

THE MARGINALIZATION OF WOMEN AND CHILDREN IN EAST KALIMANTAN COAL MINING INDUSTRY

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Abstract

This paper aimed to describe women and children marginalization in coal mining companies in East Kalimantan. Coal mining activities which is expected to support the national income of Indonesia, in fact, don't give benefits to all parties, especially women and children. Local communities around the mining area are only obtained the environmental damage caused by the mining companies (in this case the mine excavation holes). This paper is expected to contribute in describing the impact of privatization by the government through ecofeminism lens.

Key Words: women, children, coal mining, excavation holes, East Kalimantan.

Introduction

Coal mining industry uses the largest area in Indonesia covering almost 17.5 million hectares or about 10% of Indonesia land area (JATAM and Water keeper Alliance 2017). For two decades, Indonesia has met 7.2% of global coal demand. Indonesia's coal output is exported to meet the energy market needs, especially in Asia. Coal itself is found in several islands in Indonesia, namely in East Kalimantan, South Kalimantan, and South Sumatra. Coal mining has an alarming impact on the environment and also generates social change in the area around coal mining. This also happened in East Kalimantan, where 50% of its land is allocated for coal mining (Winn 2016). Thus, it is easy to find mining sites and abandoned excavation holes there. The number of excavation holes left there is quite alarming because it often brings disaster to the people

of East Kalimantan. But, the coal mining companies in East Kalimantan are reluctantly responsible for this impact.

The Indonesian government, especially the local governments, are also involved in it. On behalf of development, they justified the environmental exploitation. From these descriptions, it can be seen that this might harm women and children in various dimensions. Hence, this paper is based on research question “*how did the coal mining companies in East Kalimantan marginalize women and children?*” The authors will use ecofeminism perspective for this paper.

This paper is expected to discuss that coal mining activities, which in fact, don't give benefits to all parties, especially women and children. This paper is also expected to contribute in describing the impact of privatization by the government through ecofeminism lens. Moreover, this research can be used as a basic material to understand how business activities can lead to the marginalization of women and children in the study of ecofeminism.

Women and Children in Development through Ecofeminism View

Ecofeminism is a movement in environmental ethics that expects women to mobilize the earth's saving revolution (Shiva 1993). According to this study, women are often seen as second-class societies as their roles are often questioned and considered incapable for supporting development. This condition is originated from the development model that relies on economic growth that tends to be centralistic to the role of men, exploitation, and marginalizing the role of women and environment. Even in the UN development program for women ended with the same conclusion (Shiva and Mies 2005, pp. 83-84). Women's access to economic resources, health, and education status are still deteriorating because of the unfair treatment towards women. Meanwhile, women's work, such as caring labor, is not considered to be included in economic activities but it's their obligations.

Moreover, the development keeps nature away from women and those in need. The national patriarchal elite encourages the exploitation of nature by

privatizing it for the sake of development. Community access to nature for its livelihood is then diminished. Until now, our way of thinking and lifestyle is governed by patriarchy concept. They focus on human domination towards nature, where man is the owner of nature so that nature is required to meet human needs (Tong 2014, p. 256). Their attention is only about the nominal income. Matters relating to the lives of women, children, and nature are not the main indicators of development. Women are basically connected with nature, therefore the problems of nature and women are inseparable. If in the development of natural exploitation continues to occur, then this will disrupt the role of women in gave birth a new generation of hope and the future source of livelihood providers. This disorder certainly has impacts on children.

Coal Mining in Indonesia's Agenda on 'Pursuing Development'

Currently, Indonesia is the largest thermal coal producer and exporter in the world. The total supply of Indonesian coal resources currently at 105 billion tons (*Direktorat Jendral Mineral dan Batubara* 2011, p.12). Indonesia exported 75% of its coal production and the rest of it is used to meet the domestic coal needs. The contribution of mines to state revenues is considered supporting the government's pursuit of development program. Not only increasing national income, but mining activities also offering employment opportunities. Thus, the mining sector regulations are needed for ensuring the development of national economy.

