

*The Land of Papua:
a continuing struggle
for land and livelihoods*

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Strong communities for a sustainable future

Recent events in Papua - the violence at the Freeport-Rio Tinto mine, the brutal clamp-down against freedom of expression in Abepura - show that Papuans continue to face extreme forms of exploitation and human rights violations. Meanwhile the steady advance of large-scale investment projects continues to marginalise and impoverish Papuans, village by village. Gold, copper, gas, palm oil, and timber are prized more highly, it seems, by the business and political elites than are the communities whose livelihoods depend on this region's rich natural resources.

But Papuans are continuing to demand their right to determine their own futures and the right to own, manage and benefit from their lands and resources. These communities and the civil society movements supporting them are calling for more resources and a greater effort to strengthen their position. So that they can better resist, village by village, the destructive side of the 'development' imposed from outside.

This special edition of the DTE newsletter focuses on some of the past and present campaigns and debates around top-down development in Papua and the impact on communities. The articles include welcome contributions from guest writers from Papua, Indonesia and the UK. They all point to the urgent need for a rethink in the way Papua and its resources are managed so that the voice of Papuans in the villages - not just the business and political elites - are central in decisions for a sustainable future.

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Above: returning from hunting, Merauke
Cover: West Papua from the air
(Photos by Adriana Sri Adhiati, 2011)

Twenty-two years of top-down resource exploitation in Papua

From Freeport/Rio Tinto to MIFEE, Papua's long history of top-down resource exploitation is one of human rights abuses, military oppression, environmental devastation and enduring poverty for the majority of Papuans. This article looks at this history from the late 1980s, when DTE was set up, until today, to set the context for other contributions to this special edition newsletter on Papua.

The Merauke Integrated Food and Energy Estate (MIFEE) launched in August last year is currently the most prominent ambitious natural resources development plan for Papua (see also separate article on page.8). The plan involves the conversion of a vast area of land, including forests, into plantations growing food, energy and other crops. Workers are expected to be brought to Merauke to meet the demand for labour. Serious concerns have been voiced by local community organisations and regional, national and international NGOs about the potential damage this mega-project will inflict on the local indigenous population and their customary lands, resources and cultures. There is also concern about the wider political, human rights, socio-cultural and environmental implications for Papua as a whole.

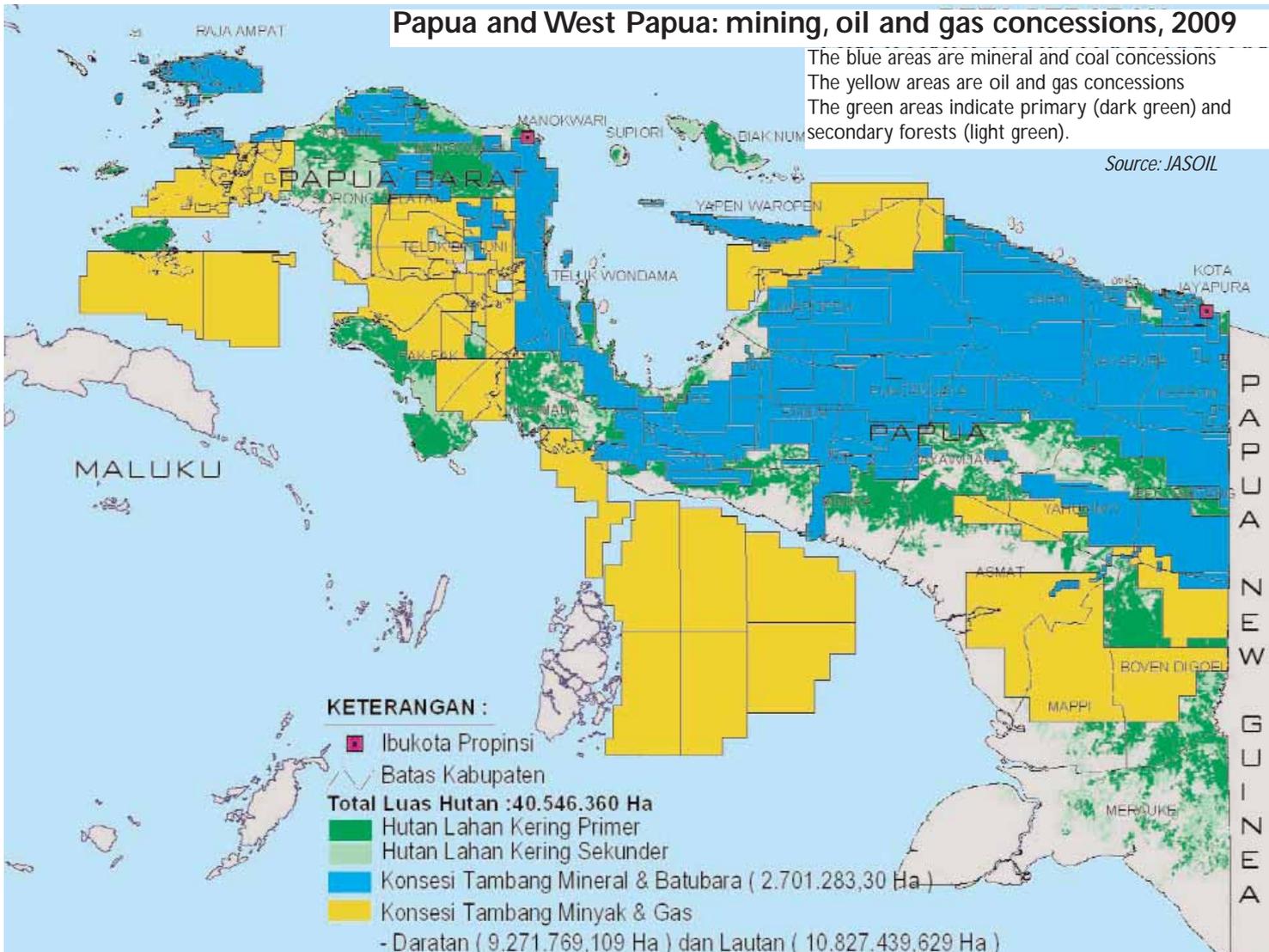
MIFEE is following a well-established pattern of ambitious mega-projects in Indonesia which are primarily aimed at export markets. They provide incentives to private sector investors, while all but ignoring the development potential and needs of local people.

An overview of government supported projects targeting Papua that DTE has investigated over the past twenty-two years, shows such developments tend to share a particular set of characteristics. These include top-down decision-making, official announcements which package projects as being for the public benefit, the appropriation of land owned by indigenous peoples, and the import of non-Papuan labour.

The fact that MIFEE shares these characteristics indicates that there has been very little change in the mind-set adopted by decision-makers since the Suharto era. As a consequence, the same kind of negative impacts resulting from previous projects are highly likely to be seen again.

While some of the more preposterous investment plans have not gone ahead in Papua, or at least not in the way they have been announced, logging, plantation developments, and mining, oil and gas exploitation have been continuing at a varying pace, with varying degrees of impact. The overall effect has been the steady destruction of Papua's natural resources. The common thread in this exploitation has been a steady

(continued on page 3)



Top-down resource exploitation in Papua 1989-2010

The following is extracted from a longer version of this article, which lists a selection of cases reported in the DTE newsletter over the last 22 years. The numbers in brackets refer to the relevant newsletter edition. The list is not comprehensive, but gives a fair indication of the range of resource damage directed at Papua over the past decades.

1989: Marubeni of Japan is due to start importing woodchips from mangrove area in Bintuni Bay as part of a project with **PT Bintuni Utama Murni** involving a chip mill operation on Amutu Besar Island. No environmental impacts assessment has been done, and the concession overlaps with an area designated as conservation forest (1). Protests against the project are mounted in Japan by the NGOs JATAN and FoE Japan (6).

Scott Paper moves ahead with plans for a plantation and pulp project in Merauke after the government approves the project in October 1988 (1). Protest letters are sent by NGOs (2) and there are protests in Jakarta (3). The company finally withdraws from the project (6).

A Finnish company **Rauma-Repola Oy** is exploring a joint venture with **PT Furuma Utama Timber Co**, to develop a pulp and paper project in Papua (6).

Indonesian business conglomerate **PT Garuda Mas** conducts a feasibility study for a sago processing plant in Sorong district. (1). **PT Sagindo Sari Lestari** has built a sago plant in Bintuni-Manokwari (4)

Sixty six out of 77 timber concession (HPH) holders are reported as having stopped logging operations (1). Australian company, **McLean Ltd** plans to log a 60,000 ha concession in the Mamberamo area in a joint venture with **PT Sansaporinda** called **Mamberamo Forest Products** (5).

Gucci and **Christian Dior** are reported to be interested in crocodile skin investments. Around 2,500 skins have been exported to France since 1987 by **PT Skyline Jayapura** (2). Crocodile hunting and skin smuggling is reported in the Mamberamo River area, with violence and corruption associated with the trade (3).

State-owned **PT Aneka Tambang** plans to open a nickel mine on Gag Island with financial backing from **Queensland Nickel Joint Venture** of Australia (3).

Massive expansion is underway at the **Freeport** mine with gold production to triple from 5-15 tonnes in the next 3 years

and copper concentrate from 25,000 to 40,000 tonnes per day. The company celebrates its 21st birthday with record profits. A medical officer has reported 143 serious industrial accidents and 4 deaths in the past 3 years (5).

A South Korean-Indonesian logging joint venture involving **You Liem Sari** (subsidiary of **You One Construction**) and **PT Kebun Sari** has devastated the livelihoods of 90 families in Muris, near Jayapura (6).

Six foreign gold mining companies, one British and five Australian, are prospecting for gold in Papua (6).

1990: An investigation by Japanese news agency Kyodo finds evidence of illegal logging in Bintuni Bay by Marubeni-backed **Bintuni Utama Murni Wood Industries** (7). In Bintuni Bay, Iraturu landowners demand royalties from the company, while campaigns against Marubeni's involvement in the mangrove forest destruction continue in Japan (10). The company is ordered to suspend operations and is fined by the Forestry Minister for illegal logging (11).

US oil company **Conoco** is to drill what is described as the biggest well in Papua in the Bird's Head region under a production sharing agreement with state oil company, Pertamina (8).

The first shipment of sago flour produced from **Sagindo Sari Lestari's** Bintuni Bay operation leaves for Japan. The company announces plans to import 200 transmigrant families to address labour shortages (9).

Governor Suebu considers a plan for an Australian consortium to build a toxic waste disposal plant at Nappan, Cenderawasih Bay to process high level waste from Australia, Indonesia and Singapore (9). A space port on Biak is also planned with a US-based company (9).

Freeport negotiates an extended contract area 20 times as large as its original area (10).

Indonesian NGO SKEPHI reports that 77 concessions holders have been granted 12.9 million hectares and say that 70% of Papua's 41.8 million ha of forests have been allocated for exploitation of some kind (logging, dam construction, transmigration sites, plantations, mining and oil) (10).

PT Yapen Utama Timber is poised to destroy Yapen Island's pristine forests and the livelihoods of indigenous islanders (10).

The government gives the green light to 19 new pulp mills, four of them in Papua (11).

Governor Suebu says a satellite survey carried out by US experts shows that Papua has the world's biggest gold deposits (11).

♦ ♦ ♦ ♦ ♦

2009: BP's climate change commitments for the Tangguh project are scrutinised as gas operations get underway. Around 3 million tonnes of carbon dioxide will be released per year according to the environmental impact analysis documents (80-81).

Freeport-Rio Tinto admits it is still making payments to the Indonesian military (80-81). More fatal shootings near the mine prompt local civil society organisations to call for a peaceful dialogue to address conflict in Papua. Amungme landowners file a fresh lawsuit against Freeport claiming USD30 billion in damages in compensation for environmental and human rights violations (82).

