



ALIANSI MASYARAKAT MENOLAK LIMBAH TAMBANG
JL. Perum Helsa Malalayang II Lingkungan VII Manado – SULUT 95115
Telp/Fax : 0431-832341, Email : ammalta@gmail.com

AMMALTA DECLARATION REGARDING PROPOSED GOLD MINING OPERATION OF PT MSM AND PT TTN

ALIANSI MASYARAKAT MENOLAK LIMBAH TAMBANG (AMMALTA) - The People's Alliance Against Tailings herewith expresses its deepest concern because the central government in Jakarta rejected the original North Sulawesi Geographical Usage Plan as submitted by the provincial government of North Sulawesi and instead pointing the regencies North Minahasa and Bitung as mining areas. This change was very obviously made in order to accomodate the proposed gold mining operation Toka Tindung owned by PT Meares Sopotan Mining (MSM) and PT Tambang Tondano Nusajaya (TTN) which was rejected by the North Sulawesi government and the people in the province. In the direct cause the Ministry For Energy And Mineral Resources (ESDM) readily issued the mining permit, although - according to law - both companies have not been granted a valid Environment Impact Assessment (EIA) yet - a pre-condition to be granted operation permits.

This supremative act by the central government counteracts and denies all previous efforts of the government of North Sulawesi to turn the province into a green province, establishing an environmentally friendly and sustainable economy and focussing on long term, non - destructive industries for the future. The viable and healthy prime sectors of the North Sulawesi economy which are fishing/ocean, tourism and agriculture might suffer severe damage to even the point of destruction as a result of the short - sighted central government interference. It not only violates the principles of provincial autonomy, but also turns the image of North Sulawesi in the international world into a caricature, as North Sulawesi had earned international reputation by successfully conducting two international events in 2009, i.e. the World Ocean Conference (WOC) and Sail Bunaken . The World Ocean Declaration (MOC) which was yielded as a result of the WOC under the new circumstances has no relevance any more, although it was meant as a strong signal for the environmental concern of the Indonesian nation and North Sulawesi Province to present itself in the world.

AMMALTA fully understands the political constellations and implications, the Indonesian system and its law which lead to circumstances under which the two gold mining companies are pushed into operation while at the same time violating the human rights of the People Of North Sulawesi. Ammalta understands that the governor of North Sulawesi, S.H. Sarundajang, was forced to leave his previously strong stand against the mining operation, by accepting it on the condition of nine points which - most inappropriately - were set up under the guidance of the Ministry For Energy And Minerals (ESDM).

While AMMALTA understands the purpose and importance of the nine conditions set up by the governor in order to protect the people from harm resulting from the mining operations now and in the future, Ammalta, while appreciating the efforts of the governor, still sees the need to elaborate on these and add some important conditions.

AMMALTA states as its frame of concern:

- a. **AMMALTA and the people of North Sulawesi worry that the mining tailings will potentially contaminate the environment and negatively effect people's health. It is Ammalta's concern that the mining operation will bring about negative social effects in the surrounding of the mine. The mining operation will also have a very negative impact on the overall economy of the province.**
- b. The history of mining enterprises in Indonesia is loaden with human rights violations.
- c. Dozens of large and mid-range investments in tourism and other sectors which so far contribute to the wealth and prosperity of North Sulawesi are endangered in their very existence along the coast line of North Minahasa and Bitung should the gold mining operation go into production and damage the image of the area as unspoilt beauty under water and above land.
- d. The very existence and the prosperity of the fishing sector which right now expands and blossoms especially in regard to small scale traditional fishing will be on the verge of bankruptcy, due to possible contamination of the water from the mine which is only +/- 4 kms in distance from the coastline, high above in the hills. Thus **the mining operation might create a new sudden poverty in the regencies North Minahasa and Bitung;**
- e. The conversion of agricultural and forest land \pm 8.000 HA for PT MSM and \pm 30.000 HA for PT TTN, are REAL LOSSES for the agricultural and the forest sectors, especially on the background of *climate change*;

Following on this AMMALTA states as follows:

