



Policy Brief

Violation Against The Right To Environment And To Food In The Case Of The Development Of A Cement Factory In Pati District, Central Java, Indonesia

This policy brief is based on a research project funded by SHAPE SEA and carried out by Siti Rakhma Mary Herwati, Etik Oktaviani, and Donny Danardono.



1. Introduction

The issuance of an environmental permit for the development of a cement factory and the mining of limestones and clay stones in Pati District has threatened the environment and livelihood of farmers in 11 villages in the district. Pati's Regent stands firmly by not revoking the permit, which signals the continuation of the development of the cement factory. For that reason, farmers struggle to defend their rights to food and environment through litigation and non-litigation channels. In the trial process, the Supreme Court decision on March 6, 2007 favored the government which paved the way for the continuation of the development of the cement factory. This is a worrying case, considering the potential impact of the factory on people's livelihoods. Once the area opens for mining, people will be facing serious consequences, such as losing their right to environment, access to food, and their identity as farmers.

2. Current issues

Improper Environmental Impact Assessment

The Environmental Impact Assessment (EIA) process was supposed to be a mandatory process based on national environment regulations. The assessment should have been conducted prior to the company receiving its environmental permit. However, the creation of the EIA by the company has excluded villagers' participation. Moreover, the assessment was executed without accountability procedures of monitoring. As a result, the EIA contains some manipulated data. Moreover, the procedure of conducting the assessment has ignored many environmental and social facts in the field.

Karst and severe impacts to the community

The location where the cement factory will be build is a karst area. Karst as a special style of landscape contains caves and extensive underground water systems, formed on mainly soluble rocks such as limestone, marble, and gypsum (Ford and Williams, 2007). The formation of karst can take thousands and sometimes million of years to form. This makes karst a non-renewable natural resource. Thus, opening a karst area to extraction companies or plantations will have fatal consequences for future generations. In the case of Sahabat Mulia Sakti Company, the issuance of an environmental permit will degrade the environment quality in affected villages, and decrease arable lands. The permit also negatively impacts access to food for farmers in Tambakromo sub-districts, hence violating their right to food. Moreover, there are four springs in Larangan village, which are used by the villagers for irrigation and household needs. The four springs will disappear soon after the cement factory and cement mining exploitation begins. The disappearance of the springs will affect agricultural irrigation, access to drinking water, and other household needs.

Farmers in Tambakromo village will hence be affected by the cement development. In some cases, there is enough evidence showing that a handful of farmers will lose their land and paddy fields. This is not only devastating from a human rights perspective, but also an economic issue: With 200 hectares of agricultural land, Tambakromo village contributes approximately IDR 200bn annually from its agricultural activities.

In the case of Karangawen village - the actual location of the cement factory's site - most inhabitants are farmers. Beside land for paddy fields, the farmers also have perennial plants, which is mostly teak planted for 20-25 years. The cement mining project would lead to the loss of farmers' teaks and lands.

3. Policy recommendations

There is an urgent need for academics, the government, and the Supreme Court to be aware of this problem. The cancellation of the cement project development is still possible if the government reject to extend the environmental permit, which has already expired in December 2017 and refuses to issue other development permit. For the Supreme Court, it is still possible to review its decision on continuing the legality of the environmental permit if the people file a review of the Supreme Court decision. The protection of the people and environment is above investment.