

North Sulawesi People's Alliance Against Mining Tailings: Statement of Refusal

Plans of PT Meares Soputan Mining and PT Tambang Tondano Nusajaya for a tailings facility storage in Toka Tindung, North Minahasa Regency

The North Sulawesi People's Alliance Against Mining Tailings (AMMALTA) strictly refuses the plans of PT Meares Soputan Mining and PT Tambang Tondano Nusajaya to construct a tailings storage facility (TSF) on the concession land that stretches out over North Minahasa Regency and Bitung municipality on grounds as follow:

1. Satellite photos show that if tailings in amount of a total of 10 bio. Metric tons will be disposed of, that
 - a. 60 percent of the region of North Minahasa will be destroyed permanently. The land affected is settlements and farming land that is meant for long term and sustainable development;
 - b. 50 percent of the municipality Bitung will be destroyed permanently. The land affected are protected mountain and jungle areas that host the Wallacea fauna unique in the world.
 - c. This is not consistent with the long term development plans of the Province North Sulawesi which are based on Fishing, Agriculture and Tourism; gold mining has the potential to destroy all three of them.

The plans for a tailings storage facility violate chapter 16 § 4, presidential decree 27/1999 and Constitution 24/1992 relating area planning schemes (tata ruang). Those specify that for activities planned that are not consistent with the area planning schemes, an EIA shall not be processed at all. The EIA of PT MSM and PT TTN are being processed though, and it seems even pushed for, by central government institutions like the Department of Minerals and Energy and the Department of Environment – against the strong resistance of the people of North Sulawesi.

2. The public statements made by the two companies during the socialization process are strongly to be doubted as the companies tend to manipulate facts and spread public lies. There are strong indications of MSM purposefully spreading social unrest with dividing communities, using religion, handing out bribes and further mal-administration.
 - a. In the Manado Post edition of October 7th 2006 MSM and TTN declare that neither tailings nor rock material will contain toxics as e.g. cyanide in significant amounts (photocopy attached). They state that the tailings have undergone detoxification and toxics have been neutralized. Academicians oppose those statements though. The technical staff member of the Ministry of Fisheries and Ocean e.g., Prof. DR. Eng. Rizal Rompas, M.Agr., states in the

newspaper Rakyat of the October 7th 2006 edition, “and there will be still particles washed out with the water. Tailings that enter the water system, be it directly, or having been detoxified, will still contaminate the environment and disturb the water quality.”

- b. The contract of work held by MSM and TTN is a product of Corruption and Collusion of the former Soeharto era and has to be annulled. Then President Soeharto signed the government contract on November 6th, 2006 whereas the company MSM was only registered via notary act 52 on November 17th, 2006.
- c. PT MSM is illegally and purposefully violating the law constructing a jetty in the bay of Rinondoran without having a valid permit nor EIA for it. Whereas presidential regulation PP no 70/2002 requires a permit from the Department of Traffic, MSM only holds a permit issued by the head of the regency’s division of Traffic and Telecommunication (no. 522/DPT-MU/29/5/06 dated May 18th 2006)
- d. PT MSM has illegally acquired traditional land, violating human rights, as is proven by five ongoing cases of landright violations in Indonesian courts. One case about 30 ha was already decided by the Indonesian High Court Jakarta in favor of the land owning family (19/Pdt/2004 dated April 28th 2005).
- e. On February 10th 2003 the Provincial Parliament of North Sulawesi in a letter directed to the Governor no. 160/DPRD/130 demands that 1. all police force should be re-called from the company land, 2. all Brimob forces who have intimidated or injured local people should be processed according to valid law, 3. not to issue a permit for the company because eight years since its issue the company never contributed to the development of the province, 4. that MSM and TTN must immediately return the land to the original land owners.
- f. On their way back from a peaceful mass demonstration against the mining companies a truck with villagers from Kalinaun was violently attacked out of the dark; the attack under the command of a security post of MSM and there are strong indications that it was ordered by MSM management.
- g. Pretending to conduct communal church services an organization paid by MSM told people that “The government as is written in the bible is the minister of God in the world. Therefore every citizen must obey to the decisions of the government, otherwise he is opposing God. Who opposes government decisions is opposing God and will face His punishment.” During the so called services the people were convinced that the government had welcomed MSM and given permit to operate. In their EIA proposal MSM cites those “services” as part of their socialization in the communities which it conducted in June and July 2006

3. During the process of making and applying for the approval of the EIA MSM and TTN repeatedly violate the law, and there are indications that within the EIA evaluation team formed for the purpose awkward inconsistencies occur.
 - a. Deputy of the Environmental Law Division in the Ministry of Environment, Eng. Arie D.D. Djoekardi, MA, violates existing law when he issued the letter B-2865/Dep-I/LH/05/06 dated May 15th 2006 assuring MSM and TTN it is sufficient to just revise the old EIA instead of renewing it as the same Ministry stated before in December 2005 (Letter Meneg LH No.B-6395/Dep.I/LH/2005). And again he states in the EIA public hearing on September 27th 2006 in Gran Puri Hotel Manado “secondary data of the old EIA only have to be verified with new data if this is required”. That clearly violates presidential regulation 27/1999, chapter 24(1) and (2) relating expired EIA; and chapter 26(1) Relating to modification of production design or production process. The letter no. 660.1/08/DKLH/VII-2005 of the Forestry and Environment Division North Minahasa recommends that the EIA should be suspended November 22nd 2005).
 - b. Whereas presidential regulation 29/199, chapter 9(1) clearly states that the EIA evaluation team must include staff of the Department of Health, there is no member in the MSM EIA evaluation team involved.
 - c. Violating the government regulation Kep Bapedal 8/2002 that demands the transparency of EIA socializations and the involvement of the local people, MSM and TTN always tried to by-manuever this, thus not taking account of the very strong resistance of the people of North Sulawesi against the planned gold mine. The Provincial Governor in his letter 545/2201/SEKR dated December 20th 2005 asks the Ministry of Minerals and Energy to temporarily hold all MSM activities as violence and social instability in the area is prone.
 - d. Despite all that the gold company pushes for operation and continuing construction although the EIA approval is still not finalized.
 - e. The company illegally constructs a jetty (violating PP 27/1999).

On the above given grounds AMMALTA North Sulawesi strongly refuses the plans for a tailings storage facility on Minahasa land. We call out for all people of North Sulawesi and all social organizations of North Sulawesi to stand together against the threat of the gold mine on our traditional Minahasa land. Let's save our and our future generations lives!

Manado, October 2006