

WALHI briefing paper March 2022:

Cases of Conflict over Natural Resources in Indonesia

The discourse of postponing the 2024 General Elections and extending the term of office of President Joko Widodo is a betrayal of the reform mandate that limits the President's powers for the realization of a decent democratic order. This discourse is taking place at a moment of massive ecological disasters and people suffering due to the current capital driven management of natural resources. This oligarchic concentration of economic and political power is stealing the constitutional rights of citizens to elect leaders who show respect for human rights, the environment and transparency and accountability.

This situation is a violation of the constitution and creates a chaotic legal context where the law can be used as a political tool to legitimize any policies that damage the environment and people's rights.

Zenzi Suhadi, WALHI's National Executive Director - a national network consisting of 28 provincial networks and 504 member organizations throughout Indonesia - firmly rejects the current discourse and urges

the President to dismiss his Ministers who continue to talk about postponing the elections and extending the term of office of the President.

This briefing aims to bring updates about the worsening ecological and democratic crisis in Indonesia due to policies and development projects that cause environmental damage, overexploitation of natural resources and the seizing of people's land, natural resources and livelihoods. In our environmental review of 2022, WALHI predicted a potential increase of conflicts, criminalization and ecological disasters due to an unfair and unsustainable natural resource management system. The Job Creation Law and the Mining Law, are two new policies that were voted into law in 2020, and are already triggering even more conflicts and criminalization as they go hand in hand with other controversial policies, such as the National Strategic Project (PSN) mechanism.

In recent weeks and months, Walhi observed several cases of natural resource conflicts, which include criminalizing the people. The following is a description of cases of natural resource conflict and criminalization;

(a) The Case of Iron Sand Mine on the Coast of Bengkulu Regency

In 2010, an iron sand mining business license was issued belonging to the company PT. Faming Levto Bakti Abadi which is located in Pasar Seluma Village, Bengkulu Regency. Residents have objected to the mining activity from the start because it had a drastic impact on environmental damage, damaging coral reef ecosystems, eliminating fishing areas and fishermen and women. In 2016, the Mining Business Permit of PT. Faming Levto Bakti was revoked by the Ministry of Energy and Mineral Resources because it was operating illegally according to a KPK investigation on Clear and Clean



operations. However, in 2021, the company restarted its operations in 6 villages located in three sub-districts, namely South Seluma, Ilir Talo, and Semidang Alas Maras in Seluma Regency. This sand mining is carried out along 2,400 meters of coastline and was met with protest and action from the local people, and the majority of women in Pasar Seluma Village.

On December 23, 2021, the women of Seluma Village held a protest by setting up a tent at the mining location. However, on December 27, the protester, including women and children, were forcibly dispersed by the security forces. At least 10 people were arrested, three of them were women. The residents have reported these acts of violence to Komnas HAM, Komnas Perempuan and the National Commission for Child Protection. The residents asked the three commissions to encourage the cessation of iron sand mining activities in Pasar Seluma Village.

(b) The Andesite Mining Case–Wadas Village, Bener District, Purworejo Regency–Central Java

Since the environmental permit for the Bener Dam Development Project was issued by the Governor of Central Java in 2018, there have been strong objections and resistance from local residents. They have expressed their rejection during the socialization process in preparation of the construction of the Bener Dam and the mining of andesite rocks in the Wadas village, to be used as construction material of the dam.

Unfortunately, their refusal was never taken seriously even though local residents, women and men, have contacted and informed several state institutions, such as the Indonesian Ombudsman, Komnas HAM and Komnas Perempuan.



Unfortunately, the authorities never responded to their reports. In April 2021, during one of the protests in Wadas, 8 of them, 2 community lawyers and 1 Wadas solidarity person were arrested and subjected to violence from the police.

On February 8, 2022, the government invaded the village with over 1000 police officers to protect agents conducting land measurements which were rejected by the villagers. At this time, the police arrested more than 60 people, 10 of them were minors.

(c) The Parigi Moutong Mine Case, Central Sulawesi

The presence of gold mine company PT. Trio Kencana, covering an area of 15,725 ha in Ti Nombo Selatan District was met with a public rejection from residents. On February 12, 2022, hundreds of them took action against the company and demanded the revocation of the mining permit. The security forces responded to the action with brutal repression. Fifty-nine protesters were arrested and detained at the Parigi Moutong Police Station, treated inhumanly and even tortured. One person, Erfaldi (21), a resident from Tada Village was shot by security forces. The residents who are involved in the protests are still victims of intimidation and criminalization.

(d) Mining case in Wawonii-Southeast Sulawesi

On March 1, 2022, PT. Gema Kreasi Perdana (PT GKP) started embarking heavy equipment on Wawonii island under police protection, sparking protests and clashes between the community and the police. PT GKP's activities on the island are considered to be illegal, in a letter of the Directorate General of Mineral and Coal, under the Ministry of Energy and Mineral Resources (ESDM,) dated February 7, 2022, it is stated that the

license of PT GKP was sanctioned because it was one of the 1,036 Mining Business Permits that got temporary suspended as the company did not submit a mandatory 'Work Plan and Budget'. Moreover, mining on Wawonii island goes against Law 27/2007 and Law 1/2014 which prohibits mining in ecological, social and cultural vulnerable areas and communities. Mining in Wawonii will have a destructive impact on the coastal ecosystem, depriving fishermen of fishing areas and of their livelihoods.