At least 3 Australian mining exploration companies are looking for major copper and gold deposits in Papua, including **Hillgrove Resources** in Sorong and Manokwari district, **Arc Exploration Ltd** (formerly Austindo Resources Corporation) in Bintuni Bay, via a company called **PT Alam Papua Nusantara**, and **Nickelore Ltd**, in an area bordering **Freeport's** concession (82).

Papua's provincial government announces plans for a hydro-dam in Komauto to provide electricity, power a cement works in Timika and support tourism development in Paniai (83).

2010: Government targets for industrial timber and 'people's timber plantations' in Papua for 2010-2014 are given as 250,000 hectares from a national total of 2.7 million hectares. The new forests are part of the government's greenhouse gas emissions reductions strategy (84).

Fatal flash floods in Wasior district are blamed on illegal logging (87).

A Chinese company, **Far East**, wants to invest in coal mining in 5 areas in Manokwari district (87).

The full run-down of DTE stories on the exploitation of Papua's resources is on our website at: www.downtoearth-indonesia.org

(continued from page 1)

marginalisation of indigenous Papuans, with top-down projects imposed from outside, and often accompanied by the threat of, or the use of violence to enforce plans.

The cumulative impact of these development schemes is a separate, but no less important matter. MIFEE is likely to inflict another severe blow to any hopes that Papua's natural wealth will be managed sustainably by local people primarily for their own benefit. Each blow makes this prospect even more remote than before as the population balance shifts in favour of non-indigenous migrants and more and more of Papua's natural resources are taken under the control of the private sector. Special Autonomy measures introduced to Papua in 2001 allow more room for participation by Papuan politicians in decision-making about Papuan resources and more opportunities to benefit from revenues. However, people on the ground still remain largely powerless to prevent the take-over of the land and resources which have provided their livelihoods.

From Scott to BP

When DTE was established in 1988, the campaign to stop a mega-development by Scott Paper was gaining momentum.¹ An area covering around 790,000 hectares in Merauke district was targeted for eucalyptus plantations to feed a chip and pulp operation based in Bade (now in Mappi district) on the Digul River. The land of around 15,000 indigenous hunter-gatherer people was included in Scott's concession. The US-based company promised it would employ as many local people as possible, but also confirmed that non-Papuans would also be brought in with the help of Indonesia's transmigration ministry.²

The international campaign was concerned with protecting livelihoods and the right to Free Prior and Informed Consent (FPIC), although at that time it was not framed in those terms. When pressed by NGOs, Scott avoided saying it would withdraw if local people said they didn't want the project to go ahead. Eventually, under the threat of a consumer campaign against the company's high profile products (tissues, toilet paper) the company did withdraw from the project, leaving its Indonesian joint venture partner (Astra) and government ministers angry, and creating a backlash against NGOs.

Since Scott Paper, Papua has been beset by a host of natural resource exploitation projects - some developed, some not; some massive in scale, others not quite so grandiose; some officially sanctioned, others illegal. They range from the 8 million-hectare Mamberamo mega-development involving hydro-electric dams, infrastructure, heavy industry and agro-industry (which didn't go ahead) to crocodile skin smuggling

Notes on a decade of transmigration from the DTE archive

- 1989:** After the launch of George Monbiot's book, *Poisoned Arrows*, the Indonesian embassy defends the transmigration policy in Papua, saying Indonesia isn't forcing Papuans to live a modern way of life, but is attempting to prevent a nomadic way of life (3). The provincial transmigration head argues that transmigration should be encouraged, as Papua has a population density of only 3.4 people per km². The five-year plan target of 23,000 families has not been met, with only 4,555 sent. A total of 23,000 families have been sent to Papua so far, with Merauke receiving the most (4).
- 1990:** The new five-year plan target for Papua is 29,905 families. Plans for moving 4,000 families are announced for 1990/91 for Eastern Indonesia. But empty sites are reported in some areas of Papua with houses in need of repair and land in need of re-clearing before families can move in (8).
- 1992:** In Merauke, 163 families have left transmigration sites due to lack of preparation and drought conditions. The official figures for transmigration into Merauke since 1964 are 12,064 families plus 1,712 local families settled on transmigration sites. Despite the problems, the transmigration department estimates that Merauke has the potential to accommodate 100,000 families in a "transmigration triangle" of 1.2 million hectares. There are plans for constructing a huge dam on the Digul River to provide irrigation, to be completed in 25 years (19).
- 1994:** Minister of Information Harmoko says he hopes that through transmigration the population of Papua can be increased rapidly in order to exploit its vast economic potential. Suharto plans to divide Papua into three provinces to speed the development of supporting infrastructure. New resettlement areas along the border with PNG are also planned (23).
- 1996:** Papua is the biggest transmigrant receiving area for 1996/7. A new transmigration policy for Papua is announced: indigenous Papuans will no longer be settled alongside settlers from outside Papua on purpose-built transmigration sites, but will have their own villages "restructured" instead. The aim is to speed up their development. New "special" sites have been planned in Timika and Lereh. New transmigration sites in Sorong are announced (28). A transmigration site is developed inside Wasur National Park, Merauke (35).
- 1997:** A new transmigration bill excludes defence and security aspects from transmigration. Transmigration minister Siswono insists Papua has "too few people" and argues that more settlers are needed to speed up development (32). Since 1964, 246,000 people have been moved to Papua and another 110,000 are due to be sent by 1999. WALHI warns that Papuans will be a minority in their own land and calls for transmigration to be suspended (32).
- 1998:** There are signs that the financial crisis may force the government to scale back the transmigration programme (37), but a government document indicates that the programme will continue. Figures for transmigration from 1969/70 to 1993/4 for Papua and Maluku are 81,401 families. The current five-year plan (94/95-98/99) includes 67,210 families for the same region (39).
- 2000:** The provincial administration urges the Jakarta government to stop sending transmigrants to Papua and start empowering Papuans instead (45). Official figures put the population at about 2 million with around half the population indigenous Papuans (45).

Note: Numbers in brackets refer to DTE newsletter editions.

operations involving corrupt military and government officials (which did). From BHP's plans for a giant nickel mine on Gag Island (cancelled) to BP's huge Tangguh gas extraction and LNG plant in Bintuni Bay (up and running).

One constant presence, looming large in Papua's recent history is the Freeport-Rio Tinto copper and gold mine in Papua's central highlands. As the chronology shows, this giant project, has brought huge profits for its investors, while inflicting a steady stream of human rights and environmental abuse on the local population. By the early years of this century it had become a measure of how not to do resource development projects in Papua.

Assault on Papua's Forests

Above all, perhaps, the assault on Papua's resources has affected the region's rich, biodiverse and unique forests. And along with the forests, the livelihoods of the peoples who depend upon those resources have been degraded or have disappeared altogether.

Forests have been a major target for investors first through HPH timber concessions and clearing for transmigration sites, and more recently through HTI timber plantation concessions. Under regional, then special autonomy rules, the decentralisation of control led to a battle for control between Papua's administration and Jakarta. New timber mafias emerged involving timber dealers and local security forces and officials,

as the timber boom moved from Kalimantan to Papua. In the past decade oil palm and pulpwood and schemes have started tearing into Papua's forests in earnest, alongside or in combination with logging.

Now, food and energy crops targeted under MIFEE represent an additional threat to forests and forest-dwellers. HTI, oil palm expansion projects and MIFEE all undermine the credibility of the commitment made by Indonesia's president Susilo Bambang Yudhoyono to slice 26% off Indonesia's projected greenhouse gas emissions by 2020.³

The transmigration context

Indonesia's hugely damaging transmigration programme to shift millions of villagers from Java, Bali and Madura to the less densely-populated 'outer islands' was in full swing when DTE was established in 1988. Papua, with its disputed political status, armed resistance movement, frequent and brutal military operations against local people to root out political dissent and its long, porous border with Papua New Guinea, was a major target for transmigration. Here, as in other border regions, the programme was aimed at strengthening territorial control and defence as well as accessing and developing the region's rich natural wealth. There was a strong element of 'teaching the Papuans how to farm' on top of a deliberate attempt to boost population density in order to 'speed up development'.

Transmigration remains a particularly sensitive issue in Papua. Migrants have settled in Papua in increasing numbers, via official, government-sponsored transmigrants as well as arriving under their own steam. The overall effect has been a population shift in favour of people who are not indigenous Papuans. Recent research has indicated that indigenous Papuans were outnumbered by non-indigenous Papuans by 2010 and that the non-indigenous population is likely to grow faster than the indigenous.⁴

The MIFEE project will make this situation more pronounced. The estimated number of workers needed for the planned food and energy plantations ranges from the tens of thousands into the millions. Whatever the final number, it will increase pressure on resources and push indigenous Papuans further into a minority position.

In the broader political context, these population concerns are linked to the question of Papua's political status and how Papuan identity is defined. If, finally, there is a genuine act of self-determination in Papua, what would be the result now that more than half the inhabitants are originally non-indigenous Papuans? Or, if there was an attempt to limit eligibility so that recent settlers were not eligible to vote, how would that eligibility be decided? If the criteria for



Plaque in Domande village, Merauke, stating the community agrees to transfer their land to be managed by the Rajawali Group, to not contest and to safeguard the company in its operations.

(Photo: Adriana Sri Adhiati)

voting was linked to the Papuan identity, how would that identity be determined? Who would have the authority to decide these questions?

MIFEE: same book, different cover?

Based on previous experience with mega-projects, MIFEE will bring far more harm than it will benefits. The disastrous Central Kalimantan peatland rice mega-project of the 1990s was a similarly ambitious project with similar food security goals that ended in ecological catastrophe - including emitting millions of tonnes of CO₂ - and had disastrous impacts for indigenous Dayak communities.⁵

The MIFEE project involves ten state-owned companies and up to 37 private sector companies, including overseas companies. At least two companies are reported to be finalising their environmental impacts assessments. The estimated area involved ranges from just over half a million hectares to 2.5 million hectares and more, depending on the source. While the project is being promoted as a means of boosting Indonesia's food security, the involvement of overseas investors indicates that export markets will be prioritised. The mega-project has prompted a great deal of concern among local communities, church groups and civil society organisations. There has also been strong opposition from local groups, supported by Indonesia's indigenous alliance AMAN.⁶

What has changed since the days of Scott Paper? Local people will be marginalised, transmigrant labour will be drafted in, forests and forest resources are being cleared; large corporations and investors stand to profit. The military may also benefit from protection money in the same way it has benefited from the Freeport-Rio Tinto mine, oil palm and logging. MIFEE could be used by the military as a justification for the need for troops to guard the projects - a situation which increases the potential for human rights abuses against local people. All the ingredients for continuing the decades-old cycle of resource exploitation and marginalisation of local people are there.

One major difference from the Scott Paper era, perhaps, is in the greater potential for civil society to monitor and expose negative impacts. While independent foreign journalists still face severe restrictions in accessing Papua and West Papua, communications between Papua and the outside world are patchy but possible thanks to Papuan and other supportive CSO networks acting from inside and outside Papua. This means that critical independent information can get in and out of Papua and local communities' concerns can be more effectively voiced than in the days of Scott Paper. It then remains for decision-makers to take their messages seriously and start moving from top-down mega-developments to bottom-up sustainable support for communities.



