



Government Plans to Sue Asia Pulp and Paper Over Forest Fires Maps and Media Reports

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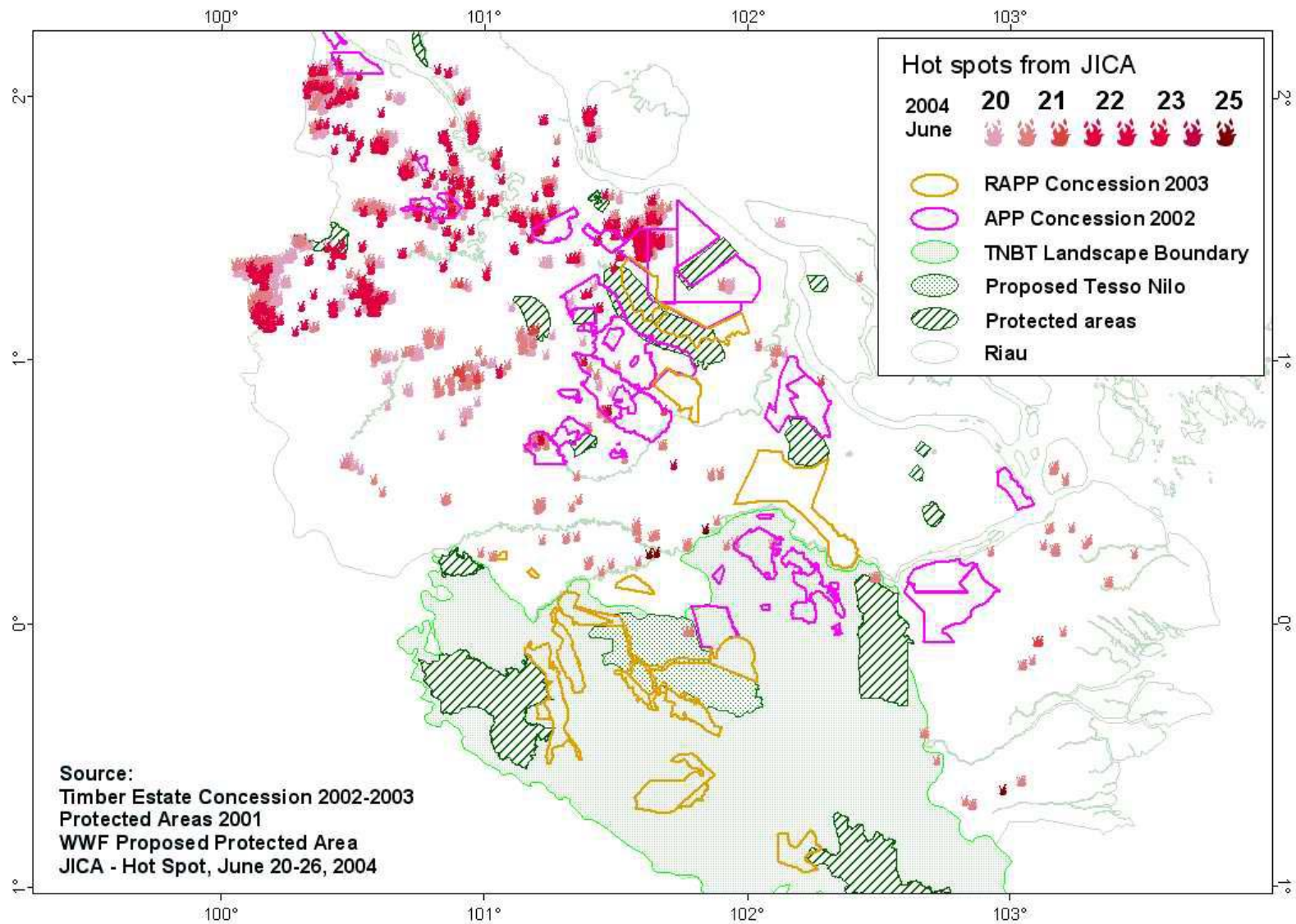
Background

The Riau Government is preparing to charge at least ten companies for setting forest fires within their managed forest areas in mid 2003 [Kompas 28 and 29 June 2004, and Riau Pos 29 June 2004, see below).

Two of the 10 companies, PT. Arara Abadi and PT. Mapala Rabda, belong to Sinar Mas Group Forestry, a sister company and supplier to the Asia Pulp and Paper Co. Ltd (APP). Two additional companies are pulp wood suppliers to APP, PT. Hamidah Hamidi and PT. Sri Buana Damai.

Mapala Rabda has been in the news recently for other illegal activities. On 8 June 2004, WWF Indonesia reported that independent wood supply auditor LEI had found Mapala Rabda to have illegally logged inside the Bukit Batu Wildlife Reserve [WWF. 2004. Legality of Timber Consumed by Asia Pulp and Paper's Mills in Indonesia: January – October 2003.]

The upcoming law suit covers illegal activities by the above mentioned companies associated with Asia Pulp and Paper Co. Ltd. in mid 2003. It appears that the situation has not changed in 2004. The map below shows forest fire hotspots (red fire symbols) during the period 20 to 26 June 2004, mapped from satellite images by the Japan International Cooperation Agency funded Forest Fire Prevention Management Project (FFPMP). Several hot spots are clearly inside concessions belonging to or associated with the Sinar Mas Group and APP (purple boundary).



Map. Forest fire hot spots recorded from satellite images by JICA funded FFPMP.

