



# WALHI Newsletter

Second Edition  
July, 2022

## Democratization of Natural Resources Falls Far Below Expectations

**A**fter 75 years of independence, Indonesian development policies, and in particular, the management of natural resources, has never regarded the community as the main driver of local development in Indonesia. Historically, this is linked with the colonial past of the country which served the interests of the Dutch economy.

Walhi has chosen a path that aims to consolidate the power of the people who are in direct contact with the commons, the sea, coast, forest, and gardens in their respective areas. Walhi is convinced that the people who live and work with their commons have a deep knowledge about their condition and potential. By compiling this knowledge into data and information, people can be motivated to defend and reclaim these commons which have been seized by the state and corporations.

Reinstalling the people as drivers of the management of their natural resources proves that Community-based areas management (WKR) can contribute to the recovery of the local economy and environment. For Walhi, this is one alternative way to democratize our resources and develop a people's centered economy.

This second newsletter of 2022 provides a representative overview of the Walhi agenda during the last three months. Enjoy the read!

Executive Director,  
Zenzi Suhadi

# The Victory of the People, Long Live the Struggle!

These are the triumphs achieved by those people, fighting for ecological justice and their community-based area management.

1. M. Kasim became a victim of criminalization by PT. Indonusa Agromulia but finally won the case of alleged land occupation. After going through a series of trials, the panel of judges confirmed that his acts of clearing and fencing land was legal, and therefore M. Kasim was freed from all charges.



M. Kasim, together with 21 people who own business land in the transmigration area from Pandan Sejahtera Village, Jambi. The Transmigration Office recognized the ownership based on the 2005 transmigration spatial map. However, in 2020, palm oil company, PT. Indonusa Agromulia reported Kasim to the police, and Kasim was charged with breaking the plantations regulations.

This decision is great news for the 21 families and also for other farmers who are still facing land conflicts with PT. Indonusa Agromulia. This ruling confirms that the community has a strong legal base in owning the land, and not the company.

2. Another case of criminalization happened to the Kinipan village head in Central Kalimantan, Willem Hengky. He, together with residents, fought for their land rights which were seized by the large-scale palm oil company PT. Sawit Mandiri Lestari (PT. SML).

In 2021, Mr Hengky was detained by the Lamandau Police on charges of committing a criminal act of corruption. However, the public saw this accusation as an attempt to weaken the struggle of the Kinipan people for their land, which PT SML seized. Walhi, together with the Coalition for Justice for Kinipan and the Legal Aid Institute (LBH) of Palangka Raya, ensured his legal defense.

During the investigation and process, which took more than a year, the people's movement kept urging the release of their Head Village. Finally, on June 15, 2022, the judge stated that Willem Hengky was proven innocent and free from charges and stated that all his rights and duties must be restored.

This is a major victory for the people in fighting for their land rights; the struggle still goes on.

3. After a long campaign against the Japanese financial support to the coal plant (PLTU) in Indramayu, Japan finally decided to withdraw their loan.

Affected residents from Mekar Sari village who opposed the construction of the coal fired plant organized themselves in 2015 in the Jaringan Tanpa Asap Indramayu (JATAYU). Their persistent campaign, which was supported by Walhi and many other local, Indonesian and Asian climate justice groups, finally succeeded in overturning the Japanese government to provide ODA (Official Development Assistance) to PLTU Indramayu.

Of course, this triumph should empower individuals in other regions of Indonesia and internationally to continue to voice their rejection of coal fired plants as a dirty energy practice which adds to the already severe climate crisis.

# Advocacy Tour: EU Deforestation Free Commodity Due Diligence Regulation

Early May, Walhi, together with Milieudefensie, FERN, and Friends of the Earth Europe, conducted an advocacy tour with regard to the proposals of the European Parliament and Council to regulate deforestation-free commodities. A two-person delegation of Walhi together with the network partners had several advocacy meetings with relevant decision makers in Denmark, Belgium, and the Netherlands.

Walhi explained how the expansion of monoculture plantation permits, especially palm oil, had bankrupted the people's ecological, social, cultural, and economic systems in Indonesia and other developing countries. This expansion can not be separated from the consumption pattern of rich industrialized countries, including the states in the European Union. As Indonesian people are suffering to meet the consumption of rich countries, "they should be held responsible and change their consumption."

