



## Down to Earth International Campaign for Ecological Justice in Indonesia

No. 70 August 2006

Our new report  
on pulp industry  
developments  
in South Kalimantan  
is out now!

See page 10 for details

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## Community struggle against gold mine plans

*Plans for a new gold mine on the northern tip of North Sulawesi are going ahead in the face of determined opposition from local communities.*

Meares Soputan Mining (MSM) began construction in Rinondoran Bay even before public consultations over a new environmental impact assessment (EIA) had taken place. MSM is the 85%-owned local vehicle of Archipelago Resources, a company

based in Perth, Australia and registered on the UK's Alternative Investment Market.

The plans are opposed by communities from the whole area between Lembeh - Bitung, West and East Likupang districts, and Manado, in North Sulawesi province.

Indonesia's environment minister, Rachmat Witoelar, instructed PT Meares Soputan Mining late last year to stop all activities as it did not possess a valid environmental impact assessment as required by Indonesian law. An EIA done seven years ago was invalid due to social and environmental changes in the area, known as Toka Tinding.

The first that most local people knew of the revision of the EIA was an announcement in a local newspaper on 16th June giving the general public 30 days to respond to the study. The 'public consultation' required under the EIA regulations was held by the mining company on July 4th in Airmadidi, but only selected pro-mining community leaders were invited to attend. This biased process prompted protests by almost 100 members of the coastal peoples alliance AMMALTA, who prevented the hand-picked panel from entering the consultation. The efforts by the mining company to manipulate the legally required process were then exposed in the local Manado media.

North Sulawesi's governor strongly opposes the MSM mine and has written to the mining minister in Jakarta demanding that construction is suspended until the company has an approved EIA. Despite this and strong local resistance, MSM has continued construction and is bringing in heavy

machinery as well parts of the processing plant.

The position of the head of North Minahasa district, Vonny Panambunan, is less clear. Her office was therefore one of the locations of a peaceful mass demonstration organised by AMMALTA on July 13th, involving more than 3,200 participants from coastal communities. They demanded that politicians stand with their constituency against the mine that endangers their livelihoods, or otherwise step down from office. The protest started at the Bitung Mayor's office, proceeded via the district capital, Airmadidi, to Manado, the provincial capital. The protest was widely reported by the Indonesian media.

One reason for popular opposition to the project is the plan to dispose of tailings (mine waste) into the sea, which brings the risk of effects on human health and environmental contamination due to heavy metals and other chemicals contained in the

### Brutal attack by pro-company thugs

Participants in a peaceful protest involving 3,200 people from two regencies in North Sulawesi opposed to the Toka Tinding Gold Mining project were attacked on July 13th by a group known as Alliance Pro Investor (AMPI) which had previously expressed their support for the mining project. In the attack, professional thugs believed to be acting in cooperation with mining company workers ambushed the protestors, who were travelling home along a dark stretch of road. They bombarded the anti-mine protesters with rocks, then moved in and beat them with iron bars and wooden clubs studded with nails. In total 54 people were injured including a pregnant woman who subsequently suffered a miscarriage. Seven others were also seriously injured, suffering head and eye wounds requiring medical treatment.

The attacking group is believed to have a close relationship with gold mining company PT Meares Soputan Mining. Police collected evidence and reports on the identity of the attackers in the AMPI group, and subsequently detained three suspects for questioning, including one man understood to be a worker at the mine project.

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tailings. The controversial method of submarine waste disposal is only used in Indonesia and Papua New Guinea, and is at the centre of the conflict between Buyat Bay villagers and US company Newmont (see page 3).

The Toka Tindung mining plan threatens the livelihoods of thousands of fishing families in the province and also the provincial government's income from the fishery sector, which amounts to an estimated IDR 500 to 900 billion per year<sup>1</sup>. Local businesses are not supporting the plan either. "I understand the necessity for business in the region, but this is a get-rich-quick scheme, and the environmental assessments for this mine are woefully inadequate", chairman of North Sulawesi's Chamber of Commerce, Dino Vega, is reported as saying. "Unfortunately, the mining concession was granted under a former regime. We are hoping that we can alert the wider world to this environmental disaster in the making," he said. The provincial North Sulawesi Water sports Association (NSWA) that represents investors in the tourism sector also strongly opposes the mining project which they fear will have a devastating effect on the flourishing local tourism industry.

International conservation organisation WWF is concerned that, in addition to polluting local waters, tailings from the MSM mine will threaten Lembeh Strait - the world-renowned dive area - and Bunaken National Marine Park. Ocean currents could drag waste toward towards the reefs surrounding nearby small islands, which contain a greater diversity of coral species than Australia's Great Barrier Reef.

Managing director of Archipelago, Australian businessman Colin Loosemore, told the British newspaper, the *Daily Telegraph*, that the mine would operate to internationally recognised environmental standards. "We are complying fully with local regulatory practices," he said. "Our mine tailings will be in the form of finely ground rock, which will be deposited in a submarine trench on the other side of Sulawesi (from Bunaken) between 1,000 and 2,000 metres deep, where they will sink."

Not only is this statement geographically inaccurate, but evidence from the Newmont Minahasa gold mine - also in North Sulawesi - shows that strong ocean currents, tropical storms and a tectonically unstable sea bed will cause tailings dumped in the sea to pollute surface waters and the marine food chain instead of remaining inert on the deep ocean floor.

The local communities are desperate to save their environment and way of life. So far, they have funded all their lobbying themselves through their organisation, AMMALTA (The Alliance Against Mining Waste), even though its members are mainly ordinary farmers and fisherfolk (see



Protests against MSM, North Sulawesi

(AMMALTA)

DTE 68:8-9 for a report on a lobbying visit to Jakarta). This part of North Sulawesi is closer to the Philippines than to Jakarta, so it is expensive for them to get to decision-makers in the capital. It is also difficult to organise discussions, planning meetings and protests when people live in dozens of small, dispersed communities and have to work long hours to maintain their livelihoods.

Nevertheless, AMMALTA held peaceful protests in Manado, Tomohon and the Toka Tindung area on June 5th

(Environment Day) and again on July 4th and July 13th with hundreds of people from villages surrounding the mine gathered in each location to draw attention to their case.

