

Dig It Up and Ship It Out? Resistance to Mining in the Lease Islands

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Maluku is a province very rich in natural resources. Current economic development promoted by the national government is focused on the development or expansion of industrial-scale fisheries and aquaculture, clearcut forestry and exploitation of minerals, oil and gas. At the provincial level, however, policy makers pin their hopes on expansion of local fisheries and tourism. Meanwhile, at the village level, the native population of Maluku depend heavily on inshore fishing and small-scale agro-forestry (forest gardens). Levels of formal education are often low, and employment options for coastal dwellers are therefore limited. Most of the population is not directly involved with current industrial development, although their traditional livelihoods may well be negatively affected by it.

Of the major development options currently in favor, only tourism appears to have potential for local control and management. Appropriately scaled, locally controlled tourism is being promoted by non-governmental organisations such as the Hualopu Foundation, based in the provincial capital, Ambon. However, this is still in its infancy.

The expansion of industrial fisheries and forestry sectors and the granting of rights for mineral exploration and exploitation are handled at the national level. Profits from these activities flow out of Maluku to Jakarta or into the hands of foreign investors. There is little or no input from the community level into decision-making processes related to this industrial development. Therefore, there is a high risk that national development policies and practices will clash with the local communities' needs for a healthy and sustainable resource base and dignified livelihoods.

A very clear case of such a clash is the current boom in exploration for silver, gold and base metals that is happening the central Maluku islands of Ambon and the Leases (Haruku, Saparua and Nusalaut Islands).

Currently, a consortium of Ingold (subsidiary of Inco, Canada), Indometals (a new company formed by former Inco executives) and Aneka Tambang (an Indonesian government corporation) control what is being called the Maluku Joint Venture properties. These properties consist of over 100,000 hectares held in part by a signed 7th Generation Contract of Work (CoW) covering Haruku Island and west Ambon Island, and in part by applications for 8th Generation CoWs covering Nusalaut and Saparua Islands and portions of Ambon Island. Introduced in 1967, the Indonesian Contract of Work (CoW) represents the strongest title to mineral rights available to foreigners. In fact, according to Indometals, the Indonesian government has never repealed or revoked a CoW in good standing.

Company promotional material freely available on the internet explains what their prospectors have discovered on Ambon and the Lease Islands:

... a wealth of epithermal gold and base metal deposits along with copper/gold porphyry deposits. ... Initial results are very encouraging. Drilling at Haruku included one intersection of 8.5 metres with values of 3.3% Cu, 7.8% Pb, 14.2% Zn and 109 g/t Ag. [These deposits are] polymetallic, high-grade massive sulphide deposits extending over the four islands [which raise the possibility for] a very large, low-grade, open pit zinc-lead-silver ore [mining enterprise] (Extracts from brief by Jim Clucas, President & CEO, Indo Metals Ltd.).

As the deposits are sulphidic in nature, it also raises the possibility of eternal acid mine drainage if these deposits are opened up and exposed to tropical rains.

In promotional material for Indometal stock, a broker from Vancouver described these islands as being covered in “dense tropical jungle”, with no mention of local inhabitants. This is very misleading information. In fact, most of the indigenous forest of these islands is long gone and what may look like jungle to a Canadian prospector is forest gardens. This is the *tanah adat*—traditional territory—of the Maluku people and

population density on these small islands is the highest in all of Maluku province.

In 1988 the UNCEP-South Pacific resolution against mining on small tropical islands was passed. This was because of the clear evidence of environmental devastation resulting from this type of development. All of the islands within the Maluku Joint Venture Properties can be considered to be small tropical islands. Ambon, the largest of the islands, is 50 km across in places whereas Haruku and Saparua are 10-15 km in diameter and Nusalaut a mere 5 km. All are surrounded by sensitive coral reef habitat. This region lies within the centre of world coral biodiversity.

Open pit mining for base metals, which is conducted on a massive scale in order to maximize profits, can disrupt a large proportion of an island that is only a few kilometers across. There is no space to dump waste rock and poisonous tailings, a situation which in places such as Papua New Guinea has prompted engineers to dump millions of tons of toxic waste into the sea on an annual basis. This practice is particularly dangerous in an area of upwelling such as the Banda Sea of Central Maluku, because even after deep sea disposal the toxic metals are very likely to be disturbed and transported. The use of the sea for mine waste disposal is illegal in most developed countries and is also specifically forbidden under the 1990 U.N. Convention for the Protection of the Natural Resources and Environment of the South Pacific Region as well as by the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping.