Swamp forest, Merauke (Adriana Sri Adhiati)

Notes

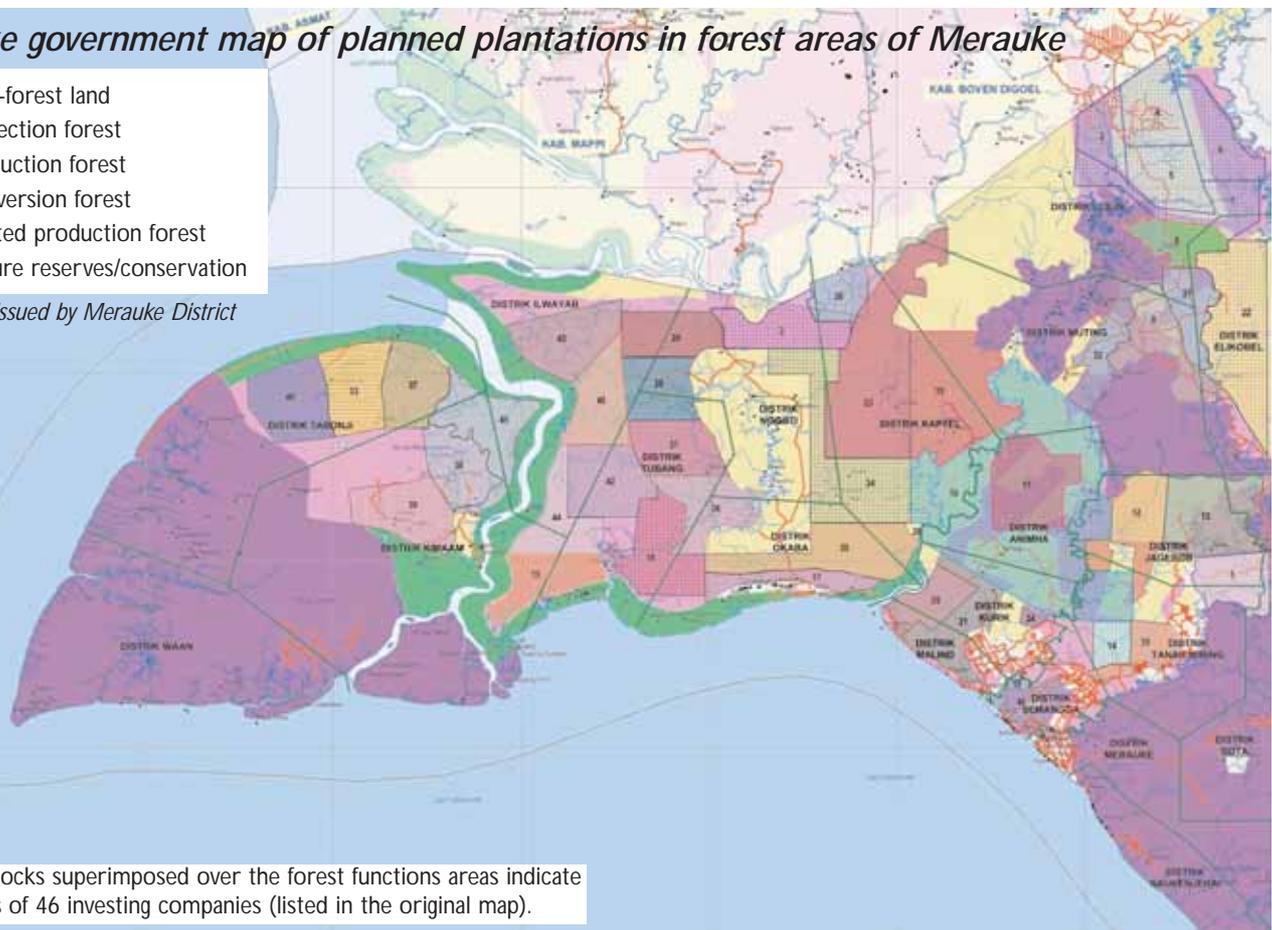
1. For more background, see DTE newsletters 1-6, 1989.
2. The international campaign against World Bank funding for the hugely damaging transmigration programme had also got underway in the 1980s. Plans to move hundreds of thousands of poor people from Java, Bali and Madura to the targeted 'outer islands' (Kalimantan, Sumatra, Sulawesi, Timor, Papua) were particularly sensitive in Papua as well as Aceh and East Timor, due to the disputed political status of those areas.
3. See DTE 84 and 83.
4. David Adam Stott, 'Indonesian Colonisation, Resource Plunder and West Papuan Grievances', *The Asia-Pacific Journal* Vol 9, Issue 12 No 1, March 21, 2011,

- http://www.japanfocus.org/-David_Adam-Stott/3499. The 2010 figures of 1,760,557 (49%) for indigenous Papuans and 1,852,297 (51%) for non-indigenous Papuans, are based on extrapolations of population growth rates for both groups and application of these to the results of the 2010 census. Unlike in 2000, the 2010 census did not provide information on the ethnic and religious composition of Papua and West Papua provinces.
5. See DTE 42, at <http://www.downtoearth-indonesia.org/old-site/42kal.htm>
 6. See Tapol & DTE press release, August 2010 at <http://www.downtoearth-indonesia.org/story/journalist-s-death-over-shadows-launch-papua-food-project>. ♦

Merauke government map of planned plantations in forest areas of Merauke

	Non-forest land
	Protection forest
	Production forest
	Conversion forest
	Limited production forest
	Nature reserves/conservation

Source: map issued by Merauke District Government



Note: The blocks superimposed over the forest functions areas indicate the locations of 46 investing companies (listed in the original map).

Ending conflict in West Papua

The brutal crackdown by Indonesian security forces on the Third Papuan Congress in October has brought up to six deaths and hundreds of beatings and arrests. The declaration of independence by the Congress and the state's attempt to silence it, has once again put questions about the region's political status under the spotlight.

"It is bitterly ironic that when Papuans meet to discuss their basic rights, Indonesia responds by violating those rights," said Carmel Budiardjo, senior campaigner for the UK-based NGO TAPOL.

In the following article, Carmel provides an overview of recent political developments in the region.

It is more than forty years since West Papua became a province of Indonesia. The Papuan people were not given the opportunity of a referendum. Instead, what took place was an Act of Free Choice which was neither free nor permitted any choice.

Just over a thousand Papuans, acting on behalf of a population of several hundred thousand people, decided 'unanimously' to become part of Indonesia. The vast territory had been under de facto Indonesian control for several years already under the terms of the 1962 New York Agreement between Indonesia and The Netherlands.

Papuans had no say in the matter having been excluded from the talks, while Indonesia enjoyed the support of the western powers in its dispute with the Netherlands over the future of the territory. When the fraudulent Act of Free Choice took place in 1969, there was massive military presence throughout the territory, with armed personnel vastly outnumbering a handful of UN officials who were unable to visit most parts of the territory to monitor the Act.

This meagre UN presence was used to legitimise the decision of the tribal chiefs who participated in the Act. They had been warned by the military of the dire consequences of voting against integration with Indonesia.

Since then, West Papua has been an area of conflict and exploitation for its indigenous people who have suffered discrimination, eviction from their land and the gradual loss of their means of livelihood, while the basic freedoms of expression, assembly and association are harshly curtailed. A Jakarta-sponsored programme of transmigration led to a huge influx of people from Indonesia who now dominate the commercial sector and hold a number of the senior positions in the provincial, district and sub-district administrations. All these developments have led to the marginalisation and impoverishment of the indigenous Papuan people.

In the early days of West Papua's incorporation into Indonesia, an armed struggle was waged by the *Organisasi Papua Merdeka* (OPM). Although the OPM reflected the grievances felt by most Papuans at being overwhelmed and in effect colonised by



Security forces before the attack on the Third Papuan Congress in Abepura, October 2011. (Photo: unnamed source)

Indonesia, any attempts at armed resistance had little prospect of success. The poorly equipped OPM was hardly a match for the vastly superior security forces provided by the Indonesian army and police.

Call for dialogue

Following a Grand Consultation (*Mubes*) of tribal leaders in early 2000, the Papuans held their Second Papuan Congress in May-June 2000, attended by several thousand people. It was during this congress that Papuan leaders first called on the government of Indonesia to engage in dialogue mediated by a third, neutral party, but Jakarta ignored the call and has continued to do so ever since.

The congress adopted a number of political decisions. A Papuan Presidium Council (PDP) was set up, which drafted the terms of reference for the proposed dialogue. It also set up a commission which, it was

hoped, would undertake a rectification of history - directed towards examining the fraudulent way in which West Papua had been incorporated into Indonesia.

In October 2004, when Susilo Bambang Yudhoyono (SBY) was elected president of Indonesia for his first term, the president along with his then vice-president, Jusuf Kalla, sought what they hoped would be a comprehensive settlement for West Papua. On the occasion of his assumption of the presidency, SBY said:

The government wishes to solve the issue in Papua in a peaceful, just and dignified manner by emphasising dialogue and persuasion.

Special Autonomy

In a move to dampen Papuan grievances and the persistent longing for *merdeka* (freedom), West Papua had been granted Special Autonomy (*OTSUS*) in October 2001 under a law that provided for wide-ranging economic and political rights for the Papuan people and the creation of a special council, the *Majelis Rakyat Papua* -Papuan People's Assembly - which was composed entirely of Papuans.

In December 2002, Tom Beanal, vice-chairman of the PDP declared Papua to be a 'Zone of Peace'. Beanal had taken over the leadership of the PDP following the brutal killing in 2001 by elite Indonesian troops of its leader, Theys Hiyo Eluay. The Zone of Peace would mean West Papua becoming 'a territory free from violence, oppression and grief'. This land of peace concept was embraced by Papua's religious leaders as well as by the OPM. At the end of 2007, religious leaders again declared that conflicts should be settled peacefully, re-affirming the commitment of the vast majority of Papuans to peaceful means.

Two years later, the Papuan Catholic priest, Father Neles Tebay launched a new initiative promoting dialogue between West Papua and the Indonesian government. More than any other Papuan leader, Father Tebay has dedicated himself to the issue of dialogue, always stressing that violence cannot solve the conflict. Moreover, by that time, it was abundantly clear that *OTSUS* had failed to guarantee to the Papuan people the rights they had been promised in Law 21/2001.

As frustration with *OTSUS* grew, Papuans started demanding that the special autonomy law should be 'handed back to Jakarta'. At the same time, thousands of Papuans have held peaceful demonstrations across the territory, flying their traditional emblem, the *kejora* (morning star) flag. These actions have been treated with a heavy hand by the security forces; scores of people have been convicted of *makar* (treason) and are now serving heavy sentences in prison. In 2004, Filep Karma was sentenced to fifteen years for peacefully flying the *kejora* flag. Others have been sentenced to two or three years for this simple act of protest.

A campaign, supported by TAPOL, is underway to end the repressive practice of charging persons engaged in peaceful political activities with criminal offences such as *makar*, inherited from the Dutch colonial era.

Papuan Peace Conference

As the protests continued to spread, a new initiative was taken to promote dialogue and peace. On 7 July this year, the Jaringan Damai Papua (Papua Peace Network) organised a Papuan Peace Conference attended by an estimated 500 people from all parts of the territory.

This conference was also attended by three high-ranking Indonesians who addressed the meeting: Indonesia's Minister-Coordinator for Political and Security Affairs, Djoko Suyanto, the military commander of the Cenderawasih/XVII military command in West Papua, Major-General Erfi Triassunu and Inspector-General Bekto Soeprapto, chief of police for West Papua. Djoko Suyanto described the conflict in West Papua as 'multi-dimensional' and recognised that two-way communications - in other words, dialogue - was necessary.

Also present at the conference was the governor of the province of Papua, Barnabas Suebu, who drew attention to the paradoxes in West Papua; a region rich in natural resources but replete with internal conflicts that have led to social disintegration. He also drew attention to the Papuan tradition of resolving local disputes by 'dignified' talks as being the best way to avoid the loss of life.

Father Neles Tebay, the coordinator of the Jaringan Damai Papua, said after the conference: "I want to underline that these [recommendations] were not made to find out who is at fault but more to focus our attention on the real problems, problems that need to be addressed to create a peaceful Papua."

The Conference proposed a series of indicators for this objective:

- ♦ Indigenous Papuans should feel tranquil, safe, enjoy a decent standard of living, live on the land and in peaceful relations with each other, with nature and with God.
- ♦ Indigenous Papuan people should not be stigmatised as separatists or subversives.
- ♦ Indigenous Papuans should enjoy freedom

from discrimination, intimidation and marginalisation.

