

## ESHS Response for BHRRC



## Sources:

- <https://justfinanceinternational.org/2022/10/25/ahead-of-aiib-annual-meeting-indonesian-civil-society-demands-bank-ends-reprisals-intimidation-of-indigenous-communities-in-mandalika/>

No	Issue	Response
1	Most problematic was the ITDC's claim that 92.7% of the land was clean and clear in the Mandalika area, despite a decades-long history of violent land disputes connected to previous large-scale development projects in Lombok. [3,4]	<p><i>The land currently occupied by Mandalika was granted by the Government of Indonesia in favor of ITDC in 2009. The objective of the awarding of the land is for ITDC to develop Mandalika into a tourism destination thus, the land had eventually been considered as an additional asset in favor of ITDC. ITDC is currently developing it as a tourism destination with similar standard to Nusa Dua (ITDC's former project in Bali). The awarding of this additional asset was based upon government's Decree, i.e., National Land Office no 22 and 23/HPL BPN-RI/2009 with total land 1.035 ha.</i></p> <p><i>From then onwards, ITDC decided to expand and further acquired a few of the adjacent lands through Compensation. A few additional asset was acquired by ITDC in 2012 and further land acquisitions in 2020-2021, for which, ITDC is now managing a total land area of about 1.176 ha.</i></p> <p><i>Note: The Mandalika land has no correlation with Lombok International Airport and bypass roads, which are managed by 2 different companies/SoEs (not ITDC).</i></p>

No	Issue	Response
2	<p>From the months preceding the loan approval in 2018 onwards, those who resisted involuntary resettlement in Mandalika have been subject to repeated and repressive intimidation and reprisals by the ITDC and other components of the Indonesia government, according to accounts given by local communities, Indonesia's human rights body, and the <u>special procedures of the UN Human Rights Council</u>. [5,6,7]</p> <p>Hundreds of families have been forced by the government and the security forces to leave their homes for temporary resettlements unfit to support their livelihoods.</p>	<p><i>ITDC respectfully disagree towards any allegation of using force or the alleged involuntary resettlement when dealing with land acquisition.</i></p> <p><i>National Human Rights Committee (Komnas HAM) <b>found no evidence of human rights violation related to reprisals.</b> Komnas HAM even assisted ITDC by providing guidelines, due diligence, and recommendations, which ITDC has followed and complied with accordingly.</i></p> <p><i>In fact, the families/project-affected-households (PAHs) who agreed to move to temporary resettlement have a more proper size of houses that were built on 100m2 of land. They also received compensation for loss of income, of which amount was agreed by the concerned PAHs estimated to cover the cost of land (i.e., based on the census done by Local Government in Lombok Tengah).</i></p> <p><i>Moreover, apart from getting compensation for loss of income, the Government of Indonesia have prepared free housing for 120 PAHs at Ngolang Village with land title and house certificates indicating their ownership, along with water supply, access road improvement and other miscellaneous utilities.</i></p> <p><i>There is no evidence showing allegations of the PAHs been forced by the government and the security forces. If there was indeed such incidents then those aggrieved PAHs could have filed (or filled-out) Grievances Redress Mechanism (GRM) forms, which ITDC have put in place at every village since the beginning of this project up until the present moment.</i></p>

No	Issue	Response
3	<p>The AIB's statement on Retaliation is misleading: the intimidation of Indigenous Sasak people continues to this day with the heavy involvement of security forces in the Mandalika tourism development project.</p>	<p><i>Referring to IPDP documents, the Indigenous people/Sasak Tribe are situated in Sade and Ende Villages, where those locations are far from The Mandalika.</i></p> <p><i>However, ITDC is avoiding using intimidation to local communities, but instead being prioritized; involving them in several projects and events in The Mandalika. They were trained, hired for work, and are able to participate in the events. ITDC considers the villagers as stakeholders thus, ITDC engaged them on a regular basis. The villagers' opinions have been solicited especially about The Mandalika's development planning</i></p> <p><i>ITDC's engagement with the local community had been enhanced. ITDC is currently on the process of hiring an independent stakeholders' facilitator. The aim is to bridge any conceivable gaps between the villagers, PAHs, ITDC and other relevant stakeholders. The goal is to gradually lead stakeholders to acquire a full knowledge and skills about tourism destination especially The Mandalika.</i></p>

**Sources:**

- <https://justfinanceinternational.org/2022/10/25/official-statement-indonesian-coalition-for-monitoring-infrastructure-development/>