A mine operation requires huge volumes of ground water. Typical figures for copper mines in Canada, for example, are in the range of millions of liters a day. On an island with limited resources this may result not only in water shortages for surrounding communities but also the more serious salinisation as sea water is drawn in to replace the diminishing freshwater lens. Waste from a mine typically pollutes both ground, river and ocean waters: a threat to both human and marine communities. After mining an island for 20 years or more, restoration may be attempted but it is impossible to return any mine site to its' former condition. If the bedrock is sulphidic, acid leachates devastating to aquatic life will continue to be released for centuries if not indefinitely.

It is clear that local aspirations to develop tourism and sustainable fisheries and agriculture on the small islands of Maluku are not compatible with large-scale mineral exploitation. It is also clear that those who will benefit from mining will be industrialists and shareholders, most of whom do not live in Maluku or even in Indonesia. The profits will flow out of the province. Also, because few Maluku people are geologists and mining engineers, they will not even have the benefit of well-paid jobs in the short term. But the large environmental, social and cultural costs will be borne by the Maluku people alone.

Exploration is most advanced in the watershed of the Wai Ira on Haruku island, where the companies have been operating since 1992. Because of the potential impacts, it is extremely important that local communities have access to relevant information and have some say in decision-making when it comes to mineral exploitation. Experience in Haruku shows that this is far from the case. Local residents have simply been told by mine representatives that if the mine goes ahead, the people of Haruku and Sameth villages will have to be relocated. Other potential impacts have never been publically discussed. When the Hualopu Foundation sent a field worker into these communities in 1997 to conduct interviews, he found that these people fear that exploitation of the mineral wealth of Haruku will bring an end to their livelihoods as fisher-farmers, dispossess them of their traditional territory and threaten local culture and tradition. However, local people had never been informed of the potential environmental impacts of mining and when villagers were interviewed it was clear that though there was a general unease over potential impacts, the type and scale of these impacts were largely unknown.

There are two local non-governmental organisations, Hualopu Foundation and Baileo Maluku, active in community development and environmental management and conservation work on these islands. From their head offices in Ambon city, these organisations struggle to gather and disseminate relevant information in the face of determined opposition from vested interests. They lack both the funding base and the technical expertise to fully engage the powerful mining lobby. Given the youth of the NGO movement in Indonesia and the repressive style of government the NGO's are also poorly equipped to deal with those provincial and national government staff who are in league with the corporations.

Local communities are, nevertheless, beginning to organise for a fight. There has been steadfast resistance to mining exploration by many families on Haruku Island. In 1998 a citizen of Sameth village, Semmy Latupapua, served time in jail as a consequence of his resistance. Determined resistance to mining has also sprung up on Nusalaut island which, being the smallest in the Lease group, is particularly vulnerable in an ecological sense to any large-scale development scheme.

On Nusalaut the traditional venue for village leaders to meet and discuss common concerns at the island level, (called *Latupati*) has been resurrected through intervention and assistance of the two NGO's, Baileo and Hualopu. Hualopu, which is engaged in participatory mapping of Nusalaut village territories, was originally interested in reviving the *Latupati* as an institution for coastal resource management. The *Latupati* is part of the *adat* social order which also includes *sasi*, a form of village level resource management. *Sasi* ceremonies typically involve a time-limited harvest prohibition set in place over some portion of village territory or a defined suite of resources (fish, shellfish, fruit trees, coconuts etc). However, as an institution *sasi* continually evolves and currently is developing into an institution with environmental protection goals (see Novaczek & Harkes 1999, this volume).

After Hualopu learned that Nusalaut was included in the Maluku Joint Venture properties, they introduced some basic information on potential mining impacts to Nusalaut's leaders. The response of islanders was immediate and unequivocal—they objected to any and all further exploration. Baileo followed up by facilitating a series of *Latupati* meetings which were held in Nalahia and Sila on 18 and 22 September and involved chiefs from all of Nusalaut's seven villages. Over this period, Baileo staff assisted the island leaders to develop and set down in writing a position that makes clear their determination to prohibit the mining of the island. As a consequence, a remarkable ceremony of solidarity took place on September 25, 1998. The story of this ceremony (below) has been translated from the formal record made by Hualopu staff. In translating the declarations made by the "People's Council for the Land" (the local name for *Latupati*) we have done our best to retain the original solemn and formal style.

