

## Land Conflict on Lead (Pb) Mining in Polewali Mandar Regency, West Sulawesi, Indonesia

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### 1. Introduction

Conflict is usually defined as something strongly negative and against to peace<sup>1)</sup>. Land conflict is one of the major problems with regard to economic activities in Indonesia. Urbanization leads to extensive land use change in many places<sup>2)</sup>. It is critical for authorities to apply policies to deal with uncertain land status. This is true in Polewali Mandar Regency, one of the regencies in West Sulawesi Province. Some unidentified land occupancies exist in the protected forest area managed by the province. The unidentified usage of the protected forest is not in line with the law and becomes a problem in this region as there is no physical border between the forest and non-forest areas. This study aims to identify the land conflict related to lead (Pb) mining in Polewali Mandar Regency.

### 2. Land Conflict on Mining in Indonesia

**Figure 1** shows the source of land conflicts that basically come from the stakeholders and regulations. A land conflict occurs when two or more people or sectors claim the land. Such conflict also occurs when activity on the land negatively affects its neighborhood. For example, when a plantation area is owned by a company while some of the land is simultaneously occupied or used by individuals or society claiming traditional ownership, land conflict occurs. Such Conflict can occur between society and private sectors, society and the government, and private sectors and the government.

In addition, national laws such as Basic Agrarian Law number 5 year 1960, Forestry Law number 41 year 1999, Mining Law number 4 year 2009, and Spatial Planning Law number 26 year 2007, have problems in the implementation of land policy. For example, customary rights are regulated by the National Land Agency's Basic Agrarian law but is defined differently by the Ministry of Forestry, where it is referred to as the Forestry Law<sup>3)</sup>. Some customary rights are not identified by the authority. Meanwhile, customary rights are not regulated in Mining Law. Although national laws and local regulations admit customary rights as traditional law, in reality the rights are not always physically identified by the government. These problems become the main source of land conflict in Indonesia. The number of conflicts in Indonesia remains high<sup>4)</sup>. Against this backdrop, the national and local governments should establish an early warning system to prevent conflicts in potential conflict regions and the extending of existing conflicts based on the law number 7 year 2012 regarding *Handling Social Conflict* (Penanganan Konflik Sosial)<sup>5)</sup>.

**Table 1** explains the authority and responsibility of national and local governments as well as local agencies with regard to mining in Indonesia. In order to get a mining permit within a regency area, a company has to submit an application for mining to the local government. In the process of issuing the permit, the local government should have official evaluations by the agencies related to mining activities. The local government has a responsibility to solve any land conflicts.

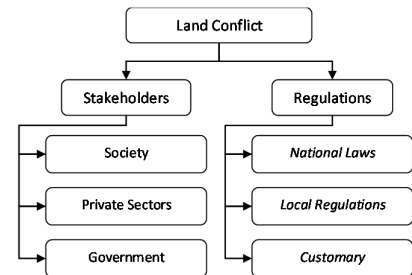


Figure 1. Source of Land Conflict

Table 1. Authority and Responsibility of National and Local Government for Mining in Indonesia

National Government	Ministry of Mining		Ministry of Forestry	Environmental Agency	Directorate General of Spatial Planning (Ministry of Public Works)
Authority	1. Permit to inter-provincial mine 2. Evaluate mining permission by provincial government		Permit to mine for limited area within forest area	Approve an environmental assessment on mining area	Manage national strategic area
Responsibility	1. Manage national mining activities 2. Prevent and solve land conflict in mining at national level		Keep the protected forest out of mining activities	Control environmental damage and pollution	Establish national spatial planning
Local Government	Head of Regency	Local Government			
		Mining Agency	Forestry Agency	Environmental Agency	Planning Agency
Authority	Permit to mine within the regency	Apply national policy on mining at the regency level	Apply national policy on forestry at the regency level	Approve environmental assessment at the regency level	Apply national policy on spatial planning at the regency level
Responsibility	Prevent and solve land conflict in mining at the regency level	1. Give technical evaluation related to mining activities for the Head of Regency 2. Monitor the mining activities	1. Give technical evaluation related to forestry activities for the Head of Regency 2. Monitor the mining activities	1. Give technical evaluation related to environmental assessment for the Head of Regency 2. Monitor the mining activities	Give technical evaluation related to spatial planning and settlement for the Head of Regency

### 3. Land Conflict in Lead (Pb) Mining in Anreapi Sub-district, Polewali Mandar Regency

**Table 2** shows the chronology of land conflict in lead mining. At least two events caused the land conflict. The first was the publication of a forestry area map on October 14, 1999, on which certain settlements in the forest areas were not recognized by the national and local governments. According to Forestry Law, it is prohibited to use and occupy any space within the

protected forest area. The second event was the conflict that emerged between the mining company and the people who suffered from the negative effect during mining operations.

The lead (Pb) mining area was proposed in early 2009 by PT. Isco Polman Resources and was included in a protected forest area; thus, the Local Forestry Agency sent an official letter to the company to exclude the protected area from the mining area. Initially, the whole proposed area including the area within the protected forest was claimed to be owned by people. After a meeting with related agencies on April 6, 2009, the local government decided to give the company a mining permit for the area outside the protected forest on April 8, 2009. Conflict emerged on November 9, 2010, between the company and the farmers surrounding the mining area because the mining activity had destroyed their cocoa farms. Moreover, some groups of people and NGOs claimed that the company has extended the mining area to the protected forest area during the mining operations and that the mining activity had destroyed the cocoa gardens of the indigenous farmers. In this case, the conflict basically stemmed from the problem of the negative excess of mining activities and extended area in the protected forest.