(Source: *Daily Telegraph* 6/May/06; information from AMMALTA and local NGOs)

Note:

1. North Sulawesi Central Bureau of Statistics. ♦

## How you can help:

AMMALTA has established an excellent website at <http://www.save-lembeh.info> including action alerts. DTE suggests people write to the following Indonesian authorities in support of local people's demands to stop the MSM mine going ahead:

1. Minister of Environment, Rahmat Witoelar  
Office: Jl. D.I. Panjaitan, Kebon Nanas, Jakarta 13410  
Fax : +62 21 8580101  
Email : edukom@menlh.go.id, menlh@go.id
2. Minister of Energy and Mining, Purnomo Yusgiantoro  
Fax : +62 21 8297642,  
Email : info@mesdm.net, Info gsm@djmbp.esdm.go.id
3. Minister of Marine and Fishery  
Fax : +62 21 3522059, +62 21 3004304034  
Email: enyharyani@dkp.go.id  
bibindianti\_dkp@yahoo.com
4. Minister of Tourism and Culture  
Sapta Pesona Building  
Jl. Medan Merdeka Barat No. 17  
Jakarta 10110  
Tel. +62 21 383 8167  
Fax. +62 21 384 9715

# No Newmont clean-up for Buyat Bay

*Reclamation activities in Sulawesi by Newmont Minahasa Raya, the gold mining company majority-owned by US-based Newmont Mining Corp, are not dealing with the huge amounts of waste dumped in the sea.*

Newmont Minahasa Raya (PT NMR) claims to have completed 70% of its reclamation plan for the 200 hectare gold mine at Ratatotok in North Sulawesi. The US-owned company aims to dismantle the processing unit and other installations by September and to have closed the mine completely by the end of the year.

The 'reclamation' consists of landscaping the site, replanting it and putting in drainage channels and dams. A team made up of staff from the local government forestry, environment and mining offices makes three-monthly inspections to check that the work is done in accordance with instructions from the Energy and Mineral Resources department in Jakarta in 2002.

NMR's publicity manager told local journalists that NMR had spent US\$15 million on mine reclamation so far. He did not mention that NMR has no plans to restore the marine environment in Buyat Bay where the company dumped some 5.5 million tonnes of heavy metal contaminated mining waste during its 8 years of operations.

Evidence gathered by Indonesian environmental groups and the Indonesian government show that the STD disposal method is the cause of increased levels of heavy metals in marine sediments. Local people have complained of health problems such as skin complaints and loss of livelihoods due to fish kills since the gold mine started operations in 1996. The company has employed experts to refute these claims.

As DTE went to press, the Indonesian government was sure it would win its case against NMR for polluting Buyat Bay in the Manado criminal court. NMR's president director, Richard Ness faces a possible 15 year jail sentence if found guilty. "We're not thinking of what we should do if we lose the case. We're confident that we have enough evidence to prove the company is harming the environment," said environment ministry spokesman Hoetomo.

The environment ministry has not explained why it agreed to a US\$30 million out-of-court settlement to end a similar case against Newmont in the civil court in January 2006.

(Sources: *Republika* 19/Jun/06; *Jakarta Post* 5/Jul/06)

## New lives for Buyat Bay families

In March, DTE interviewed Ibu Surtini, who had relocated from Buyat Bay.

Families who moved from Buyat Bay to escape the impacts of the NMR gold mine have celebrated their first year in their new location.

Seventy families relocated to the village of Dumina Nga, some 300 km to the west of Ratatotok towards Gorontalo, on 25 June 2005. Many were suffering from a range of health problems attributed to pollution from the mining waste. Another 18 families who were not ill decided to remain in Buyat Bay.

"When we first arrived, many of us were ill. We had terrible headaches, itchy skin - all kinds of problems, but now we are much healthier. Some people, like me were taking 8 tablets a day for the first three months but now we don't need to. Yes, we get the occasional illness, but that's normal - not like before," said Ibu Surtini from Buyat.

A number of agencies, including the national environmental NGO WALHI, have raised funds to buy land for a new settlement

in Bolaang Uki sub-district. The area looks very similar to their old home as it is on the coast where mountains come down to the sea. The potential for fishing is good and the land is suitable for farming. The government had tried to make the community move further east to Biniha, but they were reluctant as the land was not good.

So far only 20 houses have been built. These are simple, 5m x 6m constructions with a concrete floor, wooden walls and thatched roofs, each set on a small plot of land in blocks of ten. To avoid any resentment, the families draw lots to decide who will get a new house and who will stay in the barracks until there is enough funding to build more.

Electricity is supplied by a generator at night and a large river from the mountainside provides clean water for drinking, washing and domestic needs.

The local community welcomed the people from Buyat and has given them support during their first year. They provided accommodation in their own homes for the first week, supply them with staple foods like yams and bananas and have been teaching them how to farm. The Buyat community used to live mainly by fishing and have brought their boats with them along the coast. But fishing depends on a detailed understanding of local currents, fish populations and the marine environment, built up over years of experience, so they cannot yet depend solely on their old way of life.

The Buyat people are now learning to grow nutmeg, cloves, cocoa, beans, pepper and chillies, in addition to the yams, bananas, maize and coconuts which used to be their only crops. Several of the women are earning money to buy rice and other basic commodities by harvesting chillies and other crops for the villagers until their own land is sufficiently productive.

"We are still finding out how to make a living in this new place," Ibu Surtini told DTE. "But it's better to be healthy, even if life is hard. We could earn more money in Buyat, but we were always ill there. All four of my children are much healthier. The oldest are going to school here and they are even talking with a local accent!" she laughed.

Individuals or agencies interested in funding more homes for the Buyat community should contact the Manado-based environment NGO, KELOLA: [kelola@manado.wasantara.net.id](mailto:kelola@manado.wasantara.net.id). ♦



Ibu Surtini from Buyat

(DTE)

# Rio Tinto in new Sulawesi nickel project

*A dramatic rise in the price of nickel is prompting the development of a major new nickel mine in Sulawesi. What will be the impacts for local people and their environment?*

The Indonesian government and Anglo-Australian mining multinational Rio Tinto are negotiating the terms of a contract to develop the La Sampala nickel deposit on the borders of Southeast and Central Sulawesi. Spokesman for Rio Tinto in Indonesia, Anang R Noor, said the company plans to invest US\$1 billion in the project. Exploration is due to continue and a feasibility study to be carried out once the contract is signed.

With this new investment, the company is expected to produce 46,000 tonnes of nickel (over 101 million pounds) and employ around 5,000 workers, according to Rio Tinto's chief executive for copper and exploration, Tom Albanese.

La Sampala, according to the Indonesian news agency *Antara*, contains two laterite nickel deposits covering more than 60 square kilometres.

Indonesia's president Susilo Bambang Yudohoyono has endorsed the project, saying it would create employment, economic activity and would give Indonesia 'added value' - a reference to the fact that the project may help attract other investors into the country.

Rio Tinto stands to make large profits from this venture: nickel prices have quadrupled since 2001 largely due to demand from Chinese steelmakers. The company's own profits have increase eightfold in five years.

The contract, which is expected to be awarded in September this year, will require Rio Tinto not to sell the mine before the production stage has been reached, according to Mangantar S Marpaung, an official at the Ministry of Energy and Mineral Resources. He said the government's royalty would be 3% of sales. However, an official at Indonesia's Investment Coordinating Board, Muhammad Lufti, said Jakarta was promising tax breaks and 'smooth sailing' through the bureaucracy to encourage Rio Tinto to invest. In June, after meeting Rio Tinto executives, he said the deal was 80% complete and his office was working on sweeteners in the form of tax incentives.