This EU-proposal is a good move, but more stringent rules are needed. Walhi conveyed several critiques and suggestions, the most important point being to include international instruments on Human Rights. This regulation should not only regulate deforestation-free commodities but also ensure that there are no human rights violations involved.

Certifications such as RSPO, ISPO, SVLK, and others cannot be used as the only prerequisite for due diligence because many companies holding certificates have been proven to be involved in deforestation, forest and land fires and human rights violations. Walhi also demanded an open, participatory complaint mechanism which gives independent farmers, indigenous peoples, women's groups, and other vulnerable groups access to it. For more details, Walhi's position paper: <https://www.walhi.or.id/urgent-need-for-fair-policies-and-protection-of-the-environment-and-human-rights>

In order to ensure a no deforestation practice in the value chain, not only the EU that should change, Indonesia also bears huge responsibility for its natural resources management.



# The Planned Measurable Fishing Policy That Will Further Devastate Fisherfolks

**T**he Indonesian government is drafting policies on large scale fishing concessions. The new policy is a derivative of the Job Creation Law and will be regulated by a Government Regulation.

Walhi views this policy as a step backward for marine and fisheries governance in Indonesia because it encourages the liberalization and privatization of fish resources as it provides a “red carpet” to large-scale corporations.

In response, Walhi drafted a joint position paper with the national network KORAL (NGO Coalition for Sustainable Oceans): <https://www.walhi.or.id/kertas-kerja-terhadap-kebijakan-penangkapan-ikan-terukur-koral>.

Walhi urges the Indonesian government to carry out twelve points, including calling the government to immediately issue derivative rules concerning the Protection and Empowerment of Fishermen, Fish Cultivators and Salt Farmers. The Ministry of Maritime Affairs and Fisheries (KKP) is mandated to develop a protection and empowerment scheme, especially for small-scale and/or traditional fishermen.

## Victory for the People of Sangihe Island, North Sulawesi

**S**angihe is a small island in North Sulawesi bordering the Philippines. In January 2021, PT Tambang Mas Sangihe (PT TMS) obtained a permit to exploit an area of 42,000 ha over the next 33 years. This gives the company total control over 57% of the island; the mining area is spread over 80 villages.

The island hosts rich biodiversity. At least 87 species of live birds thrive on the island and Mount Sahendaruman. 32 species of migratory birds, and 7 endemic birds threatened with extinction.

The local community is gathered in the Save Sangihe Island Movement, consisting of 25 community organizations. On May 02, 2022, they sued for the mining permit at

the North Sulawesi State Administrative Court in Manado for the revocation of the mining permit. In June 2022, the lawsuit was granted by the panel of judges.

The ruling by the court, approving the lawsuit brought by 56 women residents of Sangihe Island against PT TMS is a breath of fresh air for the environmental movement in Indonesia.

## Plastic-Free Parade and Push for Producers' Expanded Responsibilities

July is a momentum for the global movement to encourage the reduction of single-use plastic, it runs under the hashtag #PlasticFreeJuly. This initiative started in 2011 in order to raise awareness and promote community behavior change towards a world without plastic waste. Over time, the #PlasticFreeJuly movement has expanded with the participation of millions of people in 159 countries. This movement also aims to increase the responsibility of those producers polluting the environment.

The #PlasticFreeJuly movement inspired various Indonesian environmental organizations to initiate a joint campaign called the Plastic-Free Parade or #PawaiBebasPlastik. The campaign started in 2019 by nine environmental organizations, including Walhi.

The first #PawaiBebasPlastik event stressed the public anger over plastic waste pollution. Thousands of participants developed giant plastic monsters and various posters to expose garbage pollution. The event involved various sectors ranging from young people, musicians, and environmental activists and addressed the ministry of marine affairs. In 2020 and 2021, #PawaiBebasPlastik was held online due to the pandemic. In 2021, Walhi focused on consumer pressure in marketplaces and e-commerce. The alliance launched a petition requesting recognition to refuse plastic packaging. More than 8000 signatures were handed over to the office of one of the largest marketplaces in Jakarta.

## Plastic-Free Parade 2022

The #PawaiBebasPlastik 2022 started in May, under the theme of “expanding the responsibility of the producers' packaging.” Brand audits have shown that large corporations such as Unilever, P&G, Danone, and many others are the main environmental polluters while they try to escape their responsibility by greenwashing and promoting false solutions.