No	Issue	Response
1	<p>The statement claims that “AIIB recognizes and takes seriously the increasing risk of retaliation to stakeholders who express views regarding the environmental and social (ES) risks and impacts of development projects.” This is antithetical to the reality experienced by project-affected communities in Mandalika since the AIIB approved the project in December 2018 amidst an escalation of land conflicts. It is crucial for the AIIB to discuss this issue during its upcoming annual meeting and take all necessary steps to mitigate and remedy the harms done to local communities.</p>	<p><i>We believe AIIB has paid attention on various ES issue seriously. AIIB has conducted multiple field missions to The Mandalika and had direct dialogues with the local communities including NGOs related to The Mandalika’s development.</i></p> <p><i>AIIB has also assisted ITDC and consultants to monitor the ES issues comprehensively through regular weekly meeting. During the meetings, ITDC provides updates on all relevant ES issues along with information concerning The Mandalika.</i></p> <p><i>To mitigate probable risks, ITDC itself have done multiple actions by improving and implementing a thorough engagements of experts, consultants, and The Mandalika’s stakeholder consisting of local communities (PAPs) and the Government of Indonesia (GoI) both national, regional/local government.</i></p>

No	Issue	Response
2	<p>The AIB-funded tourism development project, which promised to <u>“promote sustainable development in Mandalika and in Lombok more generally and contribute to poverty reduction on the island”</u>, has instead left Indigenous peasants and fisherfolk traumatized, frustrated, and further impoverished, amidst increased militarization of the involuntary land acquisition process that began in 2018 when the AIB approved the project.</p>	<p><i>The development in The Mandalika is aimed to bring a bigger multiplier effect for the local communities in The Mandalika and ITDC is trying step by step to achieve that goal.</i></p> <p><i>The compensation for the loss of income for the farmers have been done in 2 categories, i.e. for the primary farmers and secondary farmers, which were both paid on 26<sup>th</sup> of Augustus 2021. The compensation was calculated based on census result for max 12 months loss. After the compensation paid, ITDC found no farmers who use the HPL.</i></p> <p><i>Instead of depending on farming, the local communities are being introduced to a bigger opportunities, a bigger view to create an adding value that will benefit their future or broaden their knowledge.</i></p> <p><i>For example, since 2016 until 2022 ITDC is consistently involving locals – or at least collaborating with third parties, to do training for capacity building improvement, such as:</i></p> <ul style="list-style-type: none"> <li><i>a) Hospitality training</i></li> <li><i>b) Farming training</i></li> <li><i>c) SMEs training (including how to create an adding value to the goods or services they have)</i></li> <li><i>d) Improving skills (both hard and soft skill e.g: mechanic training, MUA, farming cultivation, accounting etc)</i></li> </ul>

No	Issue	Response
3	<p>Despite the AIB not directly funding the construction of the Mandalika International Circuit, the AIB's road infrastructure development package is integrated with the circuit. As the stand-alone funder of the Mandalika project, the AIB has a responsibility to ensure that its client respects the land and human rights of Indigenous populations living in both the project area and the project's area of influence.</p>	<p><i>The responsibility to ensure and respect the land and human rights has been the concern of AIB and ITDC. The action taken by ITDC is in compliance with the National Human Rights Committee (Komnas HAM)'s recommendations in maintaining transparency and thus, prevent allegations against ITDC.</i></p> <p><i>The PAHs who previously resided in and near the Circuit project area were given their rights and are being made aware of the situation that happened within the area itself.</i></p> <p><i>The land status were explained in points as follows:</i></p> <ul style="list-style-type: none"> <li><i>a) Enclave land: Penlok I and II</i></li> <li><i>b) Squatters: the people who live in ITDC's HPL</i></li> </ul> <p><i>The Penlok I and Penlok II have been paid in 2020-2021 in which they received it based on the independent appraiser calculation or censuses.</i></p> <p><i>Meanwhile the Squatters have been accommodated to stay in the Temporary resettlement area while the permanent resettlement area is being prepared.</i></p>

No	Issue	Response
4	<p>The ITDC has used the threat of violence to force Indigenous peoples to leave their homes and their ancestral lands – an important source of livelihoods. The coalition's ongoing monitoring found that the vast majority of Indigenous Sasak people did not want to abandon their homes and were often intimidated, threatened and coerced into leaving their lands.</p>	<p><i>To re-clarify, that there is no indigenous people in The Mandalika. The indigenous people were specifically mentioned in page 4.</i></p> <p><i>As what we have explained, ITDC avoid using threat, violence to force people leaving their homes. In fact, ITDC upholds the use of mediation where the sub village chief and chief of villages were invited, attended, and were actively involved in the mediation process.</i></p>
5	<p>Civil society members have repeatedly raised concerns that the task force for the acceleration of settlement of land disputes (Satgas) comprises members of both the police and provincial army, which have intimidated and coerced local Indigenous people in Mandalika into ceding their lands. Despite these concerns, AIB and its client ITDC have not taken steps to remove personnel from security forces from this task force.</p>	<p><i>The Task Force formed by the NTB Governor were merely for the maintenance of law and order in The Mandalika. That is why, a few selected police officers and members of the military were involved forming a joint task force and we don't see this as an issue.</i></p> <p><i>Moreover, the members of this task force consists, not only from police and military units, but also from the independent institution from Mataram University.</i></p> <p><i>ITDC (and AIB) has no authority to get rid of the members of this task force as it was formed by the authority of Governor of NTB in accordance with the provincial government laws.</i></p>