It is started when the decentralization and democratic system are applied. It has changed the mining sector system and law, where the central government authorities in regulating city/district were limited and the local governments now had the authority in issuing the mining license (*Izin Usaha Jasa Pertambangan* or IUJP) (GreenPeace 2014, p.8). The Indonesian constitution had already regulated the management of natural resources in Article 33 of the 1945 Constitution (Fünfgeld 2016, pp.149-150). The essence of this article is that Indonesia's natural resources have an important role in fulfilling the needs of all its people, therefore it needs to be controlled by the

state. The central government had issued the Mining Law no. 4/2009 which had been implemented since 2010 replacing the Mining Law no. 11/1967 (Susmiyati and Kotijah 2007).¹ These regulatory changes were made to strengthen Indonesia's position in the coal mining sector business activities with foreign companies and Indonesia also wants to strengthen the local coal mining companies' position.

Mining Law no. 4/2009 also set up the district/municipal governments to be responsible for licensing medium-scale mining licenses that use the mining area for 15,000 ha (Mongabay, para.7). Both the bupati/mayor are responsible in supervising the medium-scale mining companies in planning development activities for surrounding communities, assessing possible environmental damage, and preparing funds for restoration when coal mining activities are completed. In accordance with the provisions of the Law on Regional Autonomy 23/2014, the central government mining legal framework must be complemented and adjusted by every districts and cities within their local regulations. But since then, more than 10,000 licenses had uncontrollably issued by local governments which has caused license overlapping and the mine field mapping confusion.

According to GreenPeace (2014, p.9), the mining industry has minimal role in Indonesia's national income and the only contribution provided by it is environmental damage. Its overall economic value is minimal to GDP where it only contributes 11% of Indonesia's GDP, of which 40% is oil and gas. Coal contribution in Indonesia's GDP alone was only 4% in 2011 with a 3% share coming from coal exports and another 1% coming from domestic coal consumption. Moreover, the coal mining sector also has minimal contribution in the absorption of employment. A study was conducted in South Kalimantan

¹ While according to Mining Law No. 11/1967 mining allowances were issued as contracts between the Indonesian state and the private company, Mining Law No. 4/2009 introduced a system of mining concessions, which provided the Indonesian state a stronger position, as it is able to impose sanctions on the companies in case of law-breaking. Still, the Coal Contracts of Work issued according to Mining Law No. 11/1967 remain in force. In particular, the large-scale PKP2B contracts (*Perjanjian Karya Pengusahaan Pertambangan Batubara*) still represent a large share of the concession areas.

found that the mining sector employs only 2% of the total working population there. Another thing is the economic benefits of this sector are only enjoyed by high-income households, not low-income households. The coal mining sector actually has great contribution to environmental damage, economic disparities, and exacerbates poverty in the mining area. Then, the agenda of pursuing development by coal mining sector should be questioned.

Coal Mining in East Kalimantan

There are currently 58 coal mines operating in Samarinda, East Kalimantan, where these mining activities had caused environmental damage (Winn 2016). This phenomenon occurs in connection with the decentralization act, in which local governments now have the authority to issue permits and control over mining in their areas. However, the local law in Samarinda, article 4 of the 12/2013, stated:

"The authority of the general mining business management as referred to in Article 3 paragraph (2) in the implementation of the Mayor may implement cooperation with third parties." (Hardjanto, 2014)

This regulation creates confusion in the 'cooperating with a third party' section wherein the intended party is a private or non-governmental party. This violated the Act of Mining no. 4/2009 which stated that only the government, whether city or district, should implement the business management of mining sector. It has caused confusion in the administrative field. Thus, deviation can occur and follow by the act of corruption which will harm the state and society. These can be seen from the amount of land used for coal mining in Samarinda which accounts for 71% of the land and will continue to grow.

According to NGOs, there is 'money politics' in the issuance of coal mining permits (Fünfgeld 2016). When the political candidates who have the support of coal mining companies are elected, these companies will gain benefit

in taking IUJP. The evidence is clear, there are several former officials who held important positions, such as bupati in Kutai Kartanegara district, was caught and convicted of irresponsibly using their position to fulfill the coal mining companies' business interests.

The supervisory issues and availability of coal mining inspectors in East Kalimantan are considered inadequate. According to the mining department, there are 67 medium-sized coal mining companies, while NGOs reported that there are 76 medium-scale coal mining companies operating in Samarinda. Meanwhile, Samarinda has only five mining inspectors from the local government who is burdened by the responsibility of ensuring the mining companies compliance, particularly in reporting the AMDAL report. It is not surprising that uncharted illegal mining is increasing.