- ♦ Indigenous Papuan people should enjoy freedom of expression, freedom of opinion and freedom of association.
- ♦ All acts of State violence against the indigenous people, including those against women and children, should end.
- ♦ Anyone who perpetrates acts of State violence should be tried and punished in accordance with the people's sense of justice.
- ♦ Indigenous people's right to customary land should be legally recognised.
- ♦ The exploitation of natural resources should take account of the conservation of the resources, recognise local customs and provide the greatest possible benefit for the indigenous Papuan people.
- ♦ Companies that destroy the environment and damage the right to ownership of customary land should be subject to legal and administrative sanctions.
- ♦ Forest conversion practices that contribute to global warming should be stopped.

With regard to security, the Conference proposed that the security forces should perform their duties in a professional manner and respect basic human rights in order to safeguard the sense of security of the indigenous Papuan people. Intelligence operations that are intimidating or create a sense of insecurity should stop. The TNI (army) and POLRI (the police force) should be banned from engaging in business or in politics, with legal sanctions against those who violate this.

As regards social and cultural affairs, the Conference proposed that the social and cultural rights of the indigenous Papuan people including their customary rights and norms should be recognised and respected. Labelling indigenous Papuan people as stupid, alcoholic, indolent or primitive should stop.

Discrimination against people suffering from HIV and AIDS should stop. Everything should be done to reduce the mortality rate of indigenous Papuan mothers and children with the help of professional medical services. Policies that lead to depopulation of the indigenous Papuan people

such as family planning programmes should stop, and measures should be introduced to limit immigration into West Papua.

TNI opposes dialogue

However, less than two months after the peace conference, on 21 August, the commander-in-chief of the Indonesian armed forces, Admiral Agus Suhartono, speaking at a meeting with members of the Indonesian parliament, was quoted as saying that 'the TNI will not negotiate with any separatist movement, especially the Free Papua Movement (OPM). There are no [negotiations], none in any shape or form.'

These words appear to have been intended to contradict the more tolerant views expressed by senior members of the armed forces who attended the July peace conference. They also show that the tolerant approach to dialogue by Papua's religious leaders will continue to confront resistance at the highest level of government in Jakarta. It is clear that the path to dialogue and peace will continue to be obstructed by forces in Indonesia who have no intention of ending West Papua's decades of conflict, discrimination and the violation of basic human rights.

The repeated calls for dialogue with Indonesia have been met with silence from Jakarta and have led to calls for a referendum. On 2 August, while a meeting of International Lawyers for West Papua (ILWP) was taking place in the UK, demonstrations organised by the KNPB (*Komite Nasional Papua Barat* - West Papua National Committee) were reported in many parts of West Papua despite the deployment of heavily-armed Indonesian security forces. The demonstration were to express opposition to Indonesian rule and the calls for dialogue and demanding that a referendum be held 'as the only lasting and credible solution to determine the future of Papua for Papuans'.

The need for urgent political initiatives on Papua was tragically underlined when up to six people were killed during a brutal crackdown on the Third Papuan Peoples' Congress held from 17-19 October in the regional capital, Jayapura. Indonesian security forces turned violent when Papuan indigenous leaders, who had gathered to discuss their basic rights, issued a declaration of independence. This takes the Papuan struggle to a new level of intensity and testifies to the need for ever greater international support for the peaceful resolution of the conflict.

More details of the peace conference are reported in an International Crisis Group briefing, Indonesia: Hope and Hard Reality in Papua, Asia Briefing N°126, Jakarta/Brussels, 22 August 2011, <http://www.crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/B126%20Papua%20-%20Hope%20and%20Hard%20Reality.pdf>

Renewed call for peace

Leading campaigner for peace, Pastor Neles Tebay has called on Komnas HAM, the National Human Rights Commission, to investigate the acts of violence that occurred at the end of the Third Papuan People's Congress. He repeated his support for the call for dialogue between Jakarta and Papua in order to end the violence and prevent future violence in the Land of Papua. (Source: *Bintang Papua*, 26/Oct/2011, translated by Tapol).

Indonesia taken to task over MIFEE

The United National Committee on the Elimination of Racial Discrimination has written to the Indonesian government to express concern about the impacts of the Merauke Integrated Food and Energy Estate project (MIFEE) on the indigenous peoples affected by this agro-industrial mega-project.

It is more than a year since MIFEE was officially launched.¹ Since then, there have been several investigations into how indigenous Papuan communities in the target area are faring as companies move in to open up land for plantations. These have found evidence that local communities' rights are being ignored in the rush to develop the land.

MIFEE, Beyond Malind Imagination, a book by the Indonesian NGO, PUSAKA (the Centre for the Study, Documentation and Advocacy for the Rights of Indigenous Peoples) is the most in-depth study published to date, based on field visits and meetings with communities. (See also page 11 for a separate report on PUSAKA's work.) Published earlier this year, the book exposes the way villagers are being tricked into selling their ancestral land and raises questions about the influx of migrant labourers, as well as forest and livelihood loss, on local Malind and other indigenous communities.

In July and August this year, a group of NGOs submitted a series of complaints to three UN institutions on behalf of the indigenous communities affected by MIFEE. These submissions, to the Committee on the Elimination of Racial Discrimination (CERD), the Special Rapporteur on Food Security and the Committee on Economic, Social and Cultural Rights (CESCR), called for MIFEE to be immediately suspended until indigenous rights have been secured and their free, prior and informed consent has been obtained for any development affecting their lands and resources. An abridged version of the letter to CERD is reproduced below.

CERD responds

In September, the Chairperson of CERD, Anwar Kemal, wrote to Indonesia's Ambassador in Geneva to express concern about the project, about how it enjoys the support of the state and the protection of the Indonesian army and about allegations that communities have been manipulated by investors to obtain their land. The letter refers to recommendations it made in 2007, and earlier correspondence in 2009, in which CERD outlined concerns about the situation of indigenous peoples in Indonesia (to which Indonesia has not yet replied). The September 2011 letter requests information on measures taken by Indonesia to address these

The CERD submission

Extracts from the Request for Consideration of the Situation of Indigenous Peoples in Merauke, Papua Province, Indonesia. United Nations Committee on the Elimination of Racial Discrimination, Seventy-ninth session, 08 August - 2 September 2011. The Request is signed by Abetnego Tarigan of Sawit Watch and Fergus MacKay of Forest Peoples Programme and submitted by 13 NGOs, including DTE.

"This request concerns the situation of the Malind and other indigenous peoples of the Merauke District, Papua Province, in the Republic of Indonesia. On behalf of the indigenous peoples of Merauke, it is respectfully submitted for consideration under the Committee on the Elimination of Racial Discrimination's early warning and urgent action procedures... The Malind and others are presently experiencing and are threatened with additional and imminent irreparable harm due to the massive and non-consensual alienation and conversion of their ancestral lands and forests by the Merauke Integrated Food and Energy Estate project ("MIFEE project")...

[P]lease note as an important foundation to this submission that while leaders and representatives of the indigenous communities in Merauke have reviewed this communication, commented on its contents, and approved its submission on their behalf, during a meeting about MIFEE and human rights held in Merauke from July 22-25, the leaders and representatives in attendance decided to not sign the document on behalf of specific-named communities for fear of reprisals by the Government of Indonesia. This was prompted by the fact that

recommendations and concerns.² It requests information on measures "to effectively seek the free, prior and informed consent of Malind and other indigenous peoples in Papua before carrying out the MIFEE project" and asks whether impacts assessments have been conducted 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." Finally, the

representatives of the Papua provincial police and national military intelligence harassed and intimidated the leaders and representatives during this meeting. On the first day, at least 12 police and military intelligence officers entered the meeting uninvited, argued without basis and unsuccessfully that particular rules were not followed to register the meeting or the presence of the indigenous peoples' foreign advisor, and demanded that the foreign legal advisor from Forest Peoples Programme be removed. For a day and a half they refused to permit this legal advisor to conduct the planned human rights training and demanded copies of her presentations before providing the authorization. Furthermore, on the first day of the human rights training, a military intelligence officer sat at the doorway of the meeting observing all activities, and entered the room several times to take photographs of all of the participants, facilitators, the foreign advisor and even the local interpreter. This officer and others continued their presence throughout the training, returned in the evenings after the meetings concluded to ask questions, and at times even maintained a security van in front of the training centre. Understandably, these activities - violating rights of free assembly, speech and thought, not to mention a right to be free from threats to one's physical integrity as a result of attending such a meeting - led to the decision to have just the Submitting Organizations file this early warning/urgent action communication on their behalf.

... The MIFEE project is a State-initiated, agro-industrial mega-project implemented by a variety of corporate entities that, to-date, encompasses around 2

(continued next page)

Committee requests a meeting to discuss these issues at its next session in Geneva from 13th February to 13th March 2012.

Notes

1. See <http://www.downtoearth-indonesia.org/story/journalist-s-death-over-shadows-launch-papua-food-project>
2. Letter from Anwar Kemal to H.E.M. Dian Triansyah Djani, September 2nd, 2011.

(continued from box, previous page)

million hectares of traditional indigenous lands. The irreparable harm already suffered by the affected indigenous peoples is set to expand and intensify in the coming months as more companies commence operations. It should be noted the labour required will be brought in from outside. Meanwhile, indigenous Papuans will be hired as only crude labourers or not given any form of employment at all. Additionally, it is estimated that between 2-4 million workers will be moved into Merauke - a process that has already commenced - to provide labour for the MIFEE project, further threatening the rights and well-being of the Malind who number approximately 52,000 persons. According to the 2010 census, the total population of Merauke is approximately 173,000. The total indigenous population of Merauke is approximately 73,000.

The MIFEE project has already impacted on and will continue to impact on a range of interdependent rights to indigenous peoples' extreme detriment. In this respect, the United Nations Special Rapporteur on the right to food, Dr. Olivier De Schutter, has emphasized the human rights threats posed by large-scale "land acquisitions and leases, more commonly referred to as 'land grabbing'," of the kind issued under the MIFEE project. He observes that indigenous peoples are especially vulnerable and often suffer irreparable harm in this context, and emphasizes the need for full adherence to their rights, in particular as affirmed in the 2007 UN Declaration on the Rights of Indigenous Peoples...

Citing the Human Rights Committee, the Special Rapporteur on the right to food explains that "no people's land, including in particular indigenous peoples, can have its use changed without prior consultation." He thus recommends that "any shifts in land use can only take place with the free, prior and informed consent of the local communities concerned. This is particularly important for indigenous communities, in view of the discrimination and marginalization they have been historically subjected to." The Special Rapporteur's recommendations are consistent with the UN Declaration on the Rights of Indigenous Peoples and with the jurisprudence of the Committee...The Special Rapporteur's recommendations are also consistent with the Committee's 2007 and 2009 recommendations to Indonesia...

However, disregarding the Committee's clear recommendations, Indonesia continues to pursue an immense expansion of agro-industry and extractive operations in Papua and elsewhere: the MIFEE project in Merauke is emblematic of how the expanding agro-industry in Indonesia is occurring at the expense of the rights of indigenous peoples. This expansion involves massive encroachment on and alienation of

indigenous peoples' lands in favour of oil palm, logging and other companies and an enormous influx of migrant workers, whose numbers will dwarf the existing indigenous population. This leaves the affected peoples with a profoundly compromised future, severely diminished livelihood options and, given that the plantations are monocrop that require clearance of the forests and other ecosystems on which indigenous peoples depend, the destruction of their traditional economy. It also causes severe impacts on the exercise of their cultural, spiritual and other rights, all of which are inextricably intertwined with and dependent on security of tenure over their traditional lands, territories and resources.



*Threatened Indigenous livelihoods:
fishing nets drying in a Merauke village.
(Photo: Adriana Sri Adhiati)*

To date, indigenous Papuans have lost a considerable area of their traditional territories due to logging, mining, oil palm plantations and population transfers. They have received few benefits and suffered severe negative impacts, which, in many cases, amount to irreparable harm. These operations have the full support of the State in Indonesia, at all levels, and frequently enjoy the protection of the Indonesian Army. The use of coercive measures and the drastic impact of plantations in Indonesia on indigenous peoples have previously been verified by the World Bank. The Bank, for instance, observes that government policies of supporting the expansion of timber and oil palm plantations have "marginalized and alienated ... indigenous peoples from traditional lands and uses, through denial of rights and access" and that such denials have been "backed by force."...