No	Issue	Response
6	<p>During both the World Superbike and MotoGP races, Indonesian police and security forces camped in the villages of project-affected households whose land was being disputed by ITDC and in surrounding areas for a week, severely restricting their freedom of movement. There were also instances of intimidation and violence reported by community members. One woman was grabbed by the wrist while cooking in her kitchen by a member of the security forces in an incident of forced entry. Local community members were also detained in connection to a Facebook post criticizing the Indonesian government's security forces for restricting the movement of local communities. They were threatened by the police and told that if they post anything critical of the security forces again, they will be arrested again.</p>	<p><i>ITDC avoid using violence and intimidation in dealing with the community's resettlement. We prior mediation to consider resolving land claims or disputes, based upon local's own awareness and due consultation.</i></p> <p><i>The police forces and armies were merely for the protection and security of the areas in The Mandalika, as well as a part of Presidential protocols during President's and/or VIPs visit for the international event.</i></p> <p><i>ITDC welcomes any person who could provide an evidence or proof of intimidation committed. This includes evidence and proof of any forceful resettlements committed by the police and armed personnel.</i></p> <p><i>ITDC would greatly appreciate if additional information is made available related to the identities of the families mentioned in the article, especially those that were intimidated or being forced to leave their respective lands.</i></p>

No	Issue	Response
7	<p>In June 2022, after numerous civil society reports and United Nations communications raising concerns regarding human and land rights violations in Mandalika, the AIBB conducted a monitoring visit to Mandalika, after which it concluded that “the absence of evidence of coercion or use of force or intimidation was reconfirmed during the Bank’s site visit”. Local community members that had participated in meetings with AIBB during the June field visit told the coalition a different story: the AIBB delegation did not ask them any questions regarding the deployment of military and police forces in Mandalika or if they had experienced any coercion or intimidation by the ITDC or the task force for the acceleration of settlement of land disputes (Satgas). This seriously questions AIBB’s willingness and ability to investigate instances of retaliation- especially considering that project-affected communities have reported to the coalition 13 incidents of intimidation and coercion from security forces involved in the land acquisition process from 2018 to 2022.</p>	<p><i>We did not get the information of what absence of evidence during the Bank visit as asked.</i></p> <p><i>ITDC has paid attention into detail on the issue of ES that may raise by monitoring the process of land issues such as:</i></p> <ul style="list-style-type: none"> <li><i>a) Enclave land</i></li> <li><i>b) Claim land, and</i></li> <li><i>c) Land matter in construction area.</i></li> </ul> <p><i>To follow up the issues related to ES, ITDC continuously promotes to fill the Grievances Redress Mechanism (GRM) for local communities, the PAPs, and other parties. The aim is to monitor what complains and issues were raised, appeared, and to record what action be done in order to resolve.</i></p>

No	Issue	Response
8	<p>There is a very real threat of increased intimidation and coercion to clear the land surrounding the Mandalika International Circuit prior to the November 2022 Superbike Race. The Indonesian Infrastructure Development Monitoring Coalition would also like to call on the AIB and all shareholder states to take all necessary steps to stop the suffering of Indigenous Sasak communities who have been negatively affected by the Mandalika project.</p>	<p><i>ITDC is avoiding any kind of intimidation especially during during Superbike 2022 preparation. Since last September 2022, ITDC Group is actively involving and prioritizing the communities to participate in the event being held in the Circuit with objectives as follows:</i></p> <ol style="list-style-type: none"> <li><i>1. To add awareness and hands-on experiences in joining and participating prestigious event, which becomes one of the history they will be proud of;</i></li> <li><i>2. To build awareness of the benefits of international event, tourists visits in their homeland;</i></li> <li><i>3. To enhance communities' involvement in any projects and events being held in The Mandalika.</i></li> </ol>

**Sources:**

- <https://walhisulsel.or.id/3677-pernyataan-resmi-koalisi-pemantau-pembangunan-infrastruktur-indonesia/>