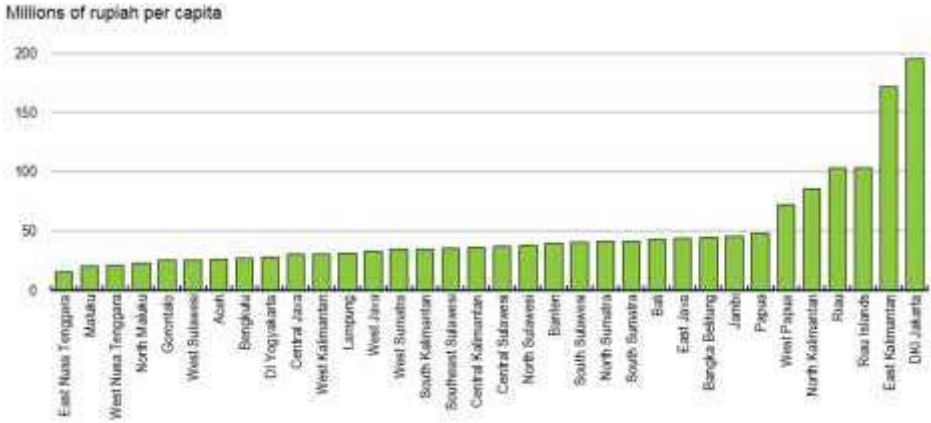


Figure 1. Per capita GDP across Indonesia's provinces, 2015

Furthermore, from **Figure 1** (Statistics Indonesia), we can see the income inequality per province in Indonesia. Development programs and decentralized governance systems have not been properly implemented. Although the central government has provided direction and assistance, the real solution is how to strengthen local government capacity over time (OECD 2016, p.12). Meanwhile, based on **Figure 1**, GDP per capita of East Kalimantan province is the second highest in Indonesia at Rp171,580,321.7. This revenue comes from the exploitation of natural resources conducted by coal mining companies that are

supported by local governments. However, the high income earned by the East Kalimantan province is not comparable with the natural disruption.

The development of coal mining has a negative impact on agriculture, fisheries, and other sectors that directly related to nature where it is a source of livelihood for the community. On Borneo Island which was originally the lung of Indonesia, now has turned into lots of excavation holes. The next part will discuss the environmental impacts in East Kalimantan due to coal mining expansion.

The Coal Companies and the Nature of East Kalimantan

The environmental damage caused by coal mining originated from the allowed of the open cast mining method in East Kalimantan. It is done by digging or even exploding the top soil to be able to find minerals in particular mining area (GreenPeace 2014, p. 20). This method is very different from underground mining which does not damage the top soil by making underground tunnels for its mining activities. This open cast mining method is difficult to be reversed as it is naturally.

The mining company will start to compact the soil in the aimed mining area to be used as an access to the coal mining area (ITM 2017). This soil compaction destroys the soil surface and disrupting the water absorption area which may cause flooding. Then, the next step is land clearing, where mining companies are willing to cut down large bushes and trees to clear mining land. Therefore, the mining area clearance exacerbates deforestation.

The next stage is to blast the top of the mountain to flatten and peel the top soil (which is a part of soil with natural mineral elements that are useful for plant fertility). This part should aim to save the top soil in order to be used and replanted for reclamation activities. But for some irresponsible mining companies, the top soil is only transferred to the mound of soil which will be mixed with stones and another soil layers. If top soil is deposited with other soil layers, it will damage the fertility of the soil because the other soil layers might have been contaminated by toxic.

The deeper and harder soil layer will be dug into a quarry in accordance with the desired production requirement by an excavator or explosive equipment. The soil layers are then transferred to the mound of soil. This mound of soil might cause landslides and flow of toxic elements through rainwater. Then the excavated areas are cleared from landslides and drained from the underground water. This might decrease the supply of underground water level. After all these steps are done, coal harvesting can be done and transported for further processing to meet market demands.

If coal mining activities have completed, the company should backfill the excavation hole with previous mound of soil. Leveling, forming, top soil spreading, and planting should be done. The aim is to restore the vegetation and then re-used by the community. However, the irresponsible mining companies often abandoned this backfill stage.