...It is well documented that forestry concessions, whether for logging or

oil palm or mining, have had, and continue to have, disastrous consequences for indigenous peoples in Indonesia. It is also well documented that these operations are normally accompanied by serious human rights abuses and Papua is no exception. In this regard, the former UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people identified oil palm plantations in Indonesia as placing indigenous peoples "on the verge of completely losing their traditional territories and thus of disappearing as distinct peoples." (Note: Large influxes of people from outside of Papua also exacerbate the threat of indigenous Papuans becoming extinct).

The same is also the case with respect to plantations and concessions of the type issued under MIFEE. Indeed, a recent in-depth study of plantations in Merauke and the surrounding area details a series of rights violations that have long-term and severe consequences for indigenous Papuans. ...

[This] remains the case despite the adoption of the Papua Special Autonomy Law in 2001, which is intended to decentralise decision making over prescribed issues to the provincial level. In particular, this law remains largely unimplemented due to the absence of the required subsidiary legislation. At any rate, decision making over issues pertaining to the exploitation of natural resources - the subject of this request - remains largely vested in the central government in Jakarta and is controlled by national laws that...the Committee has considered prejudicial to indigenous peoples' rights in its prior review of Indonesia.

Lack of implementation of the Autonomy Law is especially apparent in relation to securing the territorial rights of indigenous Papuans. Implementing regulations and agency capacity to recognize or create cadastres of customary lands are lacking. Therefore, despite the legal recognition of vague 'customary rights', in practice the State generally treats traditionally owned indigenous lands as State lands unencumbered with rights. In addition, the majority of the MIFEE area is classed as 'forest' and falls under the jurisdiction of the Ministry of Forests, which interprets the 1999 Forestry Law as further limiting indigenous peoples' customary rights.

The Malind and other Indigenous Peoples Affected by MIFEE

The MIFEE project will affect the Malind, who number approximately 50,000 persons, and other indigenous peoples (Muyu, Mandobo, Mappi, Asmatnd Auyu) in Merauke District. They predominately reside in upstream areas of rivers and do not maintain permanent village sites or farms, but instead occupy a series of camps in the forest, which they use regularly. The Malind primarily subsist by

collecting sago, hunting and fishing, and are dependent on the health of their forests ecosystems for their basic needs and traditional economy. They are divided into six clans that own land pursuant to customary law and tenure systems. Their lands are infused with sacred value due to the identification of various sites with ancestral spirits and relations.

Various Malind and other communities and leaders have expressed grave concerns about the MIFEE project in relation to severe existing and future impacts. They have also complained about the manipulation of communities by investors and State agents seeking to obtain their signatures in order to comply with legal requirements related to showing clear title to indigenous lands... These concerns have been echoed by the Indonesian Farmers Union, which condemned the MIFEE project, by AMAN, the national indigenous peoples' organisation in Indonesia, and by others, including Indonesia's former Minister of agriculture...

AMAN's statement highlights the threat to indigenous peoples posed by the MIFEE project and observes that the current policy of land alienation in favour of corporations "will only exacerbate the human rights situation, leading to forced evictions and other human rights violations;" and that it will have major impacts on [indigenous peoples'] livelihoods by changing the ecosystem and threatening Indigenous Peoples' food sovereignty." Citing the cultural and other effects of massive population movements of the kind that will be needed to provide a workforce for the MIFEE project, AMAN concludes that the project will "acutely threaten the existence of Indigenous Peoples within these areas, turning them into a minority in number, even leading to extinction in the future. This is, as we may say, structural and systematic genocide."

The Merauke Integrated Food and Energy Estate Project and the Threat of Irreparable Harm to Indigenous Peoples

On August 11, 2010 Minister of Agriculture Suswono formalized the Grand Launching of Merauke Integrated Food and Energy Estate through a ceremony held in Serapu village, Semangga subdistrict. Nobody in this village knew what was actually happening. They only realized several weeks after, when bulldozers started to demolish their sago forests that it was the ceremony of their dispossession of land.

The MIFEE project is designed to produce food crops, palm oil, timber products and agro-fuels, primarily for export. The entirety of the area covered by the project is claimed by the indigenous peoples of Merauke. Government plans explain that the total targeted area for the project at present

is 1,282,833 hectares (423,251.3 hectares in 2010-2014; 632,504.8 hectares in 2015-2019; and 227,076.9 ha in 2020-2030). However, according to the Local Investment Promotion Board (Badan Promosi Investasi Daerah), 36 companies have acquired permits to more than 2 million hectares as of May 2011. Proposed plantations include oil palm, maize, rice and timber estates. The largest holding is more than 300,000 hectares. In one instance, an Indonesian company known as MedCo Group has received a permit of 360,000 hectares which allows it to clear up to 60% of the forests within. Virtually the entire forest of the Zanegi indigenous community - located within this concession area - has been cut down. The community members no longer have physical access to the animals they used to hunt and the food they used to collect in their traditional forests, as it no longer exists. Currently, seven of these permits are operational, covering an area of 760,000 hectares. ... Around 96 percent of this area is classed as 'forest' by the State despite the fact that the Malind and other indigenous peoples (Muyu, Mandobo, Mappi and Auyu) claim the entirety of this area as their traditional lands, territories from which they derive their means of subsistence as well as being the foundation for their identities, unique cultures and spirituality.

In order to obtain concessions and permits to establish and operate an oil palm plantation and other forms of concessions, extant law requires that the applicant company demonstrate that there are no third party rights in the area in question. The same is also the case in the MIFEE project. For persons holding title issued by the State, the law requires resort to a standard condemnation and compensation procedure. In the case of indigenous peoples who, by virtue of Indonesian law, live on State lands that are subject to weak and generally unenforceable customary rights, the companies are required to obtain signed certificates demonstrating that the indigenous people have relinquished all interest in the land in question. This is not an acknowledgement that indigenous people have protected property rights, but, rather, an administrative requirement incumbent on the companies as part of showing security of title. When a concession or permit is issued to the company, it is always a lease vis-à-vis the State and the indigenous people are not otherwise involved.

In the MIFEE project, [..this..] has led to coercive and manipulative practices being employed to obtain signatures. A recent study concludes that "ill-prepared indigenous Papuan communities are being enticed, tricked and sometimes coerced into releasing large swathes of forested land to powerful conglomerates, backed by overseas investors and facilitated by the central and provincial governments."

The same study further explains

that, "Evidence shows that negotiations between indigenous land owners and plantation companies are unequal and exploitative. Promised benefits, such as schooling, electricity and houses are seldom delivered. Compensation payments for land and timber are meagre. Children as young as four are required to sign contracts so that the firm can ensure it ties the land up for decades."

In this way, the Malind and others' lands are being alienated, subjected to long-term leases between the State and private companies, and stripped of their forests for monocrop plantations and extractive industry operations on a massive scale.

The full extent of the long-term impacts on the Malind and other indigenous peoples affected by the MIFEE project is difficult to predict with certainty. The short-term impacts however are in many cases extant, constitute irreparable harm, and provide some basis for predicting mid- and long-term impacts. As the MIFEE project expands in the coming months and years this irreparable harm will intensify and increase exponentially. This will almost certainly lead to the destruction of the Malind and other peoples as distinct cultural and territorial entities and, in the process, cause extreme prejudice to the exercise and enjoyment of their individual and collective human rights.

...Negative and severe impacts that are evident now include: coercion and manipulation; increased inter-ethnic conflict and violence; and the transformation of the forests where the Malind and others obtain almost all of their food into monocrop plantations that are devoid of traditional food sources. Game animals that provide primary sources of protein have already begun to dwindle and will disappear from the area. As the forest contains the vast majority of the indigenous peoples' sacred sites, some of these areas already have either been destroyed or access is greatly restricted, and this will increase as clearance continues. The internationally guaranteed property and other rights of indigenous peoples are completely disregarded in this process and these rights are essentially nullified. Thus, the MIFEE project has already begun to undermine the indigenous peoples' traditional economy and their identity and integrity, a process that will intensify and expand as more companies begin operations." ♦

The full submission to CERD (including end notes) and the other submissions can be viewed on FPP's website at <http://www.forestpeoples.org/topics/un-human-rights-system/news/2011/08/request-consideration-situation-indigenous-peoples-merauk>.



Pusaka in the Land of Papua

By Franky Samperante, Director, PUSAKA

The main focus and interest of PUSAKA's programmes is support for the indigenous peoples' movement in Indonesia. Most indigenous peoples live in and around forests and coastal areas. They are targeted by government social and poverty programmes. Their natural resources and lands have been seized and exploited in the name of development. In trying to defend their rights, indigenous peoples have experienced injustice, violence, criminalisation, discrimination and marginalisation.

Since 2009, PUSAKA has been working in two regions with special autonomy status, Aceh and Papua. In Indonesia's political history, these two resource-rich regions have often been in conflict with the government in power, and this was especially the case in the New Order era. 'Legal' military operations were carried out for many years to secure capital interests and in the name of eradicating separatist movements. Tens of thousands of people died in both regions. People were traumatised by the injustices, violence, poverty and marginalisation they suffered.

Although Aceh and Papua were given Special Autonomy status, there was not all of a sudden less conflict, any significant social change or improvements in people's welfare after autonomy was introduced. Instead, the decentralisation of authority under special autonomy was accompanied by the shifting of problems from central to regional governments.

In Aceh, for example, the regional government issued licences to develop oil palm plantations in forest areas belonging to the villages of Mukim Lhok Kruet, Panga, Krueng Beukah and Teunom in Aceh Jaya District. There was no negotiation or agreement with local communities. In Mukim Lamloeut, Aceh Besar District PT Tambang Indrapuri Raya (an iron ore mining company) operated by former combatants in the Free Aceh Movement is mining in a forest area which the Aceh government has decided is a strategic area for REDD+ (Reducing Emissions from Deforestation and Forest Degradation).

PUSAKA, along with local organisations YRBI (Yayasan Rumpun Bambu Indonesia) and PDPM (Dua Pakat Mukim Council) is involved in community organising and facilitating discussions in Aceh Besar. These meetings with communities and the *Imeum Mukim*¹ leadership, are set up to find ways of restoring and strengthening their rights to land and restoring the authority of the *Imeum Mukim*.

PUSAKA

The name "PUSAKA" has an old-fashioned feel. The word means 'heirloom' or 'bequest'. The name came about unintentionally by the organisation's founders as an abbreviation of *Pusat Studi Pendokumentasian dan Advokasi Hak-hak Masyarakat Adat* (Centre for the Study, Documentation and Advocacy for the Rights of Indigenous Peoples). The name is a popular one and there is more than one organisation called PUSAKA.

PUSAKA's website is at <http://pusaka.or.id/topik/media/publikasi/buku>

The low level of commitment on the part of the government to recognising and protecting rights to land and resources is prompting communities to fear their rights will disappear. People are either resigned to this happening, or they resist, and tend not to try and be more systematic in securing their rights by organising themselves. This is a challenge in itself for the organising work.

Free, Prior and Informed Consent

In September 2007, the United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) was issued. The stipulation on FPIC (Free, Prior and Informed Consent) in the UNDRIP, the right of indigenous peoples to decide on all policies and development projects affecting them, drew a lot of attention and served to strengthen the indigenous movement as well as indigenous communities in the villages. PUSAKA engaged in advocacy and capacity-building work on the right to FPIC, its principles and its application. This work has taken us to several areas in the Land of Papua.²

Given Papua's socio-political dynamic and the region's special autonomy status, the recognition of FPIC and the application of the principles and rights it contains, in the context of Papua's development, should help achieve justice and respect for indigenous Papuans. PUSAKA is working with its partner JASOIL (the Social and Environmental Network) in Manokwari, West Papua, to organise village meetings and training sessions on FPIC with the Arfak community in Prafi and Sidey, the Mpur communities in inland Mubrani and Kebar,

establishing dialogue with regional government and agencies which handle the issue of land and forests rights recognition. Similar sessions have been held with communities in several villages in Waropen, Mamberamo, Mimika and Merauke.

