

Indonesian Ministry For Energy And Minerals (ESDM) revokes construction stop for Australian Archipelago Resources gold mine Toka Tindung in North Sulawesi

Only a week after our latest update with an article from *mineweb* that analysed Archipelago Resources' problems in Indonesia, the Ministry For Energy And Minerals (ESDM) via its director general, Simon Sembiring, issued a decree revoking the construction stop the company was imposed by the Governor of the Province North Sulawesi in February 2007. This is another coup d'etat after the November 2007 one (see our history section) the company staged, this time performed by its recently hired high caliber lawyer O.C.Kaligis, a man well known since he was trusted by the former president Suharto clan to defend their corruption wealth.

After he had initially asked for a hearing of the North Sulawesi provincial parliament on February 19th, 2008 in which he hoped to overturn the governor's denial of the Toka Tindung mine but failed, he managed now to embark on a legal hole (Mining law PP 27/1999, § 20 (2) . He claims, the governor's refusal to accept the company's AMDAL (EIA – Environmental Impact Assessment) was not officially processed by the Ministry Of Environment (KLH) within the due time of 75 days. Thus, according to the law, the governor's refusal has to be treated as non-existent. Although the minister, Rahmat Witoelar, repeatedly confirmed in the national as well the international press, that his Ministry handed over the responsibility for Toka Tindung to the governor and wouldn't process the AMDAL as long as the company hadn't reached the support of the regional government as well as local communities¹, there was never an official letter. The governor feels betrayed by the KLH. The peoples' resistance movement AMMALTA suspects sloppiness on purpose, reads corruption. They accuse the Australian company of not only actively encouraging corruption but also creating a climate of maladministration and the politics of "divide et impera".

The Ministry For Energy And Minerals in particular which gave the green light now to Toka Tindung to continue construction in a decree issued by director general Purnomo Yusgiantoro March 13th, 2007, has been known from the beginning to advocate the mining company with its Toka Tindung project. In a letter dated March 7th 2006 (no. 0998/40/MEM.G/2006) the director general had demanded to let the company continue construction despite the cancellation of the AMDAL by the Ministry Of Environment in December 2005. It stated during the process of reviewing the AMDAL the company could continue construction temporarily employing the outdated AMDAL. This was fought and finally prevented by the efforts of AMMALTA who proved that an AMDAL expired or revoked is considered as never issued (PP 27/ 1999).

In another letter to the KLH the ESDM stated February 14th, 2007 (no. 0723/30/MEM.G/2007) that the refusal of the North Sulawesi governor to agree to Toka Tindung "had raised severe concerns among foreign investors and would harm the Indonesian investment climate in general. Furthermore the Australian owner would take the case to an international arbitrary.

The Ministry For Environment on the other hand as cited in *Bisnis Indonesia* June 7th, 2007 edition (document 0020070607e36700006) had not completely denied the company the chance to still gain the AMDAL approval , "if the company manages to solve the problems it will be able to continue its investment". "The company must approach and get the consent of both the regional government and the local communities", minister Witolaer stated. Consequently the company started its bribing campaign among the communities, interfering into regional politics and even employing means like faking scientific surveys and forging peoples' signatures in order to convince the KLH it had gained the support on the regional level as required (see updates in the history section of this website). Village heads were bought and taken to Jakarta repeatedly in order to give (false) witness that the villages they represented had approved of the mine. A pseudo – scientific survey was cited in one of the local

¹ Dow Jones Newswire June 6th 2007 (Document DJI0000020070606e366000dr), *Media Nusantara* 05/07/2007 ("izin MSM diserahkan ke Gubernur – Kementerian Negara Lingkungan Hidup (KLH) menyerahkan sepenuhnya masalah pemberian izin operasi perusahaan tambang Meares Sopotan Mining (MSM) di Toka Tindung, Sulawesi Utara, kepada pemerintah daerah (pemda)."

newspapers² that 80 % of the local villagers were in favor of the mine. The “survey” which was never officially published was signed by a nephew (Ir Bonie FJ Sondakh Ms) of the University director Lucky Sondakh who is not only accused of outrageous corruption now but also happens to be a brother of the former provincial governor A.J. Sondakh who had initially opened the doors for Archipelago Resources in the province. In August 2007 MSM via their bribed net of corrupt village chiefs and social key figures produced a petition list of hundreds of signatures in favor of the mine which is known to be a fake. The villagers who signed had been made to believe they voted for the formation of a new district. In November MSM staged a coup in the North Minahasa regency's parliament in favor of the mine which was immediately overthrown by the provincial parliament but nevertheless launched internationally by Archipelago as could be read in the Dow Jones Newswire and AFX as “Archipelago Resources PLC said the Sulawesi government in Indonesia has issued a decree ratifying its support of the company's Toka Tindung gold project. “ (7 Dec 2007, Document DJI0000020071207e3c7000f2 and AFXUK00020071207e3c7000pm). Important to know here, that in Sulawesi there are six provincial governments, each of which is divided into numerous regencies as North Minahasa is one, thus the headline is misleading on purpose. In March 2008 the company had large ads released in several of the province's newspapers stating “its gratefulness to” Rimba Rogi the mayor of Manado and head of the GOLKAR party for his support for the Toka Tindung mine³. That way the company hoped to erode the governor and convince the ministries it had gained wide consent in the province. Now they obviously succeeded – for the moment. On the other hand the governor of North Sulawesi, S.H. Sarundajang, claims that the decree of the ESDM has no significance as the company still wasn't issued an AMDAL which was approved by himself and the minister for environment.