Media Reports

Riau Provincial Government Charging Companies Responsible For Forest Fire Rp. 2

Trillion: 119 witnesses were asked for clarification

Kompas, 28 June 2004

After months have passed without proper processing of the lawsuits on forest fire cases in the Province, the Riau Provincial Government is finally preparing to fine by Rp. 2 trillion, 10 plantation and industrial timber companies accused of starting fires within their managed industrial timber forest areas in mid 2003.

The dense smoke from the fires paralyzed economic activities and caused a health hazard.

The fines will be adjusted according to the results of an investigation into the fires by the One Roof Team which consists of the Environment Ministry, the Indonesian Police and the Attorney General. The investigation has taken evidence from 119 witnesses.

As a result of their investigations over recent weeks, the Riau Police Department last Saturday (26/6) detained a PT. AU director with the initials ADS, and accused him of being involved in setting fires in over 2,000 ha. The resulting haze caused an annoyance to the local population and also to the neighboring country, Malaysia.

Interviewed in Pekanbaru, the head of the Riau Environmental Impact Management Agency, Khairul Zainal, confirmed that his institution had prepared a law suit against 10 companies accused of deliberately setting fires that caused devastating haze over Riau in mid 2003.

The ten forestry and plantation companies accused of setting fires are PT. Arara Abadi (the main supplier to Indah Kiat Pulp and Paper/IKPP), PT. Hamidah Hamidi, PT. Guntung Hasrat Makmur, PT. Alam Sari Lestari, PT. Sri Buana Damai, PT. Multi Gambut Industri, PT. Mapala Rabda, PT. Eka Dura Indonesia, PT. Jatim Jaya Perkasa and PT. Selaras Abadi Utama.

Khairul said that the preparation of the law suit against the 10 companies is being carried out cooperatively by a joint team from the Riau Provincial Government, including the Riau Environmental Impact Management Agency, the One Roof Team from the Environment Ministry, Indonesia Police Headquarters and the Attorney General.

Zainal Abidin, the sole investigator from the Environment Ministry involved in the joint team, said that his institution had interviewed 119 witnesses involved in land and forest fire cases carried out by companies in Riau province.

They (the accused) are charged under Law number 23 year 1997 on Environment Management, especially for corporations, said Zainal.

The law suit against the companies that damaged the environment has been made possible because the haze had brought about significant negative impacts in the region.

Walhi Adoption

M. Teguh Surya, Deputy Director of Walhi Riau, said that the Riau Provincial Government could use the similar papers that had been prepared by Walhi to sue 32 companies that were found to have set fires in Riau in mid 2003.

The law suit was cancelled after the 7th trial on November 8, 2003 at Pekanbaru court when the panel of judges ruled that the law suit was not addressed appropriately.

“The Riau Provincial Government can adopt our law suit since it will make their job easier. Although it was rejected by the Pekanbaru judges, the materials have been completely finished,” said Teguh.

Out of the 32 companies that were sued by Walhi, 7 of them are included in the list of companies being charged by the Riau Provincial Government. The other 3 were never sued by Walhi.

Rain Falls

The head of the Pekanbaru Meteorology and Geophysics Agency, Johannes Drajat, said that the rain which fell last Friday was unable to extinguish the hotspots that flared up in Pekanbaru and the surrounding areas. This was due to the fact that the rain fell only in Pekanbaru and in some areas in the western part of West Sumatra, while the hotspots are located in the southern and northern parts of Pekanbaru. Moreover, the rainfall was too light to extinguish the existing hotspots.

The haze that has been shrouding Pekanbaru meant that the visibility in the town was reduced to only 300 meters last Saturday morning. Meanwhile, the air pollution index in the town is categorized as high, meaning that the air is not healthy, because the air contains small particles (particulate matter 10 micro meter/ PM 10).

Thousands of masks distributed, hotspots emerge

Kompas, 29 June 2004

The head of the Riau Environmental Impact Management Agency, Khairul Zainal, said that his institution can confirm that more companies will be included in the list of companies that will be charged by the Riau Provincial Government together with the One Roof team from the Environment Ministry, and Indonesian Police Headquarters. This is because the team is still gathering some evidence directly in the field.

“It is possible that the number of companies will be more than 10, but we still cannot reveal the exact numbers since the investigation process is still going on. 2 or 4 more companies may be added,” Khairul said.

The offer from Walhi to use the law suit papers that they have compiled was welcomed warmly by Khairul. Support from community groups will help the law suit against the companies that have set fires in Riau.

In response to this, Walhi’s Deputy Director, M. Teguh Surya, said that his organization believes that support from the Riau Provincial Government to uncover the land fire cases is not just politeness.

“We proposed that legal action should be taken against 32 companies that had set fires that caused the haze that shrouded Riau in mid 2003, however, lack of support from the Governor of Riau at the time meant we had to work by ourselves to sue those companies in the Pekanbaru court”, Teguh added.

Meanwhile, according to observations in Pekanbaru, the haze that covers the town has thinned significantly.

It is hard to take action against those setting the fires

Riau Pos, 29 June 2004

The Riau Provincial Government expects that the process of law for the 10 companies accused of damaging forest and land in Riau can begin as soon as possible.

The law suit is still being prepared, but hopefully it will be finished soon so that the case can be brought to court. In preparing the law suit, convincing evidence is needed as well as hard work.

According to Latif, the head of the Law Bureau of the Riau Provincial Government Secretariat, this kind of case can seem technically easy but to prove it may be more difficult. If we do not have strong evidence when the case is brought to court, the case may be lost.

Meanwhile, the investigation into the PT AU director with the initials ADS, arrested after the joint team discovered the company had cleared some 800ha of land in Minas Sub-District, Siak District, is still going on.