Those excavation holes have become the nest of catastrophes in Samarinda, East Kalimantan. According to NGO called Advocacy Network of Mining (or *Jaringan Advokasi Tambang or Jatam*), there are about 4,464 excavation holes scattered in the province (Gunawan 2016). There are two areas that become the spotlight of the worst environmental damage in East Kalimantan, namely Kutai Kartanegara and Samarinda. The municipalities and districts in East Kalimantan are finding it difficult to crack down on mining companies that are reluctant to conduct reclamation after mining exploration activities.

The left open excavation holes in East Kalimantan have resulted floods that soaked the city of Samarind (GreenPeace and WALHI 2010, p.10). Rainwater, underground water, and water that can't absorb into the soil will be accommodated in excavation holes and contaminated with high sulfuric acid, heavy metals, and other radioactive matter. When the heavy rain falls, the water overflows from the excavation holes then flows into water sources. This will continue despite the coal companies in East Kalimantan reclaiming their mine operations (GreenPeace 2014, p. 23).

During the year 2009 to 2014 Samarinda has hit by floods for 150 times (Winn 2016). According to WWF, this flood caused a loss of US \$ 9 million. This is caused by sedimentation, due to mining activities, in three lakes located around the Mahakam River Basin. Sedimentation resulted the lakes having only 2 meters' depth with murky water, whereas thirty years ago the depth reached 15 meters with clear water.

Flood is not only caused by open excavation holes, but also deforestation which causing erosion and landslides. Samarinda only has 0.9% of urban forest, where there should be 30% of urban forest (Ghofar, 2017). As a result, the ground surface can no longer absorb water properly.

Floods and landslides also have a significant impact on agriculture production which a source of livelihood for citizens. As said by Mrs. Dewi, a woman who lives 100 meters from a mining company, besides the decreasing of agricultural land, the contamination of water source and the submergence of society agricultural land by landslide and flood, also became disruption (JATAM and Waterkeeper Alliance 2017, p.12). As a result, the society's crops and animals are damaged and died. There were 83 families owning and managing agricultural land, but currently there were only 20 families left. The water contamination had caused rice harvest to drop by 50% and fish production fell by 80%. The Government is planning to breed fish in the excavation holes. However, it is not safe for the society to consume animals or plants that live and grow around it.

From the report, coal mining has captured 19% of the land used for rice cultivation and 23% of potential fertile land for agriculture. This reduction of land also affects Indonesia's annual national rice production of 1.7 million tons, and 6 million tons of rice is threatened if mining expansion is not immediately stopped. The mine activity only gives a little benefit for Indonesian national revenues, but then it is used for repairing infrastructure and other social and economic damages that caused by floods and landslides.

Women and Children Marginalization by Coal Mining in East Kalimantan

Women are the most disadvantaged from the impact of coal mining companies in East Kalimantan. Mining and post mining activities lead natural destruction which then become a disaster for its society. The previously described natural damage makes it difficult for women to meet their daily needs.

The mine land privatization by the government has reduced opportunities for women to manage the land that is their source of livelihood. Women's roles have been marginalized in managing land, so they have to rely on men or are forced to work as laborers in a coal mine because they do not have adequate capacity and level of education to find better job. Mrs. Yanti, a resident of Selili village, admitted that she had no choice but to work as a coal-collecting worker since she was laid off from her old work place (GreenPeace and WALHI 2010, p. 19). Moreover, her pregnant friend, who is also a coal-collecting worker, had to keep working as well to meet her household needs. Most of the men in the mine area are also impoverished by the expansion of mining area. This generate risks of conflict in the household and the occurrence of domestic violence, especially for those who experiencing economic difficulties.

The damage to land also caused by the contaminated water in the excavation holes. The contaminated water then spreads throughout the water source used by society. This creates clean water crisis in residential areas around the mine as Mrs. Soniya, a resident of Samarinda Utara, had experienced (GreenPeace and WALHI 2010, p. 16). The sources of water that they used had become unsafe for daily consumption and necessities such as irrigated rice fields and fish ponds.

In terms of health, poor water quality has a direct impact on skin and reproductive health disorders of women and children. The unavailability of clean water has become a burden for women because they have to think about how to accommodate clean water for their families. This indirectly contributes to the marginalization of women and children as well.