No	Issue	Response
1	<p><i>Pernyataan AIBB tersebut mengklaim bahwa “AIBB mengakui dan menganggap serius peningkatan risiko pembalasan kepada pemangku kepentingan yang mengungkapkan pandangannya mengenai risiko dan dampak lingkungan dan sosial (ES) dari proyek-proyek pembangunan.” Hal ini bertolak belakang dengan kenyataan yang dialami masyarakat terdampak proyek di Mandalika sejak AIBB menyetujui proyek tersebut pada Desember 2018 di tengah eskalasi konflik lahan. Sangat penting bagi AIBB untuk membahas masalah ini dalam pertemuan tahunan mendatang dan mengambil semua langkah yang diperlukan untuk mengurangi dan memulihkan kerusakan yang terjadi pada masyarakat lokal.</i></p>	<p><b>See page 5</b></p>

No	Issue	Response
2	<p><i>Proyek pengembangan pariwisata yang didanai AIB, yang telah berjanji untuk “mempromosikan pembangunan berkelanjutan di Mandalika dan di Lombok secara umum dan berkontribusi pada pengurangan kemiskinan di pulau tersebut”, malah membuat masyarakat asli – yang bergantung pada pertanian dan perikanan subsisten – trauma, frustrasi, dan semakin dimiskinkan, di tengah meningkatnya militerisasi dalam proses pembebasan lahan secara paksa yang dimulai pada tahun 2018 ketika AIB menyetujui proyek tersebut.</i></p>	<p><a href="#">See page 6</a></p>
3	<p><i>ITDC telah menggunakan ancaman kekerasan untuk memaksa masyarakat adat meninggalkan rumah dan tanah leluhur mereka, sumber penghidupan yang sangat penting. Pemantauan koalisi terus menerus menemukan bahwa sebagian besar masyarakat adat Sasak tidak ingin meninggalkan rumah mereka dan sering diintimidasi, diancam, dan dipaksa untuk meninggalkan tanah mereka.</i></p>	<p><a href="#">See page 8 no 4</a></p>

No	Issue	Response
4	<p>Anggota masyarakat sipil telah berulang kali menyuarakan keprihatinan bahwa Satuan Tugas untuk Percepatan Penyelesaian Sengketa Tanah (Satgas) yang terdiri dari anggota polisi dan tentara, telah mengintimidasi dan memaksa masyarakat adat setempat di Mandalika untuk menyerahkan tanah mereka. Meski masalah tersebut meningkat, AIB dan kliennya ITDC belum mengambil langkah untuk mengeluarkan personel dari pasukan keamanan dari gugus tugas ini. Klien AIB, ITDC, telah memperlakukan keluarga-keluarga yang menolak meninggalkan rumah mereka dengan cara yang tidak manusiawi.</p>	<p><a href="#">See page 8 no 5</a></p>
5	<p>Selama balapan World Superbike dan MotoGP, polisi dan pasukan keamanan Indonesia berkemah di rumah-rumah masyarakat yang terkena proyek yang tanahnya disengketakan oleh ITDC dan di sekitarnya selama seminggu, dan sangat membatasi kebebasan gerak mereka. Ada juga kasus intimidasi dan kekerasan yang dilaporkan oleh masyarakat. Saat memasak di dapur, seorang perempuan dicengkeram pergelangan tangannya oleh seorang anggota pasukan keamanan yang masuk ke rumah secara paksa. Anggota masyarakat lokal juga ditahan sehubungan dengan postingan di Facebook yang mengkritik aparat keamanan pemerintah Indonesia karena membatasi pergerakan masyarakat. Mereka diancam oleh polisi dan diberitahu bahwa jika mereka memposting lagi sesuatu yang kritis terhadap pasukan keamanan, mereka akan ditangkap lagi.</p>	<p><a href="#">See page 9</a></p>
6	<p>Ada ancaman yang sangat nyata dari peningkatan intimidasi dan paksaan untuk mengosongkan lahan di sekitar Sirkuit Internasional Mandalika sebelum Balap Superbike November 2022. Koalisi Pemantau Pembangunan Infrastruktur Indonesia juga mendesak AIB dan semua pemegang saham negara untuk mengambil semua langkah yang diperlukan untuk menghentikan penderitaan masyarakat adat Sasak yang terkena dampak negatif proyek Mandalika. Kami mendukung tuntutan masyarakat yang terkena dampak untuk meminta pertanggungjawaban AIB dan semua pemegang saham dalam memastikan bahwa mereka melakukan yang terbaik untuk melindungi hak mereka atas tanah, pemukiman, mata pencaharian, dan keadilan.</p>	<p><a href="#">See page 11</a></p>

# THANK YOU

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