Manipulation

These communities have experienced conflict, and continue to do so today, because the government - without the agreement of communities - has been quietly handing out their customary land and forests to companies, for conversion to plantations, logging and timber estates, REDD projects and transmigration programmes. These projects are resulting in major changes in land and forest use designation and control. These are in turn forcing changes in the production and consumption patterns of the Papuan communities, who are highly dependent on these resources and employ traditional, family-based resource use methods. REDD projects managed as conservation programmes risk limiting community access to forest products.

Frans Mutis and members of his clan didn't know that the land and forest they owned in Sidey had become the location of a palm oil plantation company, owned by the Medco Group. They had never had information about the benefits and impacts of the project, about what would happen to their rights or their livelihoods which were highly dependent on the forests. They were offered money and facilities, with no explanation of the impacts and risks, and accepted the compensation of Rp50 per square metre.

Afterward, the community regretted the decision to hand over their land. They are now living on other people's lands and the remaining forest.³

The Malind Anim community in Merauke had a similar experience. A subsidiary of the Medco Group, PT Selaras Inti Semesta, was issued with a timber estate licence and started felling the customary forest of the Zenegi Village clan. People were paid compensation for the wood felled, far below the market price: Rp 2000 per cubic metre.

This community also regretted the agreement, and is now asking to renegotiate it before the company starts felling more trees under its next annual logging plan (RKT).

Community voices and their demands are manipulated and only rarely reach the policy-makers, the local authorities

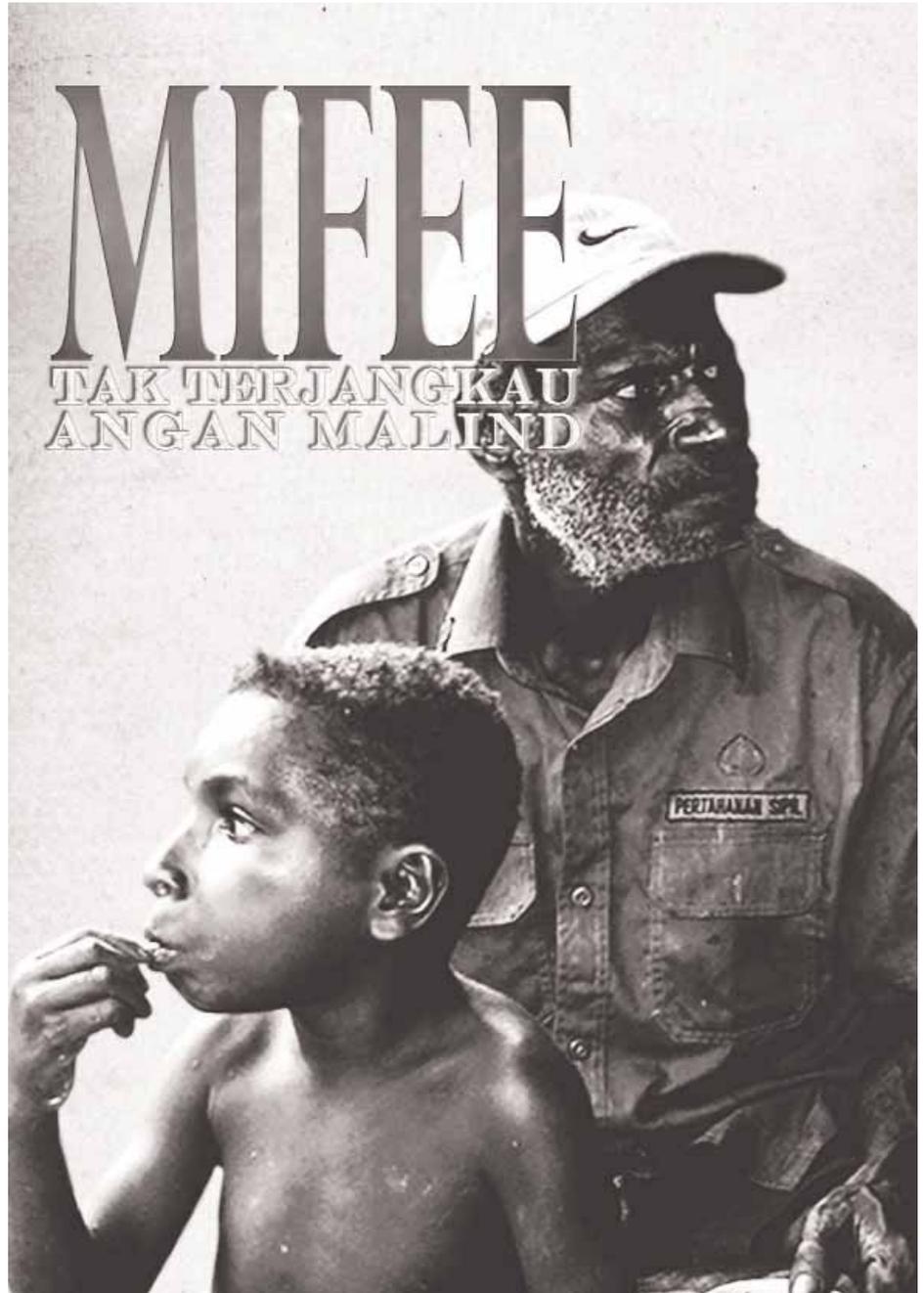
and investors. Instead, their voice is represented by the local elite at the district and village level who actively represent and voice the community interests, even though the gains are only short term, and a strategy to make personal gains. There are four institutions related to the Papuan community: the Dewan Adat Papua (Papuan Customary Council, DAP), the Lembaga Masyarakat Adat (the Indigenous Peoples Organisation), Ketua Adat (Customary Chief) and Kepala Marga (Clan Head). However, according to local customary regulations, only the land-owning clan is entitled to make decisions on transferring rights and land use.

Opening space for dialogue

PUSAKA's strategy is to develop and support initiatives which bring people from the village to the centre of power in order to open space for dialogue. It isn't easy for a villager to be faced with policy-makers when relations between government and community are at crisis point. Communities have often been victims of trickery, they have been traumatised by threats of violence from the security forces, and disadvantaged by limited understanding of the legal situation. Because of this, we need preparation, knowledge and capacity, which can be gained through meetings, and learning through the experience of carrying out small actions to voice community problems and affirm their rights. We need to build solidarity and support between groups, between villages and between regions.

Demianus Blamen is one of the Blamen clan leaders in Nakias Village, Ngguti District, which lies more than 100km from the town of Merauke. Demianus doesn't know much about the situation outside his village, let alone policies and community rights. His village only has customary regulations and moral rights to govern relationships within the village. They don't know about FPIC rights and principles. But now an oil palm company, PT Dongin Prabawa, is wiping out thousands of hectares of their customary forest. While the strength of the customary knowledge they possess should not be discounted, the presence of the oil palm company means that now, Demianus and other local people need to know about FPIC too, and to have the right FPIC fulfilled.

When we look at the policy to build a low carbon economy in Papua and West Papua provinces, it is interesting that FPIC principles have been accepted as a precondition for REDD projects in Papua. Is this the result of pressure from above and the mandate from international agreements? Or is it just opportunism - following the current 'fashion' by making compromises in order to gain access to project funding?



Indonesian-language book by PUSAKA. The title translates as 'MIFEE: Beyond Malind Imagination'.

The book can be downloaded from <http://pusaka.or.id/topik/media/publikasi/buku>

Today the challenge is how do we ensure that the language in Papua's Special Autonomy Law - a politically-motivated legal product, rather than one which came out of proper consultation - is applied to protect and strengthen the basic rights of indigenous Papuans? It must be done by drafting clear and detailed implementing rules under the Special Autonomy Law, with a clear action programme that. Both rules and action programme should be understood by government officials charged with implementing them.

Notes:

- 1 An *Imeum Mukim* is the head, or leader, of a *mukim* - the Acehese customary legal unit of governance between *gampong* (lowest level of customary governance) and sub-district. A *mukim* usually covers several *gampong*.
- 2 The term 'Land of Papua' (Tanah Papua) refers to the provinces of Papua and West Papua.
- 3 DTE was informed during a trip to another village that a man had been found dead in the forest. Apparently he got confused by the new forest 'demarcation', went astray and couldn't find his way back. He died of hunger. ♦

The global land-grab phenomenon

The following report, by independent researcher Anna Bolin,¹ explores the global trends and influences at work behind agriculture mega-projects like MIFEE in Papua.

The so-called land-grab phenomenon has been reported from all over the world. Land-grabbing can be described as a process where ownership of what is perceived to be "empty", "idle" or "unproductive" land changes hands in lucrative deals, to be developed into large-scale plantations to produce food or agrofuels, or both. There has been a rapid expansion in the number of these deals and the amount of land they cover. Studies show that over the past few years between 20-80 million hectares of land² have been "grabbed", though researchers point out that it is difficult to say for sure since most of these deals are surrounded by secrecy. Africa seems to be the main target for large-scale investments but cases have been reported from all over the developing world.

Promoters of land-grabbing claim it is much-needed investment in agriculture. Although it is clear that investment is needed in rural areas and agriculture in the global South, the question is whether this type of large-scale land deal will bring the type of development that is likely to benefit local people. On closer examination, it is evident that instead of agriculture development, we are looking at a steady increase in "agribusiness" development.³ The distinction between the two is clear and there should be no confusion as to who stands to benefit and who stands to lose from these deals.

Behind these acquisitions are powerful transnational corporations or national governments that tap into these "idle" land resources to secure food and energy security at home. In reality though, this land is not "empty" but often inhabited by local smallholders or indigenous peoples who have lived on the land for generations, but whose rights over it are not recognised or upheld.

In order to understand this global land-grab phenomenon we need to look more closely at a number of factors that drives acquisitions, key actors behind the deals and their motivations, and what is really happening on the ground.

Drivers and actors behind land-grabbing

There are a number of factors driving these land-grabs. They can be analysed in the context of the global finance, food, energy and climate crises. The 2007-2008 global food crisis, during which food prices soared, created political and economic momentum

for the acquisition of land. Likewise, the climate change and energy crisis has created a new urgency to find land for the production of renewable energy crops.

Together these global crises have created the perception that - given the expected population rise and assuming that resources are finite - demand for food and bioenergy will continue to rise. In turn, high commodity price volatility creates concerns for food and energy security. Although concerns for food security may seem fairly distant to energy security, where they coincide is in the demand for land.

A number of key actors can be identified whose actions drive up food prices and land acquisitions. Broadly, these actors populate the business, financial and government sector. The interlinked global financial crisis and global food crisis in 2007/8 contributed to the perception that land and food need to be secured and acquired. Both crises coincide with a dramatic increase in land acquisitions.

The Financial crisis

In 2008 the world was hit by the financial crisis. The crisis called for a re-evaluation of the financial sector. Unsustainable practices, such as the preference for high-risk investments yielding short-term returns, had brought the world's financial sector to its knees. In response, investors started to look towards more secure investment options, such as land, perceived to yield low-risk and long-term returns.

Farmland became an especially

attractive investment for three basic reasons. First of all, land prices do not move in sync with other commodity prices, but with inflation, and therefore provide the benefit of a diverse income flow that can balance risk in investment portfolios.⁴ Secondly, financial forecasts for the price of food and energy shows continuous high prices and demand. Finally, in many parts of the world, especially in Africa, large tracts of land can still be leased or purchased at very low prices. Thus, a simple equation of supply and demand drives the interest in farmland.

