
Indonesia: NGO Coalition resists government push for mining in protected forests

Indonesian Law No. 14/1999 bans open-pit mining activities in protected forests and prompts several mining companies to suspend their operations. In July, the Indonesian Parliament endorsed a Presidential decree to amend this law (Perpu No. 1/2004), which stipulates that all mining contracts signed before Law No. 41/1999 on forestry came into effect are valid for the remainder of their terms. The decree provides political justification for 13 mining companies to operate in protected forests. This is the point of entry for a process of destruction in the days to come. Inevitably, the other 145 mining companies which were not named in the presidential decree will demand the same dispensation from the government. This spells disaster for 11.5 million hectares of protected areas claimed as mining concessions.

"Conflict and ecological destruction will be ongoing at the mining sites newly licensed by the government. And this will worsen suffering for local communities whose livelihoods depend on forests," concluded Siti Maimunah, National Coordinator of the Indonesian Mining Advocacy Network, JATAM.

Minister of Energy and Mineral Resources Purnomo Yusgiantoro had previously warned of legal repercussions should Indonesia fail to honor its mining contracts. Longgena Ginting, National Executive Director of the Indonesian Forum for the Environment, WALHI, argued: "The threat of international arbitration must not become a spectre instilling fear in parliament over the ban on open-pit mining in protected forests. The Indonesian government should follow the example of the Costa Rican government which had the courage to face off the threat of international arbitration by foreign companies, for the sake of protecting forests and thus defending the interests of the community and environment."

To restore Indonesian legal standards, the NGO Coalition Against Mining in Protected Areas will take legal action relating to the Perpu. This legal action will also extend to the company PT Nusa Halmahera Minerals (owned by Newcrest Mining of Australia) which started open-pit mining in the Toguraci Protected Forest, after the 1999 Forestry Law ban but well before the Perpu decree and presidential decree. PT Nusa Halmahera Minerals clearly broke the law, especially clause 38(4) of Forestry Law No.41/1999 which explicitly prohibits open-pit mining in protected forests.

The NGO Coalition has also called on all levels of the community, both at the mining sites and in the wider public which will experience the impacts of environment disasters resulting from forest destruction, to closely examine the policies which have recently been taken by the Indonesian government and which have the potential for great losses for the community.

Article based on information from: "Press Release - NGO Coalition against mining in protected areas", sent by WALHI, E-mail: walhi@walhi.or.id , <http://lama.walhi.or.id/> ; "Indonesia: Legislators say no to mining in protected forests", Jakarta Post, Kurniawan Hari, <http://forests.org/articles/reader.asp?linkid=33160>