The La Sampala deposit was identified by Rio Tinto as a project with 'development potential' as early as 2000. The company was issued with a licence for survey preparations in Southeast Sulawesi the year before (see *DTE* 43:11). In its 2002 Annual Review, Rio Tinto reported that La Sampala's potential nickel laterite resources amounted

to more than 370 million tonnes of material containing 1.3 per cent nickel and 0.1 per cent cobalt. An 'order of magnitude' survey, to assess how much nickel can be produced, was completed in 2005.

## Poor record

What can communities living around the La Sampala concession expect from this development? The company's poor record on environment and human rights in Indonesia and globally offers a bleak prospect.

Rio Tinto is well known in Indonesia for its involvement in the West Papuan gold and copper mine operated by Freeport - a project associated with decades of serious social and environmental impacts, plus human rights atrocities committed by military guards (see *DTE* 69 for recent reports). The company also runs the Kelian gold mine in East Kalimantan, now in the closure process. This is another project which has been associated with forced relocation of local people, human rights abuses and pollution. The company was joint partner with BP in the giant Kaltim Prima coal mine, East Kalimantan, before this was sold off to Indonesian interests. Kaltim Prima was associated with environmental degradation and labour disputes. A Central Sulawesi gold mining concession held by Rio Tinto (Poboja), for which the company denies any immediate plans, has met with stiff resistance from local people (see *DTE* 57:3 and 56:14 for background.)

Existing nickel mining operations in Sulawesi hardly offer any more encouragement: Decades of mining at PT Inco Indonesia's Soroako mine in South Sulawesi have brought hardship to local people through land loss, inadequate or non-existent compensation, pollution and environmental damage. Additional exploration in parts of neighbouring Central Sulawesi threatens to disadvantage local communities there. (See *DTE* 67, Nov/05 for more background.)

## Weda Bay nickel project sold to French company

A French mining firm, Eranet SA has said it will invest US\$1.5 billion in a nickel and cobalt mining project on Halmahera Island, North Maluku. Eranet took over Canadian company Weda Bay Minerals in May this year. NGOs have protested against the company's plans to dump waste from the project into the sea - the much-condemned method used by Newmont in its North Sulawesi and Sumbawa Island gold and copper operations.

## BHP-Billiton's Gag Island nickel development on hold

A huge nickel mining project on Gag Island, off West Papua is still on hold. Australian-UK multinational BHP-Billiton Gag Island told the *Sydney Morning Herald* in April "We continue to consult with the local community, local government and our Indonesian partner as these studies progress...As we have said previously, we will not use deep sea tailing placement and we will not proceed with any development on Gag Island if it is gazetted as a world heritage area." (*SMH* 1/Apr/06).

Both the Gag Island and Weda Bay nickel projects were effectively excluded from mining in protected forests, according to an Indonesian Constitutional Court decision last year (see *DTE* 66:14).

(Sources: *Jakarta Post* 20/Jun/06; *Reuters* 20/June/06; *Bloomberg* via Joyo Indonesia News 7/Apr/06; *AFX News Ltd* 20/Jun/06; *Antara* 5/Jul/06; Rio Tinto Annual Reports on [www.riotinto.com](http://www.riotinto.com))

Note: the Indonesian version of Rio Tinto's statement of business practice, *The Way We Work (Cara Kita Bekerja)* is on the company's website at [http://www.riotinto.com/library/reports/PDFs/corpPub\\_BusPract\\_Indonesia.pdf](http://www.riotinto.com/library/reports/PDFs/corpPub_BusPract_Indonesia.pdf)



## indigenous peoples

# Indigenous groups hail declaration breakthrough

*Indigenous peoples have warmly welcomed the adoption by the newly-established United Nations Human Rights Council of the UN Declaration on the Rights of Indigenous Peoples.*

The Declaration on the Rights of Indigenous Peoples, which will now be forwarded to the UN General Assembly for approval before the end of the year, was adopted on June 29th, with 30 members in favour, two against and twelve abstentions. The Declaration is widely viewed as an important tool to eliminate human rights violations against over 347 million indigenous people worldwide as well as gain recognition and protection for their rights.

Such tools are desperately needed in countries like Indonesia, where indigenous peoples have been marginalised for decades by top-down development, and resource exploitation schemes which have a devastating impact on their lives.

Victoria Corpuz, chair of the UN's Permanent Forum on Indigenous Issues, described the adoption of the Declaration as a "momentous occasion". In a statement for the Indigenous Peoples' Caucus, the indigenous grouping which helped draft the declaration, she said:

*"One of the most important outcomes has been that throughout all of our expressions, sometimes in our own languages, we have succeeded in educating the international community about the status, rights and lives of Indigenous peoples in every corner of world... The true legacy of the Declaration will be the way in which we, the Indigenous peoples of the world, in partnership with states, breathe life into these words..."*

*...The real test will be how this will affect the lives of our people on a daily basis."*

*(Indigenous Peoples' Caucus Closing Statement, 29 June, 2006)*

The Declaration, which took eleven years to negotiate, sets a new standard for indigenous peoples' rights. These include:

- ♦ the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- ♦ the right to be free from any kind of discrimination.
- ♦ the right of self-determination and, by



*Indigenous women at AMAN Congress (DTE)*

virtue of that right "they freely determine, their political status and freely pursue their economic, social and cultural development".

- ♦ the right to autonomy or self-government in internal and local affairs.
- ♦ the right to the lands, territories and resources which they have traditionally owned, occupied or used.
- ♦ the right to redress for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been taken or damaged without their free, prior and informed consent.
- ♦ the right not to be subjected to forced assimilation or destruction of their culture.
- ♦ the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Under the Declaration, indigenous people are not to be forcibly removed from their lands or territories and there is to be no relocation

without their free, prior and informed consent and after agreement on just and fair compensation and, where possible, with the option of return.

The Declaration contains a series of measures for states, including the obligation to:

- ♦ obtain indigenous peoples' free, prior and informed consent before adopting and implementing laws or administrative measures that may affect them.
- ♦ take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- ♦ give legal recognition and protection to indigenous lands and resources with due respect the customs, traditions and land tenure systems of the indigenous peoples concerned.
- ♦ undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and through their representative institutions, prior to using their lands or territories for military activities.
- ♦ in consultation and cooperation with indigenous peoples, to take the appropriate measures, including legislative measures, to achieve the ends of the Declaration.

In their pre- or post-vote statements, several Council members 'clarified' their position on certain elements of the Declaration, reflecting the difficulties during the long drafting process. Among the most problematic were the issues of self-determination and collective rights. Several states, including the UK and Germany, observed that the Declaration was not legally-binding, and interpreted the right of self-determination as one to be exercised within the territory of a state, without impact on the state's territorial integrity. The UK reiterated that it did not accept the concept of collective rights under international law - a position that has long been strongly criticised by indigenous groups and NGOs. Japan's representative also stated that it did not recognise collective rights.