The people's council is made up of all the traditional leaders on the island, leaders who are chosen from among the founding families and thus hold their positions by right of heredity. Such councils have a high level of legitimacy compared to "official" government structures and departments. A meeting of the council is attended not just by the leaders, but also by many "common people" from the various clans living in a community.

Each village delegation is led by the elected village headman (ie, a government official) because on this island all "elected" headmen are in fact the hereditary chiefs. The hierarchy among them is therefore prescribed not by national or provincial law but by historical reference. The ceremonies that are an essential part of any council meeting are prescribed by traditional law, or *adat*.

Each chief is recognized as either a *raja* or a *pati*. The *patis* divide themselves into 2 groups, called *Laturua* and *Patirima* and the villages they represent are grouped together under the names Inahaha and Inalohu. These groups are each led by a *raja* who is the chief of one of the two original settlements, Titawaai (senior) and Ameth (junior).

The most sacred place for all islanders is the island's centre, which is believed to have supernatural powers. For a council ceremony to take place at this spot means that it is witnessed by the ancestors and is the most solemn and important of occasions.

Report from the Musyawarah Dewan Saniri Tanah (People's Council for the Land) of Pulau Nusalaut at the *pusat pulau* (sacred centre) of Nusalaut (Nusa Haluwano) on 25 September 1998

This People's Council was attended by the *Laturua* (two *rajas*) and *Patirima* (five *patis*) of the Inahaha and Inalohu village groups, as well as by 500 of the common people. The *Laturua* and *Patirima* are the leaders of the seven villages of Nusalaut: Titawaai, Ameth, Abubu, Akoon, Nalahia, Sila and Leinitu. Among the people were the *pendetas* (church ministers) posted to this island.

The Procession

In each village, people gathered together with their *Raja* or *Pati* in their Baileo (*adat* meeting hall) to prepare for the journey to the sacred centre

of the island (*pusat pulau*). After the *Raja* or *Pati* had spoken to the people, all joined to pray under the leadership of their minister. Then each party began its procession towards the *pusat pulau*, following the special path that leads from each village to the central peak of the island. As they marched, their progress was marked by the *Marinyo* (village messenger) blowing on a large trumpet shell.

Before entering the sacred centre, each group stopped at the gateway and sent their *Kapitan* (war chief) forward to announce their presence and receive instructions from the guardian of the gateway. The gateway has two parts: one for the Inahaha people (Titawaai, Abubu, Sila and Leinitu) which is guarded by the *Tua Adat* (*adat* elder) from Titawaai, and one for the Inalohu (Ameth, Akoon and Nalahia) which is guarded by the *Tua Adat* of Ameth. Before moving through the gateway, each village party together with the others in its group (Inahaha or Inalohu) bowed their heads to pray. Then, in orderly procession, the people moved slowly up the hill through the steaming Maluku morning to where Upulatu Lesnusa Titawaai Raja Tanah Inahaha (*raja* of the Inahaha) and Upulatu Samasuru Ameth Raja Tanah Inalohu (*raja* of the Inalohu) awaited them at the sacred centre of the island.

The ceremony

Once all the people with their *Laturua* and *Patirima* had gathered around the sacred place, the *Raja* of Titawaai opened the ceremony with *kapata*, words in the indigenous language. This was followed by the proclamation of the Keputusan Dewan Saniri Tanah Pulau Nusalaut (Decision of the People's Council for the Land of Nusalaut), which was witnessed by the *Masyarakat Adat* (traditional community ie, the 500 common people of Nusalaut who were in attendance).

After the reading out of the proclamation and of the letter of testimony prepared by the council (see below) there was an additional ceremony in which a *sasi* sign made of coconut fronds was planted in the sacred centre of the island as a physical warning that the entire island is to be considered under *sasi* (ie, closed) with respect to any and all mining related activities.

After the planting of the *sasi* sign, there was the ceremony of sharing *sirih pinang* (betel nut) brought from all seven villages. This *sirih pinang*

was gathered from the special *adat* places in each village then mingled together at the *pusat pulau* as a symbol of solidarity and common resolution. After being all brought together, the *sirih pinang* was then shared out, first among the *Laturua* and *Patirima*, and then among the common people.

