

November 30, 2023

Minister Hadi Tjahjanto
Ministry of Agrarian Affairs and Spatial Planning
Jl. Sisingamangaraja No.2, Selong, Kec. Kby. Baru, Kota Jakarta Selatan,
Daerah Khusus Ibukota Jakarta 12110
Indonesia

SENT VIA EMAIL AND REGULAR MAIL

RE: Summary of findings for upcoming report on the environmental and human rights impacts of the nickel industry in Indonesia

Dear Minister Hadi Tjahjanto,

I am writing on behalf of Climate Rights International, a U.S.-based NGO that conducts research and advocacy on the human rights dimensions of the climate crisis. For the past several months, we have been carrying out research for a report that we plan to publish on the human and environmental impacts associated with nickel mining and smelting at and near the Indonesia Weda Bay Industrial Park (IWIP).

Based on more than forty interviews with community members, our research finds that nickel mining in Central and East Halmahera, North Maluku and nickel smelting at IWIP are threatening the rights of local people, harming the local environment, and contributing to the climate crisis. Community members told Climate Rights International that their lands have been taken by nickel companies, they were not able to fairly negotiate land sales, and Indigenous Peoples have been denied their legal right to Free, Prior, and Informed Consent (FPIC). In addition, pollution from industrial activities is threatening critical freshwater resources and the ecosystems that people depend on for their traditional livelihoods. Despite claims that nickel from this project is needed to power the electric vehicle transition, massive deforestation for nickel mining and coal use at IWIP are directly contributing to the climate crisis, making this project a climate bomb.

We want to ensure that our report accurately reflects the views, policies, and practices of relevant authorities and companies, and we hope that you or your representatives in the Ministry of Agrarian and Spatial Planning will respond to the following questions, outlined below. Any responses will be reflected in our reporting as appropriate, and we may publish your responses at our discretion and when appropriate, either in full or in part.

Questions:

1. What is the Ministry's role in determining land title?
2. It is our understanding that the Ministry has legal authority to recognize Indigenous communities' customary lands. What steps does the Ministry take to ensure that Indigenous communities are granted legal authority over or title to their customary lands?

3. Does the Ministry work with the National Land Agency and/or the Ministry of Finance to determine the land tax (NJOP) and land price? If yes, please describe.
4. Does the Ministry collect data regarding land conflicts between nickel mining and smelting companies and local communities? If so, please share any available data.
5. How does the Ministry work with other government agencies, including the Ministry of Environment and Forestry, the Ministry of Energy and Mineral Resources, and provincial governments, to minimize land conflicts between business actors and local communities?

Please provide your responses in writing. Your responses can only be considered for inclusion in our report if we receive them by December 21, 2023. Please reply in English or Bahasa Indonesia at [REDACTED], copying [REDACTED]. In addition, please include any other materials, statistics, and/or information you think may be relevant.

I would also welcome the opportunity to speak with you or your representatives. Please let me know if you have any questions or if you would like to arrange a meeting or video conference.

Sincerely,

Brad Adams



Executive Director, Climate Rights International

[REDACTED]