On June 15, 2022, #PawaiBebasPlastik took action at the Annual General Meeting of PT Unilever Indonesia to stress the responsibility of producers, including Unilever, for the various environmental crises in Indonesia.

Despite a regulation for producers manufacturing, retail and food and beverage services to prepare a roadmap to reduce waste before 2030, nothing is changing for real. At this point, only 35 producers have compiled a roadmap to reduce waste.



*Figure 2.* Together with CSOs in Indonesia, WALHI did Sampling and Brand Audit on Rambut Island, Seribu Islands, as road to the Plastic-Free Parade 2022 in April 2022. Photo: WALHI

The #PawaiBebasPlastik 2022 is currently auditing the waste of various brands. Walhi has conducted audits in Banten, Jakarta, and Semarang. Walhi West Sulawesi will conduct a brand audit in July. This audit will give a more clear picture of what

companies are responsible for coastal and marine pollution. While waiting for the results to be published, the alliance will have various public actions to raise more awareness on the responsibility of producers of environmental pollutants.

#PawaiBebasPlastik 2022 will also use the G20 summit in Bali in November, to urge G20 members to pressure large corporations to take responsibility for waste pollution. Data shows that the G20 countries are responsible for 80 percent of global emissions, while large corporations in these countries are responsible for most of the global waste pollution.

## **AIIB's Standalone Project in Lombok, Mandalika Has Caused Long-Standing Human Rights Violation Against Sasak Indigenous Community**

**T**he Mandalika special economic zone (SEZ) is among the accelerated development projects that the government of Indonesia billed as one of “10 new Balis”. The project, which is fully funded by the Beijing-led Asian Infrastructure Investment Bank (AIIB), has caused long-standing human rights violations and myriad conflicts among the Sasak indigenous affected communities. The AIIB approved the funding of the project in December 2018 on account that the environmental and social due diligence assessments including the resettlement action plan prepared by its client and project implementer, the Indonesia Tourism Development Corporation (ITDC), complied with AIIB's environmental and



*Figure 3. The local community in Ebnut village who continue to live on their land around the circuit area. Photo: WALHI*

social safeguard standards. However, the reality check from on-the-ground monitoring and testimonies by affected communities depicts a different picture.

There are four villages that are affected in the project area whose land compensation is still unclear until today. The Sasak indigenous affected communities who have long dwelled their land are forced to relocate involuntarily. They didn't only lose their land but also their sources of livelihood. Prior to the project, the bulk of the population consisted of farmers, fishermen, small business owners and traders, and local tourism workers. Right now, they became more precarious as they got evicted from their agricultural fields and fishermen and have limited access to the fishing sites, tourism workers also reported a significant decrease in their income.



**Figure 4.** The bracelets that were given to communities in Ebunut and Ujung Lauk during the MotoGP race in 2022. Photo: WALHI

During the land acquisition process, ITDC and the Indonesian government have always taken a repressive approach by deploying the police and military to force those opposing the development to retreat. Some communities that were compelled to give up their land have been relocated to permanent settlements in Ngalong Village, while some others are still staying in temporary shelters since October 2019 with limited public facilities, and they received small compensation.



Meanwhile, around 25 households who refused the unfair compensation by ITDC chose to stay on their land in Ebunut and Ujung Lauk sub-villages, which are located within the race circuit. Those villagers who had no option but to say 'yes' and moved to the temporary relocation sites are now realizing that fair compensation and permanent housing were empty promises. In addition, the movement of those villagers who still stay on their land is also restricted, for instance during the World Superbike (WSBK) in September 2021 and MotoGP race in March 2022, children and selected adult members were compelled to wear bracelets and had to pass armed checkpoints going to and from school, or going about their job, for a maximum of two trips for the lucky ones.



**Figure 5.** The condition of the temporary resettlement in Ebunut Hijrah, more than 80 families have been relocated here since October 2019, while AIIB's resettlement action plan stated that the maximum stay is 12 months. Photo: WALHI

The long-standing land conflict stands in stark contrast to AIIB and ITDC's assertion that over 92.7 percent of the land was free from any claims. However, the authorities have frequently seized land based on the Land Acquisition in Public Interest Law,



without meaningful consultations and without providing adequate and fair compensation to the rights-holders. The social impact from the Mandalika project serves as a bad example of how the AIIB's grave negligence and lack of substantial supervision and AIIB safeguards have contributed to continued rights violations of the Sasak community.