Indonesia's representative, Gusti Agung Wesaka Puja, said his country had followed the negotiations closely over the past 11 years and supported the adoption of the declaration. He added that Indonesia was a multicultural nation that did not discriminate against its population on any grounds. This view is not shared by Indonesia's indigenous peoples' alliance, AMAN, which says the majority of indigenous peoples in Indonesia are still living in poverty and suffering from human rights violations because their rights to land and natural resources have not been recognised. In a joint statement issued a day before the Council's vote, AMAN and the environmental group, WALHI, criticised Indonesia's lack of support for the Declaration and urged the Indonesian member to support its adoption. AMAN and WALHI also called for Indonesia to make political steps to "respect, fulfil and acknowledge the existence and rights of indigenous peoples in Indonesia."

(Sources: AMAN & WALHI Press Release 28/Jun/06; Indigenous Peoples' Caucus Closing Statement 29/Jun/06; <http://www.iwgia.org/sw248.asp>; Human Rights Council Press Release 29/Jun/06, via AMAN.)

## IFI standards fail on indigenous rights

NGOs and indigenous peoples have called for greater attention to be paid to the impacts of lending by international financial institutions (IFIs) on indigenous rights. They want IFIs - including multilateral banks like the World Bank and Asian Development Bank, as well as UN funds, bilateral donor agencies and private commercial banks - to recognise the fundamental importance of respecting indigenous peoples' rights to lands, territories and resources and to free, prior and informed consent in their development-related activities.

A statement by UK-based NGO, Forest Peoples Programme (FPP), and indigenous organisations to the May 2006 session of the UN Permanent Forum on Indigenous Issues highlighted the fact that IFI projects and sectoral loans often have serious negative impacts, which are not necessarily avoided simply because IFIs have policies on indigenous peoples<sup>1</sup>.

A number of IFIs have recently revised or are currently updating their safeguard policies, including the World Bank, the Asian and Inter-American Development Banks and the IFC (see below). Most of these, says the statement, fall below international human rights standards applying to

## Indonesia and the Human Rights Council

Indonesia was elected to sit on the UN's new Human Rights Council along with other members in May this year. The Council, which replaces the UN Human Rights Commission in Geneva, has seats for 47 of the UN's 191 member states. Unlike the Commission, the Council meets throughout the year and has its membership restricted to countries that "abide by the highest human rights standards". Indonesia was one of 11 Asian nations officially listed as candidates for the Council's membership.

In addition to the Declaration on the Rights of Indigenous Peoples, the Council also adopted the International Convention for the Protection of All Persons from Enforced Disappearances.

In his statement to the final session of the Human Rights Commission, Indonesia's Ambassador to the UN in Geneva, Makarim Wibisono expressed his hopes that the new Council would not engage in the "politicisation, selectivity and double standards" of which the Commission had been accused.

Indonesia could itself be accused of double standards. Last year, it opposed Secretary General Kofi Annan's proposal to establish the Council. Also, at international level, Indonesia pledges support to the work of the Office of the High Commissioner for Human Rights. However, Indonesia told the OHCHR to wind up its mission in Jakarta last year and has not extended any further invitation.

In comparison to other Asian candidates, Indonesia submitted the most elaborate plan of actions to be undertaken at national and international level. Nevertheless, Indonesia suffers from serious credibility crisis because of the systemic impunity

provided to the security forces, especially in armed conflict situations.

Amnesty International has launched a new website listing the human rights records of all candidates to the UN Council. The Indonesia page draws attention to reports of arbitrary arrests, unlawful killings, torture and ill-treatment in West Papua and the fact that independent human rights monitoring there is hampered by tight restrictions on access to the region by foreign journalists and other international human rights monitors, as well as by harassment and intimidation of local activists.

It also points out that:

*"Members of the police have used excessive force on various occasions, including against demonstrators and detainees. In September 2005, 37 people were wounded when the police shot into a crowd of around 700 peasant farmers in Tanak Awuk, Lombok Island. The gathering was organized to commemorate National Peasants' Day and to discuss land issues. The police said they were responding to people attacking them."*

([http://www.amnesty.org/un\\_hrc/indonesia.html](http://www.amnesty.org/un_hrc/indonesia.html))

(Sources: Indonesia's permanent mission to Geneva: <http://www.mission-indonesia.org/modules/news.php?lang=en&newsid=47>

Asian Centre for Human Rights <http://www.achrweb.org/Review/2006/123-06.htm>

UN News service, 29/Jun/06)

The Human Rights Council website is at:

<http://www.ohchr.org/english/bodies/hrcouncil/>

indigenous peoples, while certain loans, particularly technical assistance, sectoral and structural adjustment loans, have no specific guarantees applicable to indigenous peoples. Some institutions, including the Global Environmental Facility, most bilateral donors and export credit agencies, and a number of large commercial banks, have no formal policy on indigenous peoples whatsoever.

The FPP and indigenous groups who submitted the statement believe that indigenous peoples and the Permanent Forum - an advisory body to the UN, set up in 2002 at the instigation of indigenous peoples organisations - should actively participate in the revisions of these IFI policies to ensure they are consistent with indigenous rights.

## IFC new safeguards critiqued

One institution that has completed its policy revision is the International Finance Corporation (IFC), the World Bank Group's private sector lending arm, which provides businesses with loans, equity, investment services and technical assistance. The IFC has committed financing of \$2.6 billion to 81 projects in Indonesia since 1968, including investments in oil palm plantations - a sector which is notorious for violating indigenous peoples' rights and destroying forests.

The IFC's new policy on Social and Environmental Sustainability, plus eight new performance standards - including one on indigenous peoples - was approved by the World Bank Group's Board in February this year. An initial assessment by FPP has pointed

to some potentially positive elements, but also to serious flaws in the standards - both in their content and the rushed process for developing and adopting them.

Potentially positive elements include a safeguard for 'high risk' projects located on indigenous lands or using their resources, which indirectly establishes that the IFC will not fund projects where negotiations with affected indigenous peoples do not end in agreement. There is also an indirect safeguard against forced relocation because 'good faith' negotiations must be successfully concluded before any physical or economic displacement of indigenous peoples takes place. In addition, IFC clients must release annual implementation reports to the public.

However, FPP has also identified a weakening of standards in several instances and found that concerns raised about loopholes in the policies have not been adequately addressed. The weaknesses

include a lack of commitment in the performance standards to uphold international law, including human rights law in IFC investments and operations; the failure to adequately recognise the accepted international standard of Free Prior and Informed Consent for IFC-financed plans, decisions or activities that may affect indigenous peoples; dropping the exclusion of industrial logging operations in tropical moist forests from IFC finance; and a failure to include human rights impact assessments as part of the social and environmental assessment process.

