

Nakatsuka, Takayuki (Japan Tropical Forest Action Network, Steering Committee member)

Saeki, Natsuko (Network for Indonesian Democracy, Japan, Secretary-general)

Sasaoka, Masatoshi (Hokkaido University, Associate Professor)

² Website of the Marubeni Corporation. https://www.marubeni.com/jp/sustainability/social/human_rights/ (accessed on September 4, 2021).

³ "ANTARA Sumsel", August 18, 2021, "Ratusan warga Desa Sugihan minta PT MHP hentikan penggusuran lahan" (<https://sumsel.antaranews.com/berita/571310/ratusan-warga-desa-sugihan-minta-pt-mhp-hentikan-penggusuran-lahan>, Accessed September 1, 2021).