Conflict mapping is a conflict analysis tool introduced by Fisher et al.<sup>6)</sup>. In accordance with the conflict chronology, **Figure 2** details conflict mapping involving three actors: the government, mining company, and community. The major conflict (double zigzag line) occurred between the company and the local community—namely, cocoa farmers surrounding the mining area. This became a major conflict as the farmers had suffered from the mining activities. Meanwhile, the minor conflict (single zigzag line) occurred between the local government and NGOs supporting the farmers and acting on behalf of the people. This conflict stems from NGOs' efforts to impeach the Head of the Regency; thus, although related to the conflict, it is a minor one. The double line shows a strong connection between the company and the local government. The single line presents a close connection between the local community and local government, indicating that both actors have the same aim to protect the cocoa farmers and the forest from the mining activities. In making a decision, the local government is supported by local agencies such as Mining Agency, Forestry Agency, Environmental Assessment Agency, and Planning Agency. The dashed line refers to an unofficial or temporary or even unexplainable connection between NGOs and the mining company. NGOs ultimately wanted to refuse the existence of mining activities.

#### 4. Summary

The results are summarized as follows:

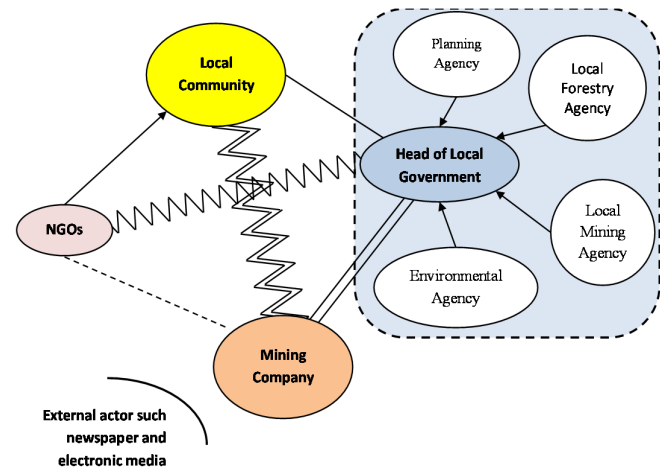
- 1) The land conflict on lead (Pb) mining in Polewali Mandar Regency came from the problems of unidentified land occupancy and inappropriate excess to the neighborhood.
- 2) One reason for the land conflict is that the authorities failed to identify the existence of settlements and farming in the protected forest area.
- 3) The local government did not monitor the mining activities well, which resulted in the extension of the mining area and the land conflict between the company and the farmers surrounding the mining area, who suffered from the negative impact of lead (Pb) mining.

#### References:

- 1) Warner, Michael. *Conflict Management in Community-Based Natural Resource Projects: Experiences from Fiji and Papua New Guinea*. Working Paper, London: Overseas Development Institute, Portland House, 2000.
- 2) Wu, Yuzhe, Xiaoling Zhang, and Liyin Shen. "The impact of urbanization policy on land use change: A scenario analysis." *Cities* 28, 2011: 147–159.
- 3) Sumardjono, Maria SW. Hukum Online. December 11, 2012. <http://www.hukumonline.com/berita/baca/1t50c7101d49e83/carut-marut-pengaturan-sumber-daya-alam> (accessed December 22, 2012).
- 4) Saputra, Dany Yuda, Dian Yanuardi, and Muntaza. *Kekerasan Makin Meningkat Analisis varian, Pola dan Struktur Konflik dan Kekerasan di Indonesia tahun 2009-2010*. Jakarta: Institut Titian Perdamaian, 2010.
- 5) Law Number 7 year 2012 about *Handling Social Conflict*.
- 6) Fisher, Simon, Dekha Ibrahim Abdi, Jawed Ludin, Richard Smith, Steve Williams, and Sue Williams. *Working with Conflict: Skills & Strategies for Action*. Jakarta: The British Council Indonesia, 2001.

**Table 2. Land Conflict in Polewali Mandar Regency**

Time	Occurrences	Remark
Before 1999	Local community had occupied land within forest in Polewali Mandar.	
14 <sup>th</sup> October 1999	Forestry Map of West Sulawesi is published by Ministry of Forestry	Some area within forest area are inhabited
30 <sup>th</sup> Sep 2005	PT Isco Polman Resources was established	
....2009	The company proposed mining area to the local government	
24 <sup>th</sup> Feb 2009	Local Forestry agency requested the company to eliminate the area from protection forest	
6 <sup>th</sup> Apr 2009	Formal coordination meeting among local government of Polewali Mandar Regency to discuss about the mining area	The procedure to get mining permit was not running in order. The permit was issued before the application submitted.
8 <sup>th</sup> Apr 2009	Regent of Polewali Mandar issued the mining permit.	
22 <sup>nd</sup> Apr 2009	PT Isco submitted formal application to get mining permit.	
15 <sup>th</sup> May 2009	The company carried out land acquisition of mining zone	
27 <sup>th</sup> July 2009	The company and local government made an agreement about lead mining activities in Anreapi	
.....	Mining operation	
9 <sup>th</sup> Nov 2010	Local community blocked the access road to mining area.	Some cacao farmers were getting suffered due to the mining activities.
10 <sup>th</sup> Nov 2010	The company, the farmers and the government made an agreement for the company to provide compensation for the people as the negative effect of mining activities.	Some farmers claimed they did not get any compensation.
.... 2010	The company stopped mining activities	Some NGOs and people claimed that mining area had been extended to protection forest
Mid of 2012	NGOs carried out demonstration to impeach the Head of regency	



**Figure 2 Conflict Mapping Analysis**