1. *Support the governor of North Sulawesi in his effort to outline strict conditions for the mining companies PT MSM and PT TTN in order to minimalize the risks for the people of North Sulawesi resulting from the gold mine;*
2. Urge the central and provincial governments to :
 - 2.1. The EIA (Environmental Impact Assessment) must be completely re-done in accordance to the valid frame of law instead of only being refurbished and given cosmetic treatment. We do not accept a partial re-do of the EIA document that has already been rejected by the Governor of North Sulawesi in February 2007. At least the companies PT MSM and PT TTN must *revise in total the previous EIA and accomodate all conditions that have been and that will be put up by the governor, the people in the mining surroundings and the environmentally concerned community.*
 - 2.2. It is necessary to *re - count the economic value of the environment, the people in its surroundings and all sectors of the economy that might suffer damage from the gold mining operation.* If the mining activities of PT MSM and PT TTN will cause a damage of either people or/ and

environment, flora and fauna other than stated in the EIA, it must be ensured that the company takes full responsibility according to Indonesian law and the mining activities immediately and totally stopped. All stakeholders, from the central government over the regional governments down to the people, also the two companies must be prepared for the eventuality of damage and damage claim - technically, socially and as regards the law to deal with the actors of a possible environmental and/or human catastrophe. This means that - anticipating possible environmental damage and effects for people's health and livelihoods caused by PT MSM and TTN - *the companies must be forced to pay a large guarantee lump sum before going into production. This fund will be used as an emergency fund in case of harm done to people and environment.* We urge the government to make this a pre-condition as the experience in other mining cases shows, that if it comes to casualties or people try to claim their rights it is always ending in a war between consultants and media of respectively company and government, and the people's needs and queries are sacrificed. We have Buyat in front our doors as a vivid and painful example.

- 2.3. Anticipating the risk of a tailings dam in Toka Tindung in the hills above the settlement area of thousands of people in an area that has been categorized as a high risk earth quake area, also considering annual floods, the government is asked to reconsider the frame of law which is appropriate to protect the rights of the people. Indonesian law so far only accounts for water dam collapse, not though for a collapse of tailings and mud dams. If the tailings and mud from a company's tailings dam cause a human catastrophe this must be given a proper frame of law beforehand.
- 2.4. *Deny the company to use a illegally built company jetty in Rinondoran* which was never acknowledged by the central government and instead have it use the existing international harbor facilities in Bitung. The bay of Rinondoran is the very livelihood of thousands of fishing people between Likupang, the islands and Bitung.
- 2.5. In order to minimize the damage done to the environment the companies PT MSM and PT TTN must be forced to turn the liquid tailings into solid building materials such as paving bricks, beton elements, concrete bricks, Batako etc. Parallel to production and in an amount that suffices the production of liquid tailings. *An excess of liquid tailing must be avoided by all means in order to prevent mud flooding that will endanger the people dwelling in the surroundings.* The building materials produced from tailings will have to be distributed free of charge by MSM and TTN to contribute to the development of the area. It will also be used for public buildings throughout North Sulawesi.
- 2.6. The *agreement concerning royalty payments* to national, provincial and regency governments have to be clearly and openly stated and published in a transparent manner so that public accountability is given as well to a local, a national and an international audience.

- 2.7. The companies PT MSM and PT TTN must be forced to do a *re - lay out of the area that most directly will be affected by the mining activities* of MSM and TTN as presently several peripheral villages like Kokoleh, Likupang I, Likupang II, Kampung Ambon (Minahasa Utara), Kelurahan Apela I, Kelurahan Apela 3, Kelurahan Dua Sudara, and Kelurahan Danowudu (Bitung) are not yet included although geographically and regarded from the water reserves will be affected.
- 2.8. A *special supervisory commission* has to be installed to control that the mining activities are in accordance to the EIA and not harm the environment nor the people. This special team will have to operate *under the auspices of the Ministry For Environment* and NOT the Ministry For Energy And Minerals as happened recently when the 9 point conditions plan was elaborated under the guidance of the ESDM
- 2.9. In anticipation of a possible violation of human rights by the mining companies it will be necessary to *include the Commission For Human Rights (Komnas Ham) in an independent observer team* as stated under point 9 of the governor's conditions.
- 2.10. In order to guarantee that the whole production and operation process is in accordance with the pre-conditions, especially in regard to tailings recycling There will have to be *at least two independent observers to be placed within the company's management. These independent observers will be recruited from among the civil population and the government.* They routinely will have to deliver an accurate and transparent report accessible to the interested public and the government and also deliver ad-hoc reports if necessary. The job description, recruitment and related mechanisms have to be discussed openly by all stakeholders concerned in North Sulawesi, producing a memorandum of understanding and strict regulations in order to grant professionalism and responsibility

To be distributed and published among all people,

AMMALTA,
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Aliansi Masyarakat Menolak Limbah Tambang (AMMALTA)

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