Another important driver is the expected return on investment. Financial equity firms, hedge funds and asset managers are pouring capital into farmland acquisitions. To give an example, Emergent Asset Management, a London-based hedge and private equity fund, is promising investors up to 270% returns on farmland investments in Africa over a five year period.⁵ Despite a growing body of reports showing that these large-scale land acquisitions create conflict and negative impacts at the local level, investments continue to rise because of the expected high financial returns.

The Food crisis

Between October 2007 and October 2008 food prices spiked to unprecedented levels; the price of rice reached 300% above average levels since 2003 and prices for wheat and maize doubled.⁷ 2008 was also a record year for the global price of oil; and the cause of the crisis has been linked to volatility in both the financial and energy markets.



Biofuels have been linked to the food crisis, as land destined for food production is converted into biofuel production. According to one study by the international Food Policy Research Institute (IFPRI) increased demand for biofuel contributed 30% of the increase in average food prices.⁹ Another contributing factor is financial speculation in food commodities. The UN Special Rapporteur on the Right to Food, Olivier de Schutter, concluded in a 2010 report that "a significant portion of the increases in the price and volatility of essential food commodities can only be explained by the emergence of a speculative bubble".¹⁰

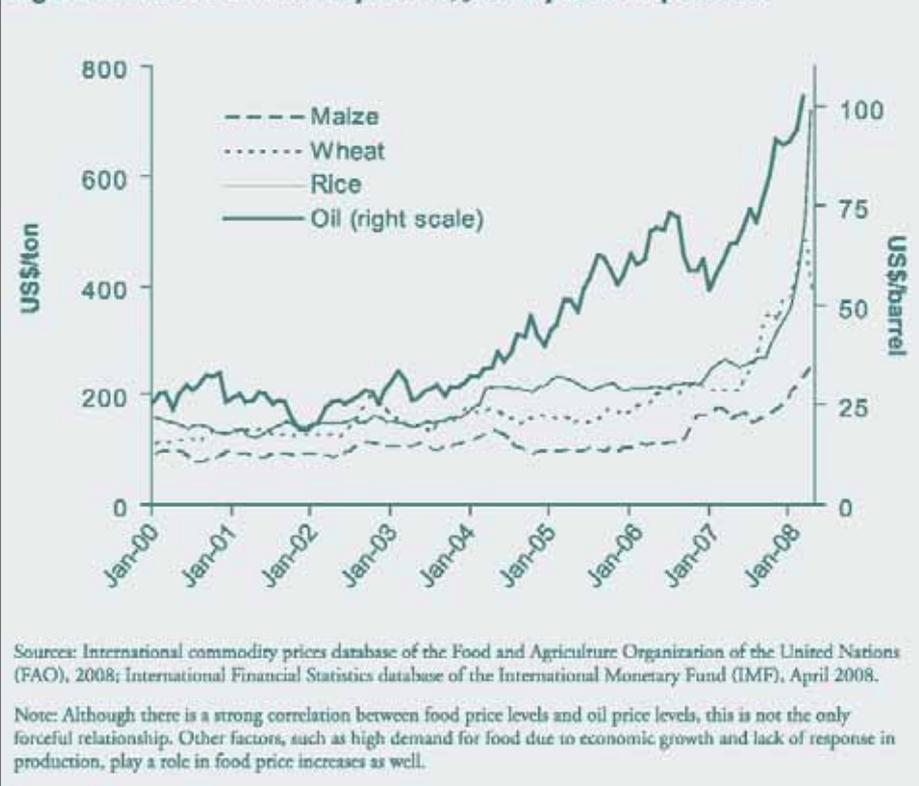
The food crisis caused violent protests all over the world. These events sparked concerns for national food security - not only related to imports but also to social unrest. In response, a number of countries that are net food importers started to outsource their food production in order to secure prices and supply for the long-term. The Gulf States (Saudi Arabia, United Arab Emirates, Qatar, Kuwait, and Bahrain), under the aegis of the Gulf Cooperation Council (GCC), came together under a common strategy and aim to outsource food production in exchange for capital and oil contracts.¹¹ Since then, individual countries or industrial consortia under the GCC have acquired millions of hectares of farmland around the world.¹²

The climate crisis

The production of liquid agrofuels is a driving factor behind recent land acquisitions. The expansion of the biofuel industry is associated with the climate and energy crisis and the inevitable need for renewable energy sources. In order to tackle climate change and to meet emissions reduction targets in Europe, the EU is implementing new policies and regulations. The Renewable Energy Directive (RED, 2009) states that 20% of all energy used in the EU has to come from renewable sources by 2020, and that 10% of transport fuel must come from renewable sources by the same year. Another example is the Fuel Quality Directive (FQD, 2009), which includes a binding 6% reduction in greenhouse gas emissions (from 2010 levels) to be achieved by end of 2020 (for more information on both the RED and FQD see DTE *Agrofuels Update* January 2011).

Although these policy directives are intended to tackle climate change and promote sustainable energy consumption in the North, they are creating incentives for unsustainable land-use change in the South. This includes large-scale land acquisitions and clearing of forests for plantation purposes; displacing greenhouse gas emissions to the South and further reducing the ability of local populations to adapt to climate change.

Figure 1—World Commodity Prices, January 2000–April 2008



(Source: von Braun et al. 2008⁹)

The World Bank review

As the number of land acquisitions around the world started to rise in 2008 so did reports in the media and from NGOs, of displacement and dispossession - not job creation and development. In 2009 the World Bank embarked on an ambitious research agenda to find out what was really happening, and whether it was a case of land being grabbed or whether it was a pro-poor development opportunity. The study is one of the most comprehensive done so far, providing an overview of the nature and extent of land-grabs around the world.

The World Bank report¹³ is based on a database developed by independent organisation GRAIN (see www.grain.org) and crossed checked with official inventories from the field, including field visits, over the period October 2008 - August 2009. It covers 464 projects, 203 of which contain area information totalling 56.6 million ha, in 81 countries.¹⁴

The report found that 48 percent of projects, covering two thirds of the total area (39.7 million ha) are found in Sub Saharan Africa, followed by East and South Asia (8.3 million ha), Europe and Central Asia (4.3 million, and Latin America and the Caribbean (3.2 million ha).¹⁵ It further confirms the scale of investment ambitions: the median of projects was found to be 40,000 ha, with a quarter of all projects exceeding 200,000 ha. Only a quarter of projects were under 10,000 ha. For 405 of the projects commodity data was available, showing that 37 percent of projects are

focusing on food, 21 percent on industrial or cash crops, another 21 percent on biofuels, and the remainder are distributed among conservation and game reserves, livestock, plantation and forestry.

The report also confirms that the majority of projects in the database originate from a few countries. These are the Gulf States, China, North Africa (Libya and Egypt), Russia and western economies such as the United Kingdom and the United States. Key players are agribusiness and investment funds. Contrary to what, according to the report, is the standard preference of foreign direct investment (e.g. strong institutional governance and well-defined property rights) countries with weak governance indicators and where local land-rights are unsecured appear to be most attractive to investors. For most projects social and environmental impact assessments were not conducted, despite high risks. Although some countries require these to be carried out by project developers, including Indonesia, in reality these regulations are either ignored or, even if conducted, compliance is rarely monitored.

Another interesting finding was that, contrary to what is often reported in the media, the majority of investors were of domestic origin, not foreign. Finally, the report found that contrary to what was often promised, the level of job creation and physical investment was often very low.

Development?

The World Bank study concludes that many of the investments did not live up to

expectations in terms of job creation and sustainable benefits, but instead left people worse off than before. Similar findings were revealed in a previous study by Cotula et al, 2009, which also set out to investigate the nature and implications of the current land-deal trend. Yet despite these controversial and quite clear findings there still seems to be some confusion as to whether large-scale land acquisitions can indeed bring development benefits for local people.¹⁶ The World Bank (2010) put forward a set of guiding principles for investors and developing country governments in order to avoid negative outcomes of projects. However, as already pointed out by their findings, large-scale investments are concentrated in countries with low levels of institutional governance and enforcement. In this context it is questionable whether a set of guiding principles are likely to have the intended impact.

Papua

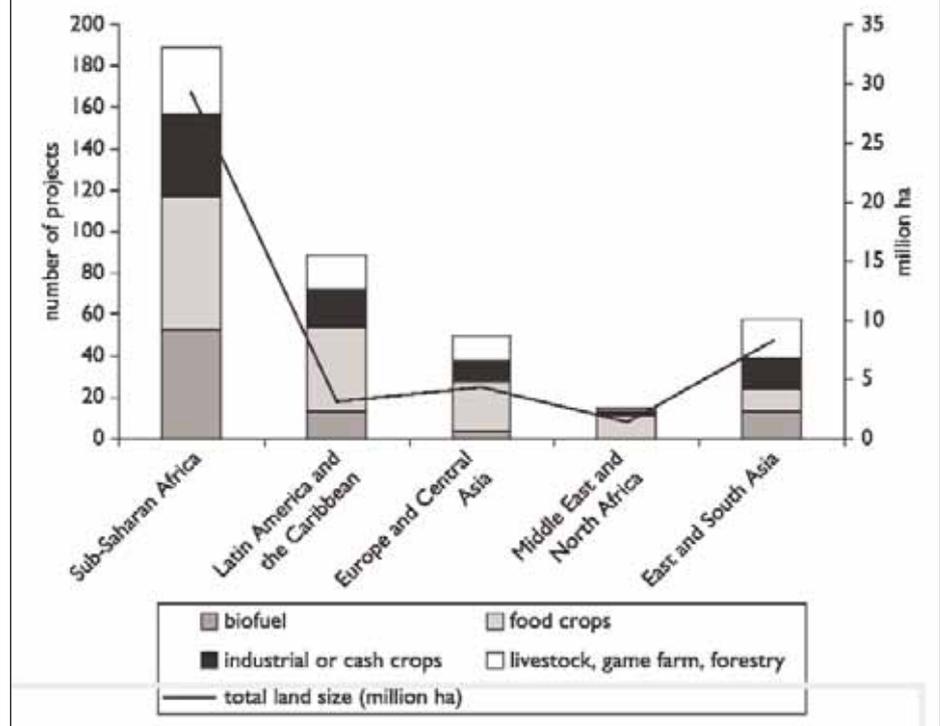
One of the most controversial land-grabs in Indonesia happening right now is the Merauke Integrated Food and Energy Estate (MIFEE), currently being developed in the southern part of Papua in Merauke regency. MIFEE is a mega-project covering 1.28 million hectares of commercial plantations claimed to be part of President Yudhoyono's dubious vision to "feed Indonesia, feed the world".

So far at least 36 investors have secured concession permits. Most are Indonesian but companies of Japanese, Korean, Singaporean and Middle Eastern origin are also thought to be involved.¹⁷ The principle commodities to be produced under the umbrella of MIFEE are timber, palm oil, corn, soyabean and sugarcane. By the middle of 2011, more than half a dozen of the investors granted permits for MIFEE are thought to have started work in their concession areas, including companies associated with the powerful Medco and Rajawali groups. Although MIFEE is still in its early stages there are serious concerns for the social and environmental implications of the project for local populations and their livelihoods.

MIFEE is being promoted as a development opportunity, where jobs will be created not just for local Papuans but also for transmigrant workers. The project is also said to promote national food security, as well as energy security. However, in reality the majority of land concessions are allocated for industrial timber plantations (over 970,000 ha), with oil palm (over 300,000 ha) and food crops (69,000 ha) in second and third place.¹⁸ This data suggests that MIFEE is not primarily motivated by food and energy security concerns but by economic interests.