The new IFC standards are particularly important because they have a significant knock-on effect beyond the IFC. They are expected to be adopted by around 40 large commercial banks that have signed up to the 'Equator Principles'<sup>2</sup>. These banks provide an estimated 80% (US\$125 billion) of private sector international project finance. They include banks with a history of investment in

Indonesia, such as ABN-AMRO, Rabobank (Netherlands), Fortis (Netherlands/Belgium); HSBC, Barclays (UK), Citigroup, and JP Morgan (US).

Notes

1. The statement was submitted by the Forest Peoples Programme, Foundation for Aboriginal and Islander Research Action Aboriginal Corporation, Na Koa Ikaika o Ka Lahui Hawaii, Saami Council and Tebtebba Foundation. The full version is at [http://www.forestpeoples.org/documents/la\\_w\\_hr/pfii\\_fpp\\_statement\\_may06\\_eng.pdf](http://www.forestpeoples.org/documents/la_w_hr/pfii_fpp_statement_may06_eng.pdf)

2. See [www.equator-principles.com](http://www.equator-principles.com)

(Source: *A brief and preliminary assessment of the IFC's new safeguard policy framework*, FPP, 3/May/06 at

[http://www.forestpeoples.org/documents/ifi\\_i/go/ifc\\_safegd\\_fpp\\_brief\\_may06\\_eng.shtml](http://www.forestpeoples.org/documents/ifi_i/go/ifc_safegd_fpp_brief_may06_eng.shtml))♦



(continued from page 8)

payable if the rules are violated.

*Kampong Endor Kerja*: A production forest area managed in a just and sustainable way.

Trees with a diameter over 30cm may be taken. The forest also serves as a source of seedlings.

**Developing customary forest management initiatives**

A range of external pressures is threatening the Sungai Utik community's forests. These include illegal logging, financed by Malaysian entrepreneurs from across the border, and oil palm plantations planned under the Indonesian-Malaysian border mega-project. These have the potential to devastate the people of Sungai Utik's forests and livelihoods.

In response, the Iban community in Sungai Utik, together with several local groups (PPSHK, LBBT, Pancur Kasih) have developed various initiatives and alternatives to defend the forests. The synergy developed between local groups working in Sungai Utik has had a positive impact on the Iban Dayak community. The initiatives developed in Sungai Utik with these supporting groups include:

• A credit union (CU) developed with Pancur Kasih to strengthen the local economy and reduce internal pressures on the customary forests;

♦ An initiative developed with LBBT to build and strengthen the political position of the Sungai Utik Iban community. A study to identify their customary/ancestral rights (hak ulayat) has been done. This has provided material for drafting a Perda (local government regulation) which recognises the existence of the Sungai Utik community and their customary area. (The

Perda has not yet been passed.)

♦ Several years ago, PPSHK Kalbar started a forest resources management activity together with the Sungai Utik community. This began with participative community mapping of the customary area, area planning and the development of a furniture-making business. The idea is to capture more of the profit for the community.

♦ The Sungai Utik community, together with AMAN and PPSHK Kalbar, are trying to widen the scope of benefits - not only political and economic, but also ecological benefits and skills in aspects of forest

management - by combining principles of conservation with a community logging initiative. This initiative requires high quality natural/forest resources, indigenous communities who have maintained their forest resources management values oriented towards conservation, plus the potential and capacity of supporting organisations. By the end of this community logging project, hopefully the production model of community-based forest management applied in Sungai Utik will be recognised by the market through the Indonesia Ecolabeling Institute's forest management certification scheme.♦



*Umai and Kampong Endor Kerja areas, Sungai Utik*

(DTE)

## indigenous peoples / forests

# A portrait of indigenous forest management in Sungai Utik

The following is adapted from an article by Yuyun Indradi which first appeared in Forest Watch Indonesia's publication *Intip Hutan* in February 2006 and was written after a visit to this West Kalimantan indigenous community in May 2005

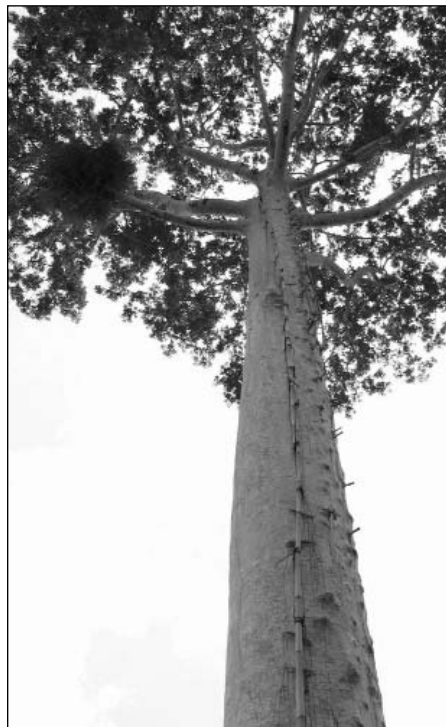
### Getting there

Visiting Sungai Utik is an unforgettable experience. The journey is not easy and needs a lot of stamina. It is a rough ride, whether you travel by air, land or river. I was fortunate in taking the easy route: a two-hour plane trip from Pontianak to Putu Sibau, followed by 3-4 hours by road from Putu Sibau to Sungai Utik. Going overland can take two days; going via the Kapuas River can take as long as a week by boat. Back on land after the flight, the sight of tropical rainforest on either side of the road offered calm and comfort, although it was sad to see occasional piles of logs by roadside, which had been confiscated under the government's anti-illegal logging operations. We were relieved when the heavy downpour of rain didn't last long enough to affect the road. We reached Sungai Utik towards early evening. The first thing we saw was an impressive long house (*rumah panjaj*) and several dump trucks, excavators and bulldozers parked alongside it.

### The general picture

Sungai Utik is in the administrative area of Embaloh Hulu subdistrict, Kapuas Hulu district, West Kalimantan province. To the north, Sungai Utik borders directly with Sarawak; to the east is East Kalimantan province and to the west is Sintang district.

In indigenous terms, Sungai Utik belongs to the Jalai Lintang customary area (*Ketemengungan*), along with four other areas, Kulan, Ungak, Apan and Sungai Tebelian. The majority of the inhabitants are Iban Dayaks. Most Iban in Jalai Lintang make a living as farmers, both from dry-field (*umai pantai*) and wet-rice (*umai payak*) farming. They maintain customary rituals connected to the relationships between people (birth, marriage, death) as well as the relationship between people and nature. This relationship with nature is vital as it forms the basis of Iban management and use of natural resources to sustain their lives.