Water is a human right that must be respected, protected, and fulfilled by the state. Ecofeminism, in the principle of water democracy by Shiva, believes that water is a gift of nature that must be preserved and can't be replaced with other substances, so that water sources need to be protected and preserved (Nugroho, p.7). The legal guarantee of women's rights to water has been covered by legislation, both international and national. On the international scale in Article 14 paragraph 1 point (h) of the CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women) mentioned:

"1. States Parties shall take into account the special problems faced by rural women and the important role of rural women in sustaining the survival of their families' economies, including their work in economic sectors which are not valued in money, and shall take all necessary measures to ensure the implementation of the provisions of convention for women in rural areas

(h) To enjoy decent living conditions, particularly those relating to housing, sanitation, electricity and water supply, transport and communications." (UN Women – Asia Pacific)

This convention applies to all women anywhere, because water is a human right and difficulty in accessing clean water also occurs in urban areas. This Convention was ratified by Indonesia on 29 July 1980 and ratified in Law no. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (KONTRAS). While on national scale, in the decision of the Court. 85 / PUU-XI / 2013 states that water is a public right owned by the community (Kompas.com 2017). Therefore, the state has to naturally stop the privatization of land which is only aimed to seek personal gain and damage the clean water source that harms the society.

Another problem is the healthy food crises as the side effect of mining activities. The food that came from around the mining sites have a greater risk due to part of nutrient content has been contaminated. Poor quality of food will have an impact on women and children who consume it (Shiva and Mies 2005, p.88). Complications might happen during pregnancy and childbirth, infants born with abnormal weight, even the risk of infant mortality during pregnancy will threaten women who are malnourished. Children also become victims of malnutrition when their growth are not optimal and susceptible to disease that might threaten their lives. The promised of development program then will be transformed into 'hungry generation program' because it only benefits few people.

On top of that, the death case of children that drowned in excavation holes clearly marginalizes the children's right to have adequate living conditions, protection, and freedom of growth.² There are already 31 cases of children died in the excavation holes (Maulana 2018). The absence of safety fences and warning signs around the excavation holes is often the main cause of child drowned in excavation holes. Children should be able to play freely in nature without worrying about excavation holes around their playing area. Therefore, mining and post-mining activities that produce excavation holes in East Kalimantan pose a burden to women and children because their rights are not fulfilled.

Conclusion

Coal mining activities in East Kalimantan is expected to support the agenda of development and national income of Indonesia. Apparently, it didn't give benefits to all parties, especially women and children. Local communities around the mining area are only obtained the natural damage, such as floods,

² As a manifestation of the Government's commitment to ratify the Convention on the Rights of the Child, the Government of Indonesia has ratified Law No. 23 of 2002 on Child Protection on October 22, 2002 as a whole, the subject matter of the law contains the provisions and principles of the Convention on the Rights Children's rights. "Konvensi Hak-hak Anak (KHA)." Baperlitbang Kendal. <http://baperlitbang.kendalkab.go.id/info-terkini/87-konvensi-hak-hak-anak-kha.html>

landslides, contaminated water source and food, decreased on land owning for livelihood, until the death of their children who drowned in excavation holes.

Therefore, according to ecofeminism, mining and post-mining activities had been detrimental for women and children as they can't fulfill their basic needs on clean water, nutritious food, and land as their sources of livelihood, and protection and freedom to growth for children. This is due to the privatization of land undertaken by the government to support the coal mining companies in the name of development. This significantly marginalizes women and children in East Kalimantan.

References

- Apriando, Tommy. "*Mereka yang Kehilangan Buah Hati di Lubang Tambang Batubara.*" Mongabay. June 10, 2017. <http://www.mongabay.co.id/2017/06/10/mereka-yang-kehilangan-buah-hati-di-lubang-tambang-batubara/>
- "*Batubara mematikan.*" GreenPeace Asia Tenggara dan WALHI. October 2010. <http://www.greenpeace.org/seasia/id/PageFiles/110812/Report-Batubara%20Mematikan.pdf>
- "*Coal Mines Polluting South Kalimantan's Water.*" GreenPeace, December 2014. http://www.greenpeace.org/seasia/id/PageFiles/645408/FULL%20REPORT%20Coal%20Mining%20Polluting%20South%20Kalimantan%20Water_Lowres.pdf
- Fünfgeld, A. (2016). *The state of coal mining in East Kalimantan: Towards a political ecology of local stateness.* ASEAS – Austrian Journal of South-East Asian Studies, 9(1)