In their journey to get their rights restored, communities have testified to the United Nations, NGOs, National Human Rights Commission, and media, about the human rights violations and the regular presence of police and military, which in their view, is a form of intimidation. NGOs, Civil Society Organizations and the UN Special Rapporteur on extreme poverty have repeatedly called on ITDC, AIIB, and the Government of Indonesia to immediately solve the violations and restore the rights of the community. However, no meaningful action has been taken. In addition, civil society organizations have also called the AIIB to audit the project based on their environmental and social policies but the bank has refused, eschewing openness and accountability.

## **Walhi Sues the New National Capital City Law**

Since the enactment of the New Capital City Law (IKN) in February 2022, various pro-contracts have continued to roll out to the public. Since the idea to move the Capital City emerged, Walhi has clearly rejected the project as it will further exacerbate the ecological and climate crises.

The ratification process of the IKN Law was not participatory at all, the local communities have not been involved at any stage, and it violates many laws and regulations. Walhi assesses that this law will further contribute to significant losses to the environment and deprivation of living space, including indigenous peoples in East Kalimantan. On April 1, 2022, Walhi filed a formal lawsuit at the Constitutional Court, together with the Alliance of Indigenous Peoples of the Archipelago (AMAN) and three residents to sue the IKN Law.



*Figure 6. WALHI together with CSOs and representative of indigenous community filed a lawsuit 'judicial review' against the Indonesian government to the Constitutional Court on the IKN Law (Nusantara Capital City) as the bill was passed hastily and without consultation from public. Photo: WALHI*

Although the Constitutional Court rejected the lawsuit, this did not stop civil society from continuing the fight against the speedy and reckless relocation of the State Capital City.

## Victims and Material Losses in Geothermal Power Plant Operations

For a long time, Geothermal Power Plants (PLTP) were suspected of causing environmental damage and health threats to the residents. The review of Geothermal Power Law in 2014 excluded geothermal operations as mining activities with high risk. As a result, geothermal operations encroached communities and protected areas with important ecological values .

Walhi documented nine horrific incidents in or near Geothermal Power Plants between 2007 and 2022. On June 30, 2007, a pipeline crossing a resident's field

exploded at the PLTP Dieng, Central Java, injuring 14 people. Since 2009 the PLTP Mataloko in East Nusa Tenggara ( NTT) was spewing hot mud and H<sub>2</sub>S gas, which caused breathing problems and damaged the roofs of the residents' buildings, and their agricultural production.

On January 25, 2011, a gas leak killed five people after inhaling toxic gas, and 32 people were rushed to the hospital at PLTP Sorik Marapi, North Sumatra. Since 2011, the PLTP Ulumbu East Nusa Tenggara has accelerated corrosion on the zinc roofs of residents' buildings and reduced agricultural productivity dramatically. On June 13, 2016, in PLTP Dieng, Central Java, an explosion occurred at well 30, killing one worker from severe burns and five other workers being injured. From October 2016 till January 2017, the Baturraden Geothermal area in Central Java, due to land clearing in the forest area on the slopes of Mount Slamet for the PLTP, this area experienced repeated flash floods which caused damage to infrastructure and residents' settlements as well as crop failure losses in agriculture and fisheries. On April 26, 2020, in PLTP Ijen, East Java, an explosion accompanied by hot clouds occurred, causing panic in Kalianyar Village, Ijen sub-district, Bondowoso Regency. Until a few days later, people reported experiencing trauma and fear related to this incident.

In two incidents in 2022, namely on March 12, 2022 PLTP Dieng, Central Java, an explosion accompanied by bursts of toxic gas occurred, causing one worker to die while eight other workers were rushed to the hospital, and the incident on April 24, 2022 PLTP Sorik Marapi, North Sumatra, a mudflow occurred. The heat and gas caused at least 21 residents to be rushed to the hospital.

The omission of Geothermal operations, which have claimed many lives, means that the government is sacrificing the lives of its citizens for the sake of a profitable investment. It is time for the government to take decisive steps, and demand legal accountability from the Geothermal operators who have claimed victims and caused environmental damage. The government must audit all ongoing geothermal operations, especially those operating in protected areas that have important ecological values and those that directly threaten the safety of the residents' living space.