Honey tree, Sungai Utik (DTE)

### Natural resources management in the Sungai Utik Indigenous area

The Iban of Sungai Utik have followed rules for managing their customary (*adat*) area, and have managed and benefited from their natural resources for generations. The community divides the area into 15 allocation and management categories as follows:

1. *Rumah Panjaj*: The residential area
2. *Taba'*: Area allocated/chosen as the location for the *rumah panjaj*
3. *Temawai*: Former location of a *rumah panjaj* or hut (*langkau*)
4. *Damun*: A former field. There are several types of *damun*, based on appearance and how long the field has been left. Ownership is individual and it may be bequeathed
5. *Tanah Mali*: Forest area which may not be

opened for fields. Nothing in this area may be harvested or taken. Usually this area is used as a place for slaughtering chickens/pigs for funeral ceremonies.

6. *Kampung Puang*: land/forest owned collectively by the Iban Dayak community.
7. *Pendam*: an area reserved as a funeral/burial ground.
8. *Penganyut Aek*: area allocated and managed as a source of water. Usually located along a river. Usually also used for transport.
9. *Pulau*: an area of forest reserved for its special qualities. Includes fruit, honey trees, timber and so on. Ownership status may be individual or collective.
10. *Hutan Simpan*: customary forest area protected as a reserve, no fields may be opened. Ownership is collective.
11. *Redas*: area allocated for growing vegetables.
12. *Tapang Manye*: Honey tree (the person who finds the tree owns it and may bequeath it)
13. *Tanah Kerapa*: Wetland or swamp area, usually allocated as wet fields.
14. *Tanah Endor Nampok*: sacred area for meditation.
15. *Umai*: allocated for dry-field farming, usually called *umai pantai*.

### Types of customary forest

Their customary forest is of the utmost importance to the Iban of Sungai Utik. They have developed the system of zoning customary forests to maintain the balance in the relationship between people and nature and to safeguard the sustainable benefits. There are three types of forest area under the Sungai Utik Iban system:

*Kampung Taroh*: a forest area that may not be used for fields or collecting/cutting timber. *Kampung taroh* are protected forests, aimed at protecting the water supply and the breeding of wildlife. *Kampung Taroh* are usually in upriver areas.

*Kampung Galao*: a forest reserve, where medicinal plants, firewood and timber for making *sampan* boats may be collected. Forest exploitation is highly restricted and is closely controlled. Customary fines are

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## *forests*

# Forest policy and Indonesia's natural resources crisis: a view from Jakarta

*This article is based on an interview with Andiko, Coordinator of the Legal Reform Programme of HuMA, the Association for Community and Ecology-Based Legal Reform, in Jakarta. Andiko is actively involved in various legal reform discussions and campaigns on natural resources management. HuMA supports Indonesia's indigenous peoples and their struggle for the recognition of their rights.*

### Indonesian forest policy development: a chronic and acute disease

There have been a lot of policy developments in natural resources management during the past few years. The forestry sector has been especially busy, with developments including Government Regulation No. 34/2002 on Forestry and the Formulation of Plans on the Management, Exploitation and Use of Forest Lands; Government Regulation No. 35/2002 on the Reforestation Fund; revisions to Law No. 41 on Forestry and the Draft Law on the Eradication of Criminal Acts of Illegal Tree-Felling In Forests (better known as the Draft Law on Illegal Logging). These two last initiatives are part of the Indonesian parliament's 2004-2009 National Legislation Programme.

However, the many changes to forestry sector legislation do not address the deeper paradigm shift that is needed. Instead, these regulations and laws retain a narrow focus and a short-term orientation.

Concern about the uncertain future of Indonesia's forests is justified. The high deforestation rate (3.2 million hectares a year), over-capacity in the wood industries, weak law enforcement, policy distortion, corruption and conflict paint a bleak portrait of forest management in Indonesia. The various measures aimed at addressing the problems merely respond to superficial issues, without reaching the root of forestry problems. Forestry policies are like medicines which deal with the symptoms, not the disease.

### The Draft Illegal Logging Law: painkiller for the forestry sector

The Draft Law on Illegal Logging is an example of how the government (forestry department) reacts to the symptoms of disease in Indonesian forest management, without addressing the root of the problems. It is true that illegal logging causes losses to

the state and threatens the forests, but the question is how did this happen and how did it get so bad? The drafters of the Illegal Logging Law failed to take into account conflicts over tenure in forest areas, as if all forests in Indonesia belonged to the state. They gave no clear indication of what is and what isn't legally produced. Implicitly, the legality of forest products, according to the draft law, is determined by the national 'positive law' arrangements for forests, which regard them as state forests, not encumbered by conflicts over tenure. This, of course, means that indigenous communities' rights to their forests are not recognised and that their use of the forests according to customary law become a soft target of this law. The same goes for local communities living in forest areas claimed as state forests.

Forestry Law No.41, passed in 1999, acknowledges the existence of forests subject to rights/proprietary forests (*Hutan Hak/Milik*), customary forests (*Hutan Adat*)<sup>1</sup> and state forests (*Hutan Negara*). In fact, only 15% of the total state forests claimed have been gazetted<sup>2</sup>, meaning that the government's claim over state forests is only 15% valid. At the same time, customary forests are treated as practically non-existent because they overlap with areas claimed as state forests. This situation, plus the fact that the drafters of the Illegal Logging Law deny that there is conflict over tenure, is bound to lead to yet more conflict. And it is the forest-dependent communities living in and around forests who will suffer the most.

Another implication of the draft law is that a large number of loggers will be arrested in the effort to enforce it. If each case of a person suspected of illegally logging is brought to court, and each court session requires an ad hoc panel of judges (one of whom must come from a forestry background) just imagine the difficulties and inefficiencies in the legal system, procedures and process that will result.

### The draft Illegal Logging Law versus the Legality Standard

As mentioned before, a major flaw in the Draft Illegal Logging Law is the failure to set out clearly the difference between legal and illegal. Whereas a whole series of acts are grouped as 'illegal', there is no clear reference to what is considered legal under this law. The Legality Standard<sup>3</sup>, which does define what is legal, ought to be completed first. Having no clear definition is very dangerous. Again, it is like treating the symptoms while ignoring the disease.

Moreover, the public consultation on the Draft Illegal Logging Law was inadequate. People who will feel its impact - communities living in and around forests, especially those in areas where there are conflicts over tenure - were not asked their opinion. The public consultation was only held in several large towns such as Jakarta, Jambi, Makasar, Pontianak and Jayapura. Was this a true and legitimate representation of public opinion?

Put simply, unless the main problems in forestry are addressed, any initiative will have the potential to create new conflicts. Those drafting the illegal logging law are over-simplifying the problems.

According to a decree issued 5 years ago by the People's Consultative Assembly (Indonesia's highest legislative body) - TAP MPR IX/2001 - there should be an overhaul of all legislation related to natural resources management, including a requirement to bring all sectoral laws in line with the decree<sup>4</sup>. This is still needed to assess whether the paradigm of all laws and draft laws is still appropriate with the situation today.

