**To**

**Dr. Marcos A. Orellana, UN Special Rapporteur on toxics and human rights**

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CC:

Mr. Michel Forst, UN Special Rapporteur on environmental defenders elected under the Aarhus Convention

**Subject:**

“**Submission for Special Rapporteur’s thematic report on detoxification/decarbonization”**

**Report on Heavy Metal Pollution in Rivers and Community Water Sources Due to PT Vale Indonesia's Nickel Mining and Smelters in the Context of Higher Demand of Battery Material**

Sulawesi, Indonesia, February 24, 2023

Dear Dr. Marcos A. Orellana,

Through this letter, we, WALHI South Sulawesi, an environmental and human rights organization based in Makassar City, South Sulawesi Province, Indonesia, wish to report *hexavalent chromium* heavy metal pollution in Lawewu River, Sorowako Village (baru), Nuha District and community water sources in Asuli Village, Towuti District, East Luwu Regency, South Sulawesi. This heavy metal pollution is caused by nickel mining activities in the PT Vale Indonesia concession area.

**The cost of the energy transition in Sulawesi, Indonesia**

The trend of increasing production and expansion of nickel mines in Indonesia, especially in South Sulawesi, started to occur since Northern rich countries agreed and committed to transitioning energy from fossil fuels to electricity, especially in vehicles. Then, the Indonesian government uses world changes and policies regarding the energy transition to invite investors and obtain investment from various countries to develop the industrialization of minerals, especially nickel. Since then, the expansion of smelter factories and nickel mines in Indonesia, particularly in Sulawesi Island and South Sulawesi Province, has increased. he largest nickel deposit in Indonesia is located in the rainforests of Sulawesi Island, especially in South Sulawesi Province

**Risks to Communities**

At this point, I need to explain at the outset that myself as a spokesperson and the people of Sorowako-Towuti who are worried and working with WALHI South Sulawesi to protect forests, such as farmers, indigenous peoples and women, have a high fear of reporting this heavy metal pollution to the UN Special Rapporteurs. Because the current Indonesian government has instructed military institutions to form a smelter security task force[[1]](#footnote-1). It means, by reporting the pollution of rivers and people's wells with toxic metals, we are currently facing a high safety risk from retaliation from the government, companies and military institutions.

Especially on February 9, 2023, I was called by someone I didn't know and asked me to stop highlighting the problem of polluting residents' wells. That is also what prompted me to contact OHCHR.

**Pollution of river water and community wells with the heavy metal hexavalent chromium**

Heavy metal pollution of rivers, and especially of community water sources, due to mining activities is basically a criminal practice which is sanctioned in all countries worldwide. There is no country that justifies pollution by this waste, including Indonesia. Yet PT Vale Indonesia, as the country’s largest nickel mining and processing company, whose shares are mostly owned by Canadian, and Japanese companies, is polluting rivers and community water sources with the heavy metal hexavalent chromium.

*Hexavalent chromium* pollution in Lawewu River and water sources for people in Asuli Village, Towuti District is one of several adverse impacts of nickel mining on people's lives and the environment in East Luwu, South Sulawesi. Not many people know that heavy metals emitted by PT Vale Indonesia's nickel mine have contaminated rivers and community water sources. This is caused by the lack of equipment and capacity in South Sulawesi – not only on the part of NGOs, but also local communities – to monitor water quality in mining areas, especially in their local environment. In addition, PT Vale Indonesia's nickel mining area is very far from urban centers, so the media rarely report this issue to a wide audience. It is therefore up to us to report this issue so that PT Vale Indonesia is severely sanctioned and is held responsible for this pollution.

WALHI South Sulawesi first discovered heavy metal pollution in Lawewu River in July 2022. Together with Friends of The Earth Japan, we checked the water quality in Lawewu River and Tapulemo River at that time. The two rivers are in PT Vale Indonesia’s concession area. Furthermore, we also check the raw water that is used and consumed every day by local communities around the mining concession. Our findings indicate the rivers are polluted by heavy metals of *hexavalent chromium* type and metal-neutral community water sources.

Then in October 2022, WALHI South Sulawesi again checked water quality in the Lawewu and Lamuare Rivers and several rivers whose water enters Matano Lake. At the same time, we checked the quality of raw water that is used and consumed by people in Asuli Village, as a village where PT Vale Indonesia is actively conducting nickel mining activities. We found that Lawewu River was positive for *hexavalent chromium*, as was community raw water in Asuli Village.

Finally, in January 2023, WALHI South Sulawesi again checked water quality in Lawewu River, Tapulemo River and Lamuare River. We also checked the wells and springs used as the main water resource for people in Asuli Village. We found that Lawewu River and Lamuare River are contaminated with heavy metal, *hexavalent chromium*. The community's wells and springs are also contaminated with the same heavy metal.

We then tested river water in the laboratory. Our findings were confirmed: waters were positively contaminated with heavy metals. Data on results of water quality checking conducted by WALHI South Sulawesi and FoE Japan, attached[[2]](#footnote-2)

The results of water quality checks in the field and laboratory results show that PT Vale Indonesia's nickel mining activities have contaminated river water that empties into Matano Lake which has status of a conservation or highly protected ecosystem area. Thus, PT Vale Indonesia's nickel mining activities, which have contaminated surrounding rivers, have also indirectly polluted the highly protected Matano Lake. Therefore, PT Vale Indonesia's business practices are in serious conflict with international regulations regarding protection of the environment and biodiversity. This conflict extends to international human rights principles according to which business practices involving foreign companies or capital must not pollute the environment, let alone local community water sources.