# Open Letter from Walhi to Elon Musk and Tesla Inc

On May 1, 2022, Walhi published an open letter to Elon Musk and Tesla Inc. Investment in response to a meeting between the Indonesian Government delegation and Elon Musk at the Tesla Giga Factory in Austin, Texas. The Indonesian delegation aimed to convince Elon Musk to invest in Indonesia and manufacture nickel batteries for electric vehicles.

The nickel industry in Indonesia has expanded rapidly in recent years. The Indonesian government's ambition to become the world's largest nickel producer by taking advantage of the issue of energy transition to renewable energy that is environmentally friendly has led to a massive expansion of the mining industry. In line with the massive expansion of nickel mining in Indonesia, a great deal of loss due to the degradation of forest and pollution is experienced by many Indonesian, of whom are the local communities who live in and surround the nickel mining area.

In the letter, Walhi revealed the destructive power of nickel mining in the provinces of South, Central and Southeast Sulawesi, and North Maluku. In addition, nickel mining also triggers an increase in the threat of criminalization of the community who is resisting new concessions. It is also a high risk for women's groups and gives rise to several law violations.

Walhi stated three urgent demands to Tesla: one, to halt direct investment in the nickel industry in Indonesia; two, to stop the supply chain of Indonesian nickel, both mined and processed, to prevent more significant environmental damage, and three, urging Tesla Inc. that it complies with the principles of implementation business and human rights.

## Environment Peoples Week 2022

Commemorating World Environment Day on June 5, 2022, Walhi held its annual meeting in Jambi Province from June 1–5, 2022. The opening session was marked by the launch of the WKR Information System application. WKR (Wilayah Kelola Rakyat/Community-Based Area Management) is a model of natural

resources management developed by Walhi. This model provides local and indigenous communities prominence in maintaining the ethical and sustainable management of natural resources. In Indonesia, there is ample evidence that forestry management that gives corporations too much privilege has resulted in over-exploitation and the commodification of natural resources by externalizing harmful effects on the environment, communities, and climate. Walhi developed this model of community-based area management in direct response to the destructive effects caused by a forest management system based on corporate rather than community interests.



*Figure 7.* The launching of WKR platform on the opening of the Environment Peoples Week in Jambi City on June 01, 2022. Photo: WALHI

Walhi has been developing an Environmental Monitoring application for many years, and has now integrated the WKR Information System in the app, by adding WKR-related data, such as geospatial, demographic, and WKR potential data. This will allow the community to share experiences in carrying out economic practices and environmental recovery.

Around 5000 people participated in the activities during the People's Environmental Week, with the highlight on June 5: the carnival in the streets of



*Figure 8.* School students dressed in costumes participated in the carnival for environmental day on June 5, 2022 in Jambi city. Photo: WALHI



Jambi city with the climate crisis as the theme. Most participants were youth groups and schools. The province of Jambi helped in mobilizing the schools to participate.

Other interesting events were a series of public discussions on three main themes:

- Democratization of natural resources and the enforcement of environmental laws
- The people's right to clean and healthy air;
- A just climate justice transition that is equitable for vulnerable groups;



*Figure 9.* School students marched along the main street in Jambi by holding various posters calling for the protection and restoration of the environment. Photo: WALHI

Walhi also re-emphasized the demand to establish an institution to handle corporate crime cases in the environmental sector amid increasing ecological disasters caused by the exploitation of natural resources.



## Closing

Under the guise of economic development, the intensity of exploitation of the commons and natural resources is rapidly increasing. The ruling class has hijacked the democratic system and turned it into a tool to control and oppress the people. The connections between the historical elite are standing strong, and are even strengthened as some new actors have emerged. Together, they are labeled as an oligarchy. A clear example of their behavior is the undemocratic and monopolistic pattern of relations in the management of natural resources in Indonesia. This contradicts Article 33 of the 1945 Constitution which states that the control of nature should serve the citizens, not the interest of a small elite.

Recent legislation demonstrates how oligarchs are sabotaging democracy even more through the legislative process. They provide corporations a free pass to exploit and control natural resources, while laws pertaining to human rights and the environment are frequently disregarded. The government is hesitant to incorporate human rights and business ideas into legislation. As a result Indonesia consequently lacks even a national framework for an action plan for business and human rights.

An alternative is urgently needed. Together with other CSOs, Walhi is working everyday to challenge the government's paradigm and develop alternative legislation and practices. []