- Ghofar, M. “*Forum Satu Bumi Demo Terkait Banjir Samarinda.*” Antara Kaltim. April 7, 2017. <http://www.antarakaltim.com/berita/37722/forum-satu-bumi-demo-terkait-banjir-samarinda>
- Gunawan. “*Ribuan Lubang Bekas Tambang Dibiarkan Menganga di Kaltim.*” Benar News. April 15, 2016. <http://www.benarnews.org/indonesian/berita/kaltim-lubang-tambang-dibiarkan-menganga-04152016142623.html>
- Hardjanto, Yustinus S. “*Perda “Asal Jadi” untuk Mengatasi Pertambangan Batubara yang Merusak Samarinda.*” Mongabay. October 29, 2014. <http://www.mongabay.co.id/2014/10/29/perda-asal-jadi-untuk-mengatasi-pertambangan-batubara-yang-merusak-samarinda/>
- “*How coal mining hurts the Indonesian economy.*” GreenPeace. March 2014. <http://www.greenpeace.org/seasia/id/PageFiles/595527/How%20Coal%20Mining%20Hurts%20the%20Indonesian%20Economy%20-%20English.pdf>
- “Hungry Coal.” JATAM and Waterkeeper Alliance. <http://waterkeeper.org/app/uploads/2017/05/Hungry-Coal-English-Web.pdf>
- “Konvensi Hak-hak Anak (KHA).” Baperlitbang Kendal. <http://baperlitbang.kendalkab.go.id/info-terkini/87-konvensi-hak-hak-anak-kha.html>
- “*Lisensi dan Perizinan.*” Mongabay. <http://www.mongabay.co.id/lisensi-dan-perizinan/>
- Maulana, Sapri, “*Bekas Galian Tambang Telan 31 Korban, Begini Tuntutan Aktivistis,*” Tempo. November 5, 2018. <https://nasional.tempo.co/read/1143358/bekas-galian-tambang-telan-31-korban-begini-tuntutan-aktivis/full&view=ok>

“*Mineral dan Batubara dalam Pembangunan Ekonomi Indonesia.*” Warta Minerba by Direktorat Jendral Mineral dan Batubara. Edition X – August 2011.
<https://www.minerba.esdm.go.id/library/content/file/28935-Publikasi/648ef73e8f21141ebe828a5c86384f6c2013-03-14-01-25-32.pdf>

Nugroho, Heru. “Vandana Shiva: Membangun Demokrasi Air.” Great Thinkers: Sekolah Pascasarjana Universitas Gadjah Mada.
<http://greatthinkers.pasca.ugm.ac.id/download/1304012045-Vandana%20Shiva-Heru%20Nugroho.pdf>

“OECD Economic Surveys: Indonesia.” OECD.
<https://www.oecd.org/eco/surveys/indonesia-2016-OECD-economic-survey-overview-english.pdf>

“*Penjelasan Singkat: Konvensi Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan (CEDAW).*” UN Women – Asia Pacific.
http://unwomen-asiapacific.org/docs/cedaw/archive/indonesia/CEDAW_text_Bahasa.pdf

“*Perempuan Jakarta Hadapi Ancaman Kesehatan akibat Krisis Air Bersih.*” Kompas.com.
<http://nasional.kompas.com/read/2017/02/05/20233771/perempuan.jakarta.hadapi.ancaman.kesehatan.akibat.krisis.air.bersih>

“*Proses Penambangan Batu Bara.*” ITM.
<http://www.itmg.co.id/id/operation/coal-mining-process>

Shiva, Vandana and Maria Mies. *Ecofeminisme: Perspektif Gerakan Perempuan dan Lingkungan.* (Jogjakarta: IRE Press: 2005)

Statistics Indonesia. <http://dx.doi.org/10.1787/888933420754>

Tong, Rosmarie. *Feminist Thought: A More Comprehensive Introduction – Fourth Edition*. (Colorado: Westview Press: 2014)

“Undang-Undang Republik Indonesia Nomor 7 Tahun 1984 Tentang Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Wanita.” KONTRAS.

https://www.kontras.org/uu_ri_ham/UU%20Nomor%207%20Tahun%201984%20tentang%20Pengesahan%20CEDAW.pdf

Winn, Paul. “Deadly Coal Pits of Samarinda.” Waterkeeper Alliance. 16 August, 2016. <http://waterkeeper.org/death-pits-of-samarinda/>