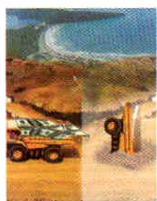


■ BN Wahyu

# “Environment Ministry Framed”

The Buyat case has created polemics. Some were pro and some were contra. Following is the opinion of BN Wahyu, General Chairman of IMA (Indonesian Mining Association) on the Buyat case.



“The Buyat case is a technical problem which becomes a legal problem. It should not have any connection with politics, social and economy, because we opined that

Newmont did not pollute Buyat Bay. From the technical side: Are the reports from CSIRO (Australia), the WHO and then the conclusion of the seminar in Manado last April 2005, insufficient?

“Indeed there are mining companies that do not apply the STP (submarine tailings placement) system in their operations, for instance BHP, INCO, but mining experts from the ITB (Bandung Institute of Technology) had convincingly clarified that STP employed by Newmont in North Sulawesi did not harm the environment.

“Out of court settlement is indeed the best way, but it does not mean that Newmont should be forced to admit that its STP has caused pollution. Technically, to obtain gold in a modern way (cyanidation system) is the safest. Its tailings disposal (STP), technically has been proven safe.

“Arbitration through UNCITRAL is indeed possible in a Contract of Work. However, as of 1967 (the start of CoW) in the mining circle, there had never been any dispute being brought to the UNCITRAL. The Karaha Bodas electricity problem (not mining) has caused Pertamina to be obliged to pay hundreds of millions of dollars as the verdict of the arbitration court.

“What was the impact? A financial loss for the party declared in the wrong side. UNCITRAL, in opposition with various sides in Indonesia, will fully trust the witnesses of CSIRO, WHO, and other

credible institutions.

“Both parties should have a common platform: rid themselves of misleading assumptions. Newmont has experienced ‘trial by the press’ since the begin-



ning, thereby it should be given the status of ‘presumption of innocence’. The Environment Ministry has been cruel to the mining industry by not adhering to the technical evidents, that are undebatable.

“The Environment Ministry had been framed by the facts that the voices of NGOs that are anti-mining had been taken over by the Environment Ministry. The victims of Buyat Pante populace? Please ask the Medical School of USRAT (Sam Ratulangi University): that many lies have ruined the common platform, which ought to be nurtured by among others the government (Environment Ministry).

“Mediation to discuss the ‘penalty’ with the Environment Ministry’s assumption that Newmont had indeed polluted, should certainly be refused by Newmont. If we are not in the wrong, why should we agree to pay a fine?

“The EMR Minister had said: Newmont did not pollute Buyat Bay, after studying technical data from CSIRO, WHO (Minamata Institute), the Envi-

ronment Ministry’s Technical Team (the latter was eventually diverted by groups that were clearly against mining who were sitting in the team).

“Likewise the experts from the ITB, IPB, UI, UNSRAT and those from abroad who attended the International Congress in Manado, agreed with the EMR Minister’s opinion. But the Environment Ministry and the national press has made Indonesia an uncomfortable place to in-

vest in mining. The investors’ attention of course turn to South America, the Asian continent and back to the capitalists’ country (let us keep mining at home).

“I think, the Environment Ministry’s request (demand for a compensation) is unwise and absolutely without any reason. Newmont’s or whoever is alleged of committing pollution which they did not do, will certainly continue to reject the ways of the Environment Ministry lately.

“Will the emergence of malnutrition symptoms almost throughout the country be blamed on one of the industrial sectors? The symptoms in Buyat Pante, as concluded by the Manado Congress, were symptoms of malnutrition and unhygienic way of life.” (San)