

## Court approves dumping waste at sea

The Jakarta State Administrative Court (PTUN) threw out a lawsuit on Tuesday filed by a coalition of environmental NGOs that was challenging the decision of the Environment Ministry to allow PT Newmont Nusa Tenggara (PT NNT) to dump more than 140,000 tons per day of its tailing on a pristine beach.

The coalition, led by the Indonesian Forum for the Environment (Walhi), filed a suit against the minister's authority to issue such a permit by bypassing the power of the local governments.

Walhi said that Senunu Bay had become the world's largest mining-tailings dump site, with more than 140,000 tons of waste being buried in the bay every day.

Presiding judge Bambang Hariyanto said in his verdict that Walhi failed to submit enough evidence and that another plaintiff in the suit, the Community Movement for Nature Lovers (Gema Alam) had no legal standing to file the suit.

Walhi executive director Berry Nahdian Forqan said after the trial that the coalition would appeal the verdict.

"Yes, we will appeal to the High Court. We will first talk to our lawyers. This is not the final result," Berry said.

Berry added that judges had failed to take into consideration a number of regulations that should have barred the ministry from issuing the permit on toxic waste.

Among those was Law No. 32/2009 on the protection and management of the environment.

The law stipulates that the authority to issue an operational permit is in the hands of the minister, governor or regent, depending on a company's scale of operation.

In the hearing, the panel of judges only took Government Regulation No. 19/1999 into consideration, which carries a provision on a minister's authority to grant a permit.

"The law of course ranks higher than the government regulation," Berry told The Jakarta Post.

Walhi and other environmental groups have filed a lawsuit demanding the overturning of the permit.

PT NNT, a subsidiary of the US-based Newmont Corporation, has been dumping mining tailings into the bay since 1999, in accordance with a license issued by the Environment Ministry. Activists have long warned the government not to extend the permit allowing Newmont to dump such materials, saying it endangered marine life.

But the Environment Ministry renewed the permit on May 5 last year, arguing that PT NNT controlled the composition of its tailings far better than the government required it to.

The Environment Ministry lauded the verdict, saying that it had made the right decision to grant the permit.

The ministry also said that the suit indicated that the public had exercised its rights in monitoring the government. "We call on every element in the community to file complaints if they find any enterprises that could harm the environment," the ministry said in a statement.

Meanwhile, PT NNT welcomed the court's ruling and said that the coalition's arguments were not backed by legal or scientific proof.

"The evidence clearly demonstrated that the environment minister followed all procedures in renewing Newmont's tailings permit," PT NNT president director Martiono Hadianto said in a statement made available to the Post on Tuesday.

PT NNT spokesman Rubi Pur-nomo said that the company did not consider the dumping site as "tailings-disposal" because the mining giant closely monitored the location. (fzm)