It goes without saying that heavy metal pollution in rivers and community water sources has added to the vulnerabilities, risks and impacts faced by communities and other living beings caused by climate change. Currently, the climate around PT Vale Indonesia’s nickel mining (Nuha District, Towuti District and Wasuponda District) is very unstable and difficult to predict. Sometimes it rains with high intensity for several days, but sometimes it is also dry for long periods of time. This condition often causes community water sources in Asuli Village to disappear due to drought, but sometimes they also overflow due to heavy rains. Meanwhile, regardless of the weather, the community water sources in the village remain murky and contaminated with heavy metals. Especially during the rainy season, people around PT Vale Indonesia’s mining operations have no choice but to use very turbid water for bathing and consume water that contains heavy metals.

The situation is similar with regard to Lawewu River, which is currently polluted with heavy metals due to PT Vale Indonesia’s nickel mining. During the rainy season, a large volume of river water contaminated with *hexavalent chromium* empties into Matano Lake, causing its ecosystem to become even more polluted by heavy metals. Then, the impact of its derivatives, endemic and non-endemic biota in Matano Lake has begun to decrease, and gradually become extinct.

**Conclusion and Demand**

From the problems outlined above, we see that women and children are the group most vulnerable and most affected by waste pollution resulting from PT Vale Indonesia’s nickel mining activities. Women in Asuli Village are the most dominant group consuming water, making them the first and the biggest group to face health risks due to heavy metals from nickel mining activities. The second is children, especially toddlers. *Hexavalent chromium* or heavy metals that contaminate community water sources are of course consumed by children and toddlers, disrupting their growth and development.

In the face of this problem, WALHI South Sulawesi, wants to bring this facts to the attention of OHCHR an UN Special Rapporteurs and kindly ask for support. PT Vale Indonesia has polluted rivers, lakes and community water sources with heavy metals.

We demand:

* That companies that own PT Vale Indonesia’s shares take responsibility for this pollution.
* We also urge countries that own PT Vale Indonesia’s shares to carry out an extraterritorial obligation to stop heavy metal pollution in Lawewu River and community water sources in Asuli Village, East Luwu District, and to save people’s lives, especially women who are in greater danger of heavy metal pollution.

Of PT Vale Indonesia, we demand that they:

1. Stop nickel mining activities in essential ecosystem areas such as rainforests and river areas, especially in catchment areas.
2. Stop nickel mining activities in community water source areas.
3. Restore the environment in river areas and community water source areas.

We together with indigenous peoples, farmers and women who are affected by pollution of rivers and community wells, request or invite OHCHR or UN special Rapporteurs to come to Indonesia (Sorowako), to see, hear and get a direct impression of the problem we are reporting.  I also ask recommendations from OHCHR and Special Rapporteurs on how to get strong protection to safeguard my safety as an environmental defender and local community members such as Hamrullah, Sombe and his wife and Pak Yadin, from various potential attacks such as intimidation and criminalization, that we all have been suffering recently.

To the Indonesian Government, the President of Indonesia, Joko Widodo and the Minister of Energy and Mineral Resources of the Republic of Indonesia we demand that they:

* Review PT Vale Indonesia’s concession. Exclude essential ecosystem areas like rainforests from the concession.

With this report, we hope to provide a sense of justice for society, uphold the values of human rights, especially those of women, and protect environmental rights.

We submit this report to you on behalf of Indigenous peoples, farmers, fishermen, youth, laborers, women, animals, and trees that are impacted by Vale Indonesia nickel mining in East Luwu, Indonesia.

Yours faithfully,

**Muhammad Al Amin**

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**WALHI South Sulawesi is** an environmental and human rights organization currently working with local communities in the nickel mining area of PT Vale Indonesia

WALHI South Sulawesi is supported by Rainforest Rescue (Rettet den Regenwald e.V.), an environmental and human rights organization based in Hamburg, Germany,

FoE Japan conducted the water testing

1. <https://nasional.kompas.com/read/2023/02/09/21591291/amankan-hilirisasi-industri-tni-polri-bentuk-satgas-pengaman-smelter> [↑](#footnote-ref-1)
2. Water Sampling in July 2022 (excluding the data etc. about CLM)

- Data <https://foejapan.org/wpcms/wp-content/uploads/2022Jul_Information-of-Sampling-Points-in-Sorowako.pdf>

- Photos <https://foejapan.org/wpcms/wp-content/uploads/2022Jul_Photos-of-Sorowako-water-sampling_Eng.pdf>

- Map <https://foejapan.org/wpcms/wp-content/uploads/2022Jul_Sampling-point-in-Sorowako_Map.pdf>

Water Sampling in October 2022 (Including the results in the Laboratory)

- Data <https://foejapan.org/wpcms/wp-content/uploads/2022Oct_Data-Analysis-of-Water-Samplings-in-Sorowako_Eng.pdf>

- Photos <https://foejapan.org/wpcms/wp-content/uploads/2022Oct_Photos-of-Sorowako_Eng.pdf>

- Map <https://foejapan.org/wpcms/wp-content/uploads/2022Oct_Sampling-point-in-Sorowako_Map.pdf>

Water Sampling in January 2023

- Data <https://foejapan.org/wpcms/wp-content/uploads/2023Jan_Data-of-Water-Samplings-in-Sorowako_Eng.pdf>

- Photos <https://foejapan.org/wpcms/wp-content/uploads/2023Jan_Photos-of-Sorowako_Eng.pdf>

- Map <https://foejapan.org/wpcms/wp-content/uploads/2023Jan_Sampling-points-in-Sorowako_Map.pdf> [↑](#footnote-ref-2)