### Indonesia's natural resources management crisis

In recent weeks, the headlines have been full of floods and landslides in Kalimantan and Sulawesi and, on the other hand, droughts, dried-up reservoirs and failed harvests in various parts of Sumatra, Java and East Nusa

Tenggara. Meanwhile, the hot mud flow disaster in East Java caused by human error at a gas drilling well, is getting newspaper and TV coverage, and the issue of human rights violations associated with natural resource management is being widely reported.

These are signals that natural resources management is in a critical condition and show just how urgently policies and laws governing natural resources need to be overhauled. While the laws are reviewed and in order to maintain legal certainty for natural resources management, interim legislation needs to be created for the transition period. The *Perpu* (Government Regulation In Lieu of a Law, designed for use in a national crisis or emergency) is a mechanism that could be brought in during this transition. However, the *Perpu* has not always been used properly, with 'crisis' conditions often translated unilaterally by the government. This happened in the case of *Perpu* No 1/2004 on Changes to Law No.41 on Forestry, which legitimised the opening of protected areas to mining. By contrast, a series of natural disasters (due to mismanagement) and destruction caused by resources exploitation is not considered a national emergency.

It is evident from Indonesia's degraded resources, disasters and conflicts, that natural resource management is in a state of dire emergency, but not everyone wants to pay proper attention to this, least of all the government. Even the intelligentsia are not doing much to raise awareness of this issue.

It is the people who suffer the impacts themselves who must take action and

speak out, and civil society ought to be more focused on strengthening communities at grass roots level. On the other hand, in campaigns work there needs to be a greater focus on decision-makers, in the Indonesian parliament, for instance. If these efforts don't get the results, we may need to make improvements in how we work, how we assess target groups and where we put our energies. Consistency is extremely important - in focusing on the target, and continuously evaluating our achievements.

For campaigning NGOs, determination is not enough: we need to keep expanding our capacity so that we can speak and debate eloquently and with conviction. Many NGO ideas do reach a wider audience so its necessary to move on from just playing a watchdog role to offering positive ideas for changes.

### HuMA's approach

HuMA works with partners in the field to understand what is going on on the ground and to find alternative solutions. If this also relates to policy, then the changes recommended must be based on the needs of the affected community. HuMA is beginning to develop campaign activities and build dialogue directly with parliament. HuMA tries to maximise its work in certain areas: current activities include documenting the practices of *adat* (customary) justice; documenting local regulations (*Perda*) relating to protection and recognition of indigenous peoples; *adat* law and *adat* areas; carrying out and compiling research on the implementation (and the practice of distorting) Law No. 41 on

Forestry to support the case for revising this law; and supporting community efforts to draft village regulations (*Perdes*) on natural resources management.

Although the prospects for natural resource management are far from bright and there will be more conflicts in future, there is some hope because there are still people who are endeavouring to make things better (including people in the government and in national and regional parliaments). Information about natural resources and environmental destruction and the role of the media is vitally important to educate the public and raise awareness. At the same time, rescue attempts, however small, and campaigns which reach key policy-makers directly also have a wide impact, if these are done in a sustained manner.

#### Notes:

1. There has still been no clarification of the terms *Hutan Adat* (customary forest) and *Hak Ulayat* (customary right/ right of usufruct) in Forestry Law No. 41 because the required government regulations have not yet been issued.
2. Gazetted means the forests are classified, their boundaries surveyed, agreed interdepartmentally, and then officially registered as state forests
3. This was drafted as part of the follow-up to the 2002 MoU to combat illegal logging and the illegal timber trade, signed by the Indonesian and British governments - see DTE 67:13.
4. See DTE 52 and 57 for more background to TAP MPR IX/2001.♦



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homes and psychological rehabilitation. A 24-month reconstruction strategy aims to restore all economic, transportation, telecommunications, social and cultural services and institutions.

The most urgent thing for people in the region is to move out of their tents by October when the rainy seasons starts. Bantul is planning to build 300,000 houses costing Rp1.2 trillion (around US\$120 million), although the local authorities only have about 20-25% of the money needed.

The government is trying to promote earthquake resistant housing. Sleman district, for example, has built 100 model earthquake-resistant houses in Prambanan subdistrict. Woven bamboo is the first choice for semi-permanent housing, because it's comparatively cheap and more quake-proof than other building materials.

Nevertheless, the cost of bamboo panels, as well as other building materials like sand and bricks, is rocketing due to the post-quake demand, mostly from aid agencies. There is also concern about the sustainability

of supplies: will bamboo stands in the region be exploited out of existence if bamboo becomes the construction material of choice?

Now, almost two months have passed. One thing that has united people during this time is the feeling of shared suffering. For example, when there is a problem with living cost assistance, they agree to share the money received with people who haven't received any due to inaccurate data collection. They do whatever needs to be done, like clearing away the debris of their homes, and try to rebuild them according to their capabilities, with everyone helping out. The work of NGOs and the government has been rather ineffective, so people would rather be self-reliant than depend on outside help.

SUARA's website is at:  
[www.suarakorbanbencana.org](http://www.suarakorbanbencana.org)♦

#### Correction to DTE 69

On page 19, we mistakenly referred to the UK minister for international development, as Eliot Morley. The correct name is Gareth Thomas,

#### New DTE publication:

### Tidak ada Chip Mill tanpa Kayu

### No Wood Chip Mill Without Wood

An in-depth report on pulp and chip mill developments in South Kalimantan and the web of international investors, financiers, consultants, suppliers and purchasers surrounding them.

The report (Indonesian and English versions) will be posted on our website. Printed copies will be sent to DTE's mailing list. Electronic PDF copies will be available free of charge.

Contact [dteindocamp@gn.apc.org](mailto:dteindocamp@gn.apc.org) for details.

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Protocol Relating to the Status of Refugees of 1966, which underline the responsibility of states to guarantee the basic needs and the human dignity needs of disaster victims.

The same goes for planning. One month after the disaster, local and international NGOs and aid agencies are still waiting for the government to give them a clear picture of its rehabilitation and reconstruction plans. There are no ground rules on which organisations can base their work. If things go on like this, learning from the disaster management experience in Aceh and Nias, the same negative social, economic and cultural impacts could well happen in Yogya and Central Java.

Therefore, Forum SUARA is urging the government to:

1. Draft a master plan as soon as possible for the rehabilitation and reconstruction of Yogya and Central Java, which accommodates local people's participation and knowledge;
2. Give accurate and responsible information and carry out disaster mitigation education in areas that are still experiencing aftershocks and in areas where environmental conditions have changed or other natural events have happened which are causing local people concern;
3. Guarantee that people's basic needs are fulfilled, including in remote areas or where there are food shortages;
4. Guarantee that the various rights of vulnerable groups are fulfilled: babies and children; the elderly, women, sick and disabled people.