(e) Case by PT Bumi Sari in Pakel–Banyuwangi

For decades, residents of Pakel, Banyuwangi district in East Java, have been fighting for their land after it was seized by the plantation company PT. Bumi Sari. Various actions of re-occupation and land reclamation were taken over the years, involving at least 800 villagers. Dozens of residents have been arrested, imprisoned, and experienced various acts of physical violence from state security forces. Up to now, they still reject the confiscation and continue to demand the company and the state to return their land.

(f) The Wabu Block Mining Case in Intan Jaya–Papua

Studies conducted in Intan Jaya, West Papua, by an alliance of civil society organizations, including WALHI, concluded that four companies are benefiting from the presence of security posts of the army (TNI) and police (POLRI) near their concessions. The four companies are PT. Freeport Indonesia or PT ANTAM, PT Madinah Qurrata 'Ain, PT Nusapati Satria, and PT Kotabara Mitratama. Several commissioners and shareholders of PT ANTAM and PT Madinah Qurrata 'Ain, are retired and active military officers. Several of these officers were identified as members and supporters of the Jokowi

campaign team during the last presidential elections. Both companies are noted for committing various human rights and environmental violations that have harmed the Papuan people and various local communities are rejecting Minging in Wabu Block. The report caused anger with the Coordinating Minister for the Maritime Economy and Investment as a company he owns shares of was identified as one of the investors. He filed a subpoena against two human rights activists who presented the findings on YouTube. On March 18, Fatia Mualidiyanti and Haris Azhar were notified by the police that both are officially accused of defamation, which means they are now risking a jail sentence.

These cases are showing a clear pattern: many conflicts involving natural resources management are showing involvement of state security forces to secure private investments. Many conflicts have led to the criminalization of people who are struggling to protect the right to live in a healthy environment. The WALHI 2022 Environmental Review states that the potential for conflict, criminalization and ecological disasters will be strengthened by policies and projects in the name of investment and development. In the period December 2021 to March 2022, more than 100 activists were arrested and criminalized, even 1 person was shot by security forces. Most of them are related to mining, and that is not a coincidence as Article 162 of the Mining Law of 2020. Walhi is part of a CSO-coalition who requested a Judicial Review to revoke this and other controversial articles.

In 2016, the Government of Indonesia (GoI) established Indonesia's National Strategic Project (PSN) to accelerate economic growth. These infrastructure projects consist of 245 infrastructure developments in many areas including road, train, airport, port, housing, energy, water and sanitation. The GoI issued several regulations to ensure a smooth implementation of the PSN, f.i. on land acquisition and environmental protection. The Bener Dam is one of the PSN, where local residents are clearly affected due to loss of land,



water resources and biodiversity. Other controversial PSN are the new Yogyakarta airport, Mandalika international street circuit, Jakarta-Bandung high speed rail, Super Premium Ecotourism in the Komodo National Park, etc. Similar observations are recurrent: no or poor consultation with local residents before the project is launched, arrogant authorities not providing answers when residents raise concerns or questions and when mass protests are organized, the police and

military forces are massively present to protect the interests of the investors.

Another strategic project which has the potential of a conflict in making is the New Capital Project or IKN. In the report “A new capital city, for whom?” Walhi and Jatam have explained widely why this project has a huge potential to worsen environmental conditions and affect people’s rights, while strengthening the oligarchs in controlling natural resources in East Kalimantan. The vast number of mining concessions, large-scale oil palm plantations, forestry, and coal power plants have degraded the environment in the province. There are at least 475 licenses stretching over a total area of 1,853,022.96 hectares, of which 97.93 percent are mining concessions.

Many corporations involved are owned by politicians, one of them is –again- the Coordinating Minister for Maritime Affairs and Investment. At least more than 50 names of politicians are associated with concession ownership within the IKN area. It is strongly suspected that this project will serve as their way to make profit from destroying the environment and the seizure of land and livelihood in East Kalimantan.

The National Capital Project will displace at least 20.000 people and seize the livelihoods of thousands more, including indigenous peoples. The construction of IKN will turn the Balikpapan Bay into an industrial area because it will become the main entry point to the IKN by the sea, as well as the route to supply the construction materials. As a result, more than 10,000 fishermen who catch their fish in Balikpapan Bay on a daily basis will be seriously affected.

Not to mention the budget that will be allocated to the relocation of the State Capital, 53 percent from the budget needed is from the government national budget. There's a grounded fear that this huge budget allocation will affect other basic sectors, such as education, health, and other public facilities within a post-pandemic context and rising inflation. Oil prices are rising, especially the vegetable palm oil. It is hard for ordinary citizens to buy cooking oil in the country which is the largest palm oil producer in the world.

The appointment of the Head and Deputy Head of the IKN Authority Agency also raises concerns. Bambang Susantono, the Head of the IKN Authority served as Deputy Minister and as Vice President of the Asian Development Bank (ADB), while his Deputy, Dhony Rahajoe, was a Managing Director of Sinar Mas Land, a real estate company. Both ADB and Sinar Mas Land are institutions that have been actors in destroying the environment and violating human rights in Indonesia. Walhi, together with other CSOs, has documented many cases in the past.