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Excellency,

I write to inform you that in the course of its 79th session, the Committee considered the information on allegations on the threatening and imminent irreparable harm for the Malind and other indigenous people of the District of Marueke, Papua Province, due to the reportedly massive and non-consensual alienation of their traditional lands by the Marueke Integrated Food and Energy Estate project (called the MIFEE project), on preliminary basis, under its early warning and urgent action procedure, in light of information submitted by a non-governmental organization.

The Committee is concerned about information according to which the MIFEE project, which is an agro-industrial mega-project implemented by various corporate entities and initiated by the State, reportedly encompassed 2 million hectares of traditional indigenous lands. It is claimed that the MIFEE project, which is about to expand and intensify in the coming months, has already impacted and will continue to threaten a range of interdependent rights of indigenous peoples. It is reported that such an expansion will encroach and alienate indigenous peoples' lands in favour of palm oil, logging, cause an enormous influx of non-indigenous workers, and further compromise their future, diminish their livelihood options and destroy their traditional economy.

The Committee is also concerned about information on allegations according to which encroachment activities are supported by the State party and enjoy the protection of the Indonesian army. It is reported that decision-making regarding the exploitation of natural resources largely remains with the central government and is controlled by national laws which prejudice indigenous peoples, despite the existence of the 2001 Papua Special Autonomy Law intended to decentralise decision-making over prescribed issues to the provincial level and which has not been implemented due to the absence of a subsidiary law. It is alleged that the majority of the MIFEE area is classified as "forest" and falls under the Ministry of Forests, which allegedly interpret the 1999 Forestry Law as further limiting indigenous peoples' rights.

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The Committee is further concerned about allegations on the manipulation of communities by investors and State officials to obtain signatures necessary for complying with the legal requirements of proving land titles over indigenous lands.

The Committee notes that it has already addressed the situation of indigenous peoples in Indonesia in its letter under the early warning and urgent action procedure, dated 28 September 2009 (attached for ease of reference) and in its concluding observations (CERD/C/IND/CO/3, paras. 17, 18, 22) of 15 August 2007. The Committee regrets that the State party has not provided its responses.

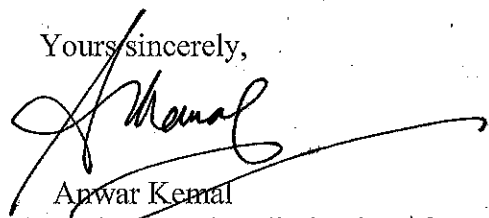
In light of this information, the Committee would like to request information on measures taken by the State party to implement the recommendations set out in paragraph 22 of its concluding observations (CERD/C/IND/CO/3) of 15 August 2007, as well as information requested in its letter dated 28 September 2009. The Committee would also like to request information on measures taken to effectively seek the free, prior and informed consent of Malind and other indigenous peoples in Papua before carrying out the MIFEE project; and as to whether the State party has conducted an environmental impact assessment on the traditional habits and livelihood of Malind and others, as well as the impact of the transmigration over their capacity to survive as a minority. The Committee would further like to request that the State party consider inviting the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.

The Committee also would like to request a meeting with the representatives of the State party to discuss these issues, at its next session to be held in Geneva from 13 February to 13 March 2012.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee would be grateful to urgently receive information on all of the issues and concerns as outlined above, before **31 January 2012**.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of Indonesia, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal

Chairperson of the Committee on the Elimination of Racial  
Discrimination