Since this press release was published, it is still hard to say that the government has started being more efficient. But government and non government organisations (local, national and international) are at least meeting each other to identify and fill the gaps in their work.

### Disaster funds transparency

National Coordinating Agency for Natural Disaster and Refugees Relief (Bakornas PBP) has published a summary of central funds in local and national newspapers. This is a positive move - and unprecedented. At least we can see how much money is being handled by the central government for the yogya and Central Java disaster.

Generally, there are two sources of funds for disaster management: state budget funds (APBN) and non-budget funds. The state budget funds can be used as and when required, needing only a phone call from the vice-president ('on call budget'). These state budget funds have been disbursed in two tranches of Rp 50 billion each.

Non-budget funds have come in from the Chinese embassy, UNESCAP in

Bangkok, Thailand and the Indonesian embassy in PhnomPenh, Korea International Cooperation, Hongkong Care and the Indonesian embassy in Turkey. The total amount of non-budget funds stood at over Rp 23.5 billion by June 22 (*Kompas* 24/Jun/06).

These cash funds are being used to cover living costs for people whose homes have been damaged, and operational costs. Living costs are Rp 90,000 per person per month. According to official figures, this assistance has been distributed to 810,225 people in Jojga (5 districts), and 441,631

people not receiving living cost assistance because they have not been counted.

The data collection has not been carried out by the officials who were supposed to do it. Instead there has been a tendency to pass this matter to the people themselves, with no guidance, and call it 'self-assessment'. As a result, the distribution of aid to cover living costs is different from one area to another. According to the mechanism used, living cost assistance is allocated on a house by house basis, at the same time as damage verification. If the damage is less than 25%, or



New house built of bamboo panels

(Ima Susilowati)

people in Central Java. Operational costs are 4% of the total, according to the summary of funding published.

At provincial level, around Rp33 billion is being handled by the Yogyakarta provincial government in the form of food and other goods to be distributed. Unfortunately, no provincial summary has been made available, so it is harder to track how the aid money is being spent here.

Other questions remain unanswered too. According to Bakornas on June 30th, the government decided to spend 75% of the total funds allocated for covering living costs for Yogyakarta and Central Java survivors. There has been no information on the deadline for disbursing the rest of the funds.

### Data collection and damage verification

Distributing aid does help people who really need it. But, according to *Findings, one month after the quake*, by the Institute for Development and Economic Analysis (Idea Yogya), there have been a range of problems in the process of distributing this living cost assistance. The problems stem from a lack of accuracy in the basic data which determine how aid is targeted. Data collection has been very limited and confusing, resulting in many

the house is still fit to live in, no living cost assistance is payable. In practice, data collection is being left to the people themselves, who do this by filling in a form, which they find confusing and leads to inaccuracies. Damage verification is being done by village heads and community leaders, meaning that houses are being categorised differently from one area to the next. Many people feel that this is unfair and there are many who believe they deserve the living cost assistance, but aren't receiving any.

### Reconstruction plans

By early July, reconstruction plans finally started to take shape. The emergency response period officially ended on July 3rd - earlier than planned because the government considered that people affected by the disaster had reached a minimal survival level.

A 'Post Yogyakarta and Central Java Earthquake Rehabilitation and Reconstruction Team' was established under a Presidential decree signed on July 3rd to coordinate planning, implementation and evaluation of the rehabilitation and reconstruction work. District-level planning has started. In Bantul district, for example, a 12 month rehabilitation plan will focus on restoring minimum public services, basic and economic infrastructure, reconstructing

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## Fifty-nine seconds in a 5.9 Richter scale earthquake

The following report from Yogyakarta, by Ima Susilowati, starts with a personal account of the events early on May 27th 2006, then moves on to a critique of the government's emergency response from an NGO worker's perspective.

The thundering filling my ears early on May 27th is still fresh in my memory. The noise made me think of the dustbin lorry which regularly collects the rubbish. Why is it so early (it was around 5 to six in the morning) and why is it making such a thundering noise, I asked myself. The next moment, before there was time to answer, a terrifying jolting made me stagger. At that moment I knew it wasn't the dustbin lorry. EARTHQUAKE! I got out of the house as fast as I could after picking up my child, who was still asleep.

I had never felt such an extreme shaking before. The house felt like it was being rocked violently from side to side. And if anyone asks me what is the most memorable experience of my life, I'll say: fifty-nine seconds in a 5.9 Richter scale earthquake.

I only found out the scale of damage later when the electricity came back on and we could watch the news on TV. I hadn't imagined that the earthquake I'd experienced could kill thousands of people and destroy hundreds of thousands of homes. The official World Health Organisation report stated that 6,487 people died, 96,000 were injured, and between 200,000 and 650,000 people were made homeless.

Since then the earthquake has filled our conversations and discussions.

### Solidarity

It appears that the Yogyakarta earthquake was fairly 'eyecatching'. People - from local communities living nearby, to the international community - responded immediately by sending donations and offering solidarity. The government instated an emergency response period of three months.

Two days after the disaster, I got involved in emergency response work as a volunteer in an NGO in Yogyakarta. I helped



Devastation in Java (Ima Susilowati)

package the aid (food and nutrition, sanitary goods, tents, etc.) and helped distribute it to people in the Yogyakarta area.

One month after the earthquake, Forum Suara - a forum to coordinate 26 civil society organisations set up two days after the quake - issued the following press release on the government's handling of the emergency so far.

*Non-existent management: the government must explain its rehabilitation and reconstruction plans*

Thirty days have passed since the earthquake that devastated Yogyakarta and parts

of Central Java, but life for the survivors is still uncertain. In many places food supplies are running low and many people's right to temporary shelter is not being fulfilled. They are being forced to sleep in the open air or crowded altogether in the emergency centre tents. SUARA has observed that many damaged areas have still only received minimal amounts of assistance...

...There has been a huge mobilisation of solidarity and assistance from people inside and outside Indonesia and it's fair to say that the rescue efforts in Yogyakarta and Klaten have stemmed from public solidarity thus far. However, because of the lack of coordination and clear control from the government, this assistance has been distributed without any guarantee of fairness. Government aid, which survivors were counting on, still hasn't materialised today. The local government and central governments appear to be waiting for each other and are giving the impression that they are trying to avoid responsibility for meeting survivors' need for basic supplies and for dignity.

People have not been given information about the aftershocks or other natural post-quake events, but are left to find out for themselves. The areas of Imogiri and Pundong, for example, are hearing booming sounds and feeling tremors coming from underground. In Gedangsari, there is a crack in Bukit Linduk, hundreds of metres long, as far as the hills near from Patuk subdistrict. Local people have fled their homes.

These realities clearly conflict with the basic principles and minimum standards for disaster management as set out in the International Covenant on Economic, Social and Cultural Rights of 1966, the Covenant on the Status of Refugees of 1951 and the

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