Friends of Lembeh – Pulisan – Bangka, March 22nd 2008

² (POSKO, May 04th, 2007 edition)

KORAN METRO TERBESAR DAN TERPERCAYA

POSKO

MANADO

Selalu Ada yang Heboh!

Hasil Survey Unsrat: 80%
Warga Nyatakan Setuju

MSM Harus Perhatikan Warga Sulut

MANADO (3/5/2007): Pihak PT. Meares Soputan Mining, dimintakan untuk memerhatikan keberadaan warga Sulawesi Utara, lebih khusus masyarakat Minut dan Bitung, yang akan bekerja diperusahaan. Hal ini dikatakan Wakil Ketua DPRD Sulut, Ny. Roosye Pandegiroth-Roeroe, yang

Baca: SHS ... hal.13

SHS...

sedang berada di Jakarta, ketika dihubungi wartawan, melalui cellularnya.

"Pokoknya, saya mintakan, agar pihak perusahaan, mengutamakan dan memperhatikan tenaga kerja asal daerah ini, sehingga tingkat ekonomi masyarakat sedikit demi sedikit meningkat," pintainya.

Selain itu, Wakil Ketua Dewan Sulut ini mengingatkan kepada pihak perusahaan, untuk mengikuti aturan aturan dan perjanjian, seperti yang tertuang dalam kontrak karya. "Terutama hal-hal yang terkait dengan lingkungan hidup," kata Roosye Pandegiroth.

Pada bagian lain, ia berharap, agar pihak investor yang sudah masuk ke daerah ini, janganlah diabaikan begitu saja, karena Sulut membutuhkan investasi. "Jangan sampai kita usir mereka. Karena dari pengalaman suami saya, waktu menjabat kepala Penanaman modal daerah, untuk membawa masuk investor ke daerah ini begitu sulit," jelasnya.

Walaupun begitu, dirinya

berharap, agar investor yang datang ke Sulawesi Utara, tidak mengabaikan lingkungan, sehingga dapat sinergi dengan program pemerintah propinsi.

Sementara, keberadaan PT. Meares Soputan Mining (MSM) dan PT. Tambang Tondano Nusantara (TTN) di kecamatan Likupang Timur, kabupaten Minahasa Utara dan kecamatan Bitung Utara, Kota Bitung, ternyata mendapatkan dukungan dari setidaknya 80 persen warga.

Dalam hasil kajian melalui sebuah survey, yang dilakukan Lembaga Penelitian Universitas Samratulangi (Lemlit Unsrat), dalam rentang bulan Maret hingga April 2007 ini. "Ini karena terjadi perubahan kondisi sosial, sejak adanya kegiatan persiapan operasional proyek, dan telah banyak menimbulkan interaksi sosial antara masyarakat sekitar dengan pihak MSM," jelas Ketua Tim Survey Lemlit Unsrat, Ir. Bonie FJ. Sondakh, MS.

Menurutnya, metoda pengum-

pulan data yang dilakukan, adalah dengan cara survey dan wawancara dengan responden kepala rumahtangga, yang dilakukan selama tigapuluh hari kerja.

Dijelaskan, interaksi itu terbagun, karena pihak perusahaan melibatkan masyarakat di 11 desa dan kelurahan di sekitar lokasi, dalam aktifitas pembangunan dan hubungan kemitraan melalui kegiatan community development.

Sementara, konsistensi jawaban koresponden ditinjau dari pertanyaan mengenai keuntungan ekonomi, 80% responden masih tetap menyatakan persetujuan, 9% nyatakan kurang setuju, dan 10% tidak setuju.

"Sebaliknya, saat dibuatkan pertanyaan negatif, bahwa keberadaan PT. MSM menyebabkan kerugian, 52 persen menyatakan tidak setuju, atau tidak konsisten dengan pernyataan positif."

Disisi lain, ketika dilakukan wawancara tentang penolakan terhadap keberadaan PT. MSM dan PT. TTN, yang dikoordinir sejumlah LSM, setidaknya 85%

penduduk menyatakan tidak setuju dengan aktifitas LSM tersebut, dan 15% menyatakan setuju dengan penolakan yang digencarkan LSM.

Pada bagian lain kajian tersebut menyatakan, sejak tahun 2005 hingga tahun 2007 ini, telah terjadi perubahan tingkat pendapatan masyarakat, sebesar 25,07%. "Kontribusi terbesar dalam peningkatan pendapatan masyarakat, berasal dari sektor jasa, usaha dagang dan industri rumahtangga," jelas Sondakh.

Satu hal yang menggembarakan dalam laporan itu, tingkat pendapatan masyarakat, diikuti dengan naiknya tingkat pengeluaran, yang mengindikasikan adanya perbaikan tingkat kesejahteraan masyarakat.

Ketika tim Survey mengajukan pertanyaan lebih spesifik kepada masyarakat tentang apakah setuju atau tidak beroperasinya PT. MSM, jawaban yang diperoleh menyatakan 77% setuju, 15% kurang setuju, dan 8% tidak setuju. (103/bbi)

³ (Manado Pos, March 18th, page 14, comment March 19th)