The final ceremony was the eating of a traditional feast (*Patita*) as a further symbol of common agreement. Following a closing prayer, all the parties walked back down the hill to their respective villages, using the same road as they came by. On arrival at their Baileo, each party engaged in a final ceremony led by their *Raja* or *Pati*. Following is the text of the proclamation.

Keputusan Dewan Saniri Tanah Pulau Nusalaut

Proclaimed at the sacred centre of Nusalaut Island,
this day 25 September, 1998
by the Dewan Saniri Tanah Pulau Nusalaut

Whereas:

1. Nusalaut is a very small island and at the same time home to 1,300 families.
2. The livelihoods of the people are entirely dependent on natural resources of the land and sea.
3. Our traditional communities are greatly influenced by nature, both on land and in the sea.

Being aware that:

The resource base of the people on land and in the sea will be destroyed if mining proceeds.

Remembering:

The letter of testimony from the community of Abubu, 26 March 1998, written by Samuel Peilow, in which all mining activities were rejected.

We solemnly hereby proclaim:

Strictest prohibition of all activities related to the mining of gold, base metals and other minerals on any *adat* land of the island of Hulawano (Nusalaut).

Lobbying efforts

The council also prepared the following letter of testimony, which was

sent to the provincial and national parliaments as well as to the Human Rights Commission.

Community Testimony

Mining is not a renewable or sustainable activity. In addition, it brings ecological destruction and high levels of pollution. In general, mining operations still use technologies that are not environmentally friendly. Open pit mining involves the breaking up of bedrock, followed by the discarding of waste rock, tailings and wastewater into the environment. Base metal mines are typically very large, involving mega projects requiring heavy capital investment and the use of higher technologies that are beyond the capacities of local residents. Therefore the participation of local people in this form of development is not possible. Alternative technologies that could protect the receiving environment have not yet been developed, and the potential for small-scale mining at the local level is not at all clear. To date, local mining efforts have involved only the small scale extraction of sand, gravel and rock. Even the extraction of these relatively low-value products is accompanied by complicated bureaucracy, corrupt practices and collusion.

With respect to traditional land rights, it is clear that mining involves large areas of land. The appropriation by force of our land would be necessary. There would be large scale digging and the stripping of our traditional lands, soil erosion and deposition of sediment along the coast. The sediment would be a severe threat to our coral reefs and other marine life. Therefore, our marine territory would be affected by both direct and indirect impacts.

Based on the above considerations and in order to safeguard our island and its people, we the people of Nusalaut feel that we must make the following points:

Mining exploration carried out by P.T. Aneka Tambang several years ago has disturbed the security of the people of

Nusalaut. Our people feel that their rights under *adat* law were violated when exploration occurred with the backing of security forces but without prior consent of *adat* leaders and the village governments.

Keeping in mind that Nusalaut Island is the very smallest of the populated islands of central Maluku, it is expected that exploitation of minerals would destroy the farmland of our communities and obviate any potential for future survival so that, willing or not, the people would have to move to some other place. This is a very serious problem and violation of the rights under *adat* law of the people of Nusalaut.

The coral reefs that fringe Nusalaut are famous for their beauty and this is an important asset of all our coastal villages because international tourists come here on an almost daily basis. This tourism potential would be lost if mining proceeded, with subsequent sedimentation and poisoning of the reefs.

With mining, there would be intrusion of salt water into the water table required for farming and difficulties in providing the population with clean water for drinking, cooking, washing etc. as well as the ruination of farm soil.

After careful deliberation and analysis regarding the situation of the people of Nusalaut we are making the following resolutions:

1. We place the strongest prohibition of any mining on the *adat* lands of the people of the villages of Nusalaut Island.
2. We demand that the government of the Republic of Indonesia rescind the exploration permits on Nusalaut held by P.T. Aneka Tambang.

These resolutions have been made to be sent to the Government of R.I. in the form of a testimonial letter.

Agreed at Bandar Lounusa pusat pulau, 25 September 1998,
by the Dewan Saniri Tanah Pulau Nusalaut

Update

As of December 1998 there was no formal response to the letters sent by the Nusalaut People's Council. In January 1999 rioting related to the economic and political stress in Indonesia and manifested as inter-religious strife, broke out on the island of Ambon. In February 1999 disturbances erupted on Haruku Island. This has eclipsed the mining issue for now. The CoW's on the Maluku Joint Venture Property still stand but mining exploration appears to have been suspended. NGO energies are of necessity diverted to dealing with the unrest and the military's response to the disturbances.