

**Oral Statement of the 22<sup>nd</sup> Session of the UN Human Rights Council  
25 February – 22 March 2013**

***Interactive Dialogue with the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment  
(Item 3)***

**The human rights violations related to the environmental degradation as mining activities in Indonesia**

Thank you Mr. President,

We would like to welcome the first Report of the Independent Expert (IE) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/22/43) focusing on the relationship between human rights and environment. FI welcomes the effort of the IE in providing greater conceptual clarity to the application of human rights obligations related to the environment.

We endorse the view of the Independent Expert on the particular risk of the environmental damage for the indigenous peoples due to their special relation with environmental resources and on the accountability of the non-state actors, especially on the environmental harms caused by the extractive business activities.

To give a concrete example, we would draw the attention of the Council on mining case in Indonesia. The Government of Indonesia adopted Law No 4, on Mineral and Coal Mining in 2009 (*Undang-Undang Minerba No 4, 2009*). However, from 2009 to 2012, the Government of Indonesian issued 10.677 mineral and coal mining permits (the average of 2.669 permits per year or around 7 permits per day). In the same period, the human rights violations related to the conflict on natural resources included 52 death, 64 injured by gunshots, 604 arrests, and 321 persecutions. The conflicts covered not less than 500.372 hectares and 69.975 households.<sup>1</sup>

In the regency of Manggarai Timur, in the Indonesian Province of East Nusa Tenggara, the Serasi indigenous community was particularly affected by the activities of PT. Arumbai Manganbukti mining company, especially with regard to the grabbing of customary land (*lingko* in the local language) and the pollution of agricultural lands. The Serise accused this company of taking the *lingko* without permission from the community. In December 2010, led by Serise leader Mr. Siprianus Amon, the community filed a complaint with the police station in Manggarai against the company for land-grabbing. Instead of investigating the case, Mr. Amon and three other leaders were arrested, brought to court, and sentenced to five months in jail.<sup>2</sup>

Regarding the pollution of agricultural lands, the manganese waste has contaminated the agricultural lands of the region. The activities of this mining company are alleged to be the cause of the significant decrease of rice and corn crops. If the mining activity continues, it will threaten the livelihood of the Serise community.

The case above shows the conflict between the indigenous community with the private sectors and the failure of the government, in this case, to guarantee the human rights of the indigenous peoples.

*Therefore, we recommend the Independent Expert:*

- 1. In the next report, to consider focusing on the impact of extractive industry, logging and agribusiness to the full enjoyment of human rights, especially the vulnerable groups and the state obligations to guarantee the right to the enjoyment of a safe, clean, healthy and sustainable environment.**
- 2. To consider country visits, including to Indonesia, and identify challenges along with best practises relating to the use of human rights obligations on the area of environment protection.**

Thank you.

<sup>1</sup> Data from the press release of Mining Advocacy Network (*Jaringan Advokasi Tambang – JATAM*), see <http://indo.jatam.org/saung-pers/siaran-pers/231-politik-penjarahan-mesin-uang-partai-politik-menjelang-2014.html> (last visited 5 February 2013).

<sup>2</sup> The Court on 8 November 2011 decided that they were found guilty of violating, among others, article 162 of Law No 4, 2009 on Mineral and Coal Mining – disrupting the mining activities, and article 335 of the Penal Code on the offensive treatment or threat force against third party.