Reports from villages affected so far indicate that MIFEE poses a serious threat to

Figure 2.2 Frequency Distribution of Projects and Total Land Area by Destination Region and Commodity Group



Source: World Bank 2010 (see endnotes).

local communities. Those indigenous communities that have engaged in deals with the companies have been under-compensated and cheated of the land that have belonged to their communities for generations and make up part of their cultural heritage. The process of land acquisition has been characterised by a lack of transparency, an atmosphere of intimidation and concerns about security thanks to the presence of the military. There is a dearth of appropriate information reaching villages regarding the potential impacts of the project on their lives and what

rights they have to reject or accept company offers. Local civil society organisations have also reported that capacity building meetings have been interrupted by the military, who use the excuse of national security to threaten villages and stop meetings. Thus, in many ways MIFEE is a politically and economically motivated land-grab that is bringing more threats than opportunities to affected communities.

Wake-up call

The current trend in large-scale agricultural expansion must not be confused with pro-poor development. This is not a question of rejecting much-needed investment into agriculture and rural areas; rather it is a wake-up call that these developments are not beneficial but harmful to both the environment and local people. The recent food crisis further heightened the need to increase food production and food security, but, as pointed out by the UN Special Rapporteur on the Right to Food, Olivier de Schutter, the issue is not about increasing allocation of funds to agriculture but rather of "choosing from different models of agricultural development which may have different impacts on and benefit various groups differently". As this article has pointed out, the current model benefits at first hand agribusinesses and their business partners, and not those most vulnerable to famine and high food prices.

The tendency of large-scale

Resources on Land-grabbing

GRAIN: <http://www.grain.org/>

Oakland Institute:
<http://media.oaklandinstitute.org/>

Via Campesina:
<http://viacampesina.org/en/>

UN Special Rapporteur on the Right to Food: <http://www.srfood.org/>

International Land Coalition:
<http://www.landcoalition.org/>

Focus on the Global South:
<http://www.focusweb.org/>

World Development Movement:
<http://www.wdm.org.uk/food-speculation>

OXFAM:
http://www.oxfam.org.uk/get_involved/campaign/food/?intcmp=hp_hero_grow_3009

plantations and contract farming to be concentrated in pockets of persistent poverty is an issue that has been discussed for a long time within agrarian studies and it has been well documented. Whereas the common assumption among World Bank circles is that Foreign Direct Investment flows to areas of good governance and well-defined property rights, the Bank's own research confirms that capital flows to areas where labour and land-rights are insecure and not protected by the legal system and its government. Where wages are endemically low the conditions for capitalist exploitation and profit maximisation are high. Under these precarious conditions these large-scale land-use projects become specifically problematic when they displace and dispossess people of their most valuable asset and security, which is their land.

The case studies presented here tell a story of dispossession and disempowerment. Instead of providing opportunities for the poor these land deals appear to make affected communities worse off, not just for now but for generations to come. What is more, these large-scale acquisitions have more far-reaching consequences as they take up large tracts of fertile land and use it for the production of export produce. In countries like Ethiopia, where famine is a recurrent problem and the government is still dependent on food aid, this becomes a particularly problematic and controversial issue.

Notes

1. Anna Bolin is an independent researcher on climate, land and REDD, who recently

undertook an internship with DTE and Tapol.

2. A 2009 study by International Food Policy Research Institute puts the estimate at 20 million ha, later increased to 45 million ha by the World Bank (2010) and finally the International Land Coalition increases the estimate to 80 million ha.
3. GRAIN (2008)
<http://www.grain.org/article/entries/93-seized-the-2008-landgrab-for-food-and-financial-security>, Barcelona: GRAIN,
4. GRAIN (2011) 'Pension funds: key players in the global farmland grab' *Against the Grain*, June 2011, available at:
<http://www.grain.org/article/entries/>

The full version of this article, including outline case studies from Sierra Leone and Ethiopia, plus full end notes are available on our website at <http://downtoearth-indonesia.org>♦



(continued from page 20)

REDD funders.¹³

Among the international REDD schemes that have been moving ahead, is the World Bank-led Forest Carbon Partnership Fund (FCPF) USD 3.6 million deal to prepare Indonesia for REDD+. The FCPF agreement was signed in June 2011 and involves analytical work, capacity-building, consultation and outreach, and regional data collection. The regional focus areas are South Kalimantan, South Sumatra (Musi Rawas), Maluku, Aceh and West Papua. CSOs have been critical of Indonesia's proposal for FCPF funds, raising concerns about safeguards and the lack of transparency and participation in the consultation processes.¹⁴ A March 2011 study of FCPF projects around the globe, *Smoke and Mirrors*, confirmed that none of the eight REDD preparation plans (including Indonesia's) adequately address land rights or acknowledge existing conflicts.¹⁵

Regional REDD

Although Papua and Aceh governors were the first regional leaders to publicly support REDD for their areas, Kalimantan has been the region of choice for officially sanctioned REDD projects, and at the end of 2010, Central Kalimantan was announced as the pilot REDD province under the Norway REDD deal.¹⁶ Strong opposition to REDD projects in the province has been voiced by local community groups such as Yayasan Petak Danum Kalimantan and ARPAG, the People's Peat Management Alliance, which are highly critical of the carbon-offsetting intentions of countries and agencies involved in financing REDD schemes in the province.¹⁷ The group maintains that local people are capable of managing their forests sustainably and rather than REDD schemes, they need recognition of and respect for their rights to manage their own lands and resources.

Meanwhile in Aceh, another high-

profile REDD project, Ulu Masen (developed by the Aceh government and Carbon Conservation, in collaboration with Fauna and Flora International), remains deeply controversial. Recent studies have concluded that the lack of participation by local communities in the project threatens to undermine the project's aim of cutting CO₂ emissions from deforestation. A 2008 survey carried out by the Aceh Indigenous Peoples' Network, JKMA, found that indigenous communities had never received any information about the Ulu Masen programme and had not been informed about REDD.¹⁸

A substantial study by the Institute for Global Environmental Strategies published in July 2010 reports community fears that the lack of secure land tenure systems will contribute to REDD benefits being captured by the 'big players': mining, logging and plantation companies. There was no free, prior and informed consent of indigenous peoples nor the full, (or even partial) support and involvement of local communities, according to this study. "There is a real danger that the REDD process will repeat the mistakes of past experiments with centralised forest management strategies based on

enforcement."¹⁹ Things do not seem to be improving: a further independent survey carried out in January 2011 and reported in *Inside Indonesia*, found a "critical lack of access to information and a chronically low level of REDD literacy."²⁰

A ray of hope? Major policy shift on indigenous rights

Signs of a much-needed shift in Indonesia's forest policy were confirmed in July when presidential aide Kuntoro Mangkusubroto announced at an international meeting that Indonesia would "recognise, respect and protect Adat rights". Kuntoro said the government urgently needed to develop one map as the basis for all decision-making to be used by all ministries and government institutions, as well as delineate the legal status of Indonesia's forest zone "guaranteeing the recognition of Adat customary rights."²¹ He confirmed that only some 12% of the nation's forests has been legally delineated,²² He said that all future action on land use should be based on the principle of "recognition, respect and protection of customary Adat rights" and that this recognition should happen before the allocation of state land for other uses. He also said that a law passed in 2001 by Indonesia's highest legislative body - the TAP MPR IX - gives clear legal basis for the reforms.²³

The dramatic announcement follows other encouraging signs, including an agreement between AMAN and the environment ministry aimed at empowering indigenous peoples. It remains to be seen how serious the government is about translating words into actions, and how this commitment plays out in areas such as Papua, where the violation of indigenous peoples' rights is particularly severe.

For end notes, please see the web version of this article at www.downtoearth-indonesia.org♦

Resources on REDD

New report on REDD+ in Indonesia by FPP, PUSAKA, HuMa and others:
<http://www.forestpeoples.org/fpp-series-rights-forests-and-climate-redd-plus-indonesia>

What is REDD? A guide for Indigenous Communities <http://www.forestpeoples.org/>

Inside Indonesia, Issue 105, July-September 2011, Climate Change and Indonesia
<http://www.insideindonesia.org/>

REDD-Monitor - www.redd-monitor.org

REDD-Indonesia website: <http://www.redd-indonesia.org/>

Will REDD benefit Papua's Indigenous Peoples?

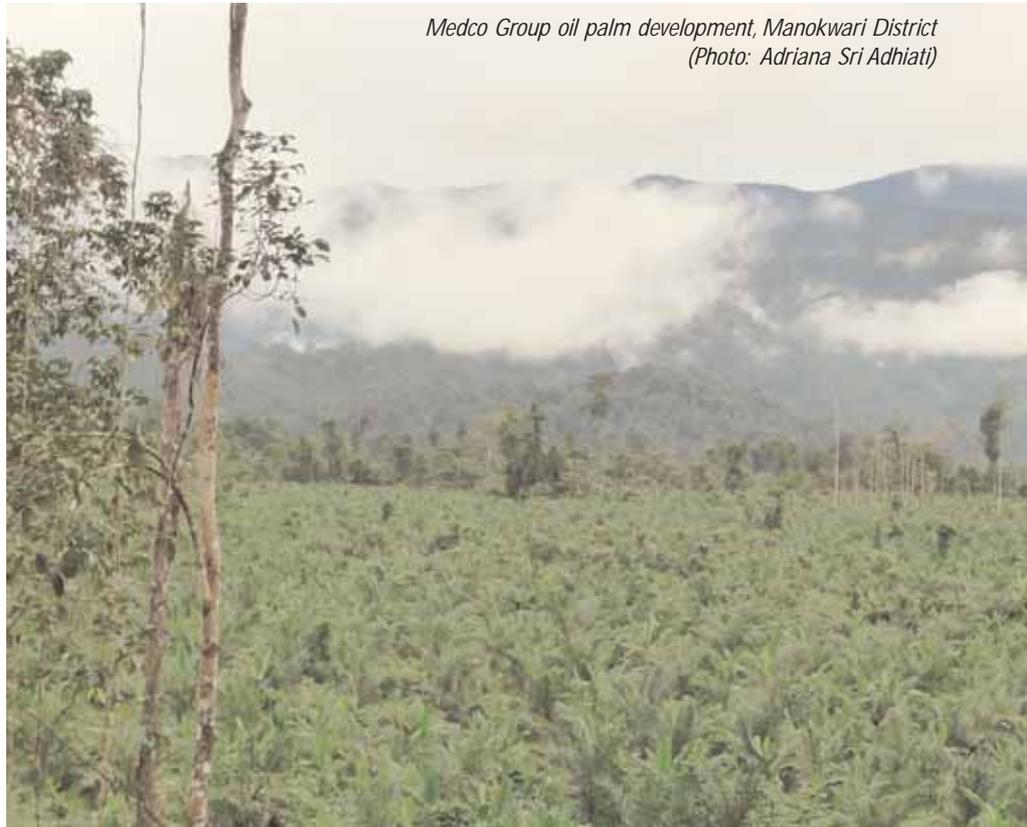
The following article is adapted from a number of blog postings by Pietsau Amafnini, Coordinator of the Manokwari-based organisation, JASOIL Tanah Papua. The Indonesian language blog is at <http://sancapapuaana.blogspot.com/>.

Papua's tropical forests are very strategic in terms of the global climate as well as providing timber and other forest products, which need to be managed sustainably. To implement REDD in Papua, the forestry sector has the duty to rehabilitate degraded forests and lands and to manage forests well. If we manage conservation and protected areas, and production forests properly, and stop converting forests to other uses, we can reduce CO₂ emissions and help balance the global climate. However, the reality is, the Indonesian government is not concerned about the state of the climate.

REDD in Papua

In Papua province, there are pilot projects planned in Jayapura district, including in the Cycloop Nature Reserve, the Mosoali Forest Area and the Unurum Guay forest area. In West Papua province, they are planned in Kaimana district, covering Arguni Bay, Triton Bay and Yamor Lake. However the region's different land use areas - under its spatial plan - have not been clearly established, and indigenous peoples themselves know nothing about government plans to determine their

(continued next page)



Medco Group oil palm development, Manokwari District
(Photo: Adriana Sri Adhiati)

The state of Papua's forests

The Following figures are from Forest Watch Indonesia's newly-published Indonesian language report *Keadaan Hutan Indonesia* (The State of Indonesia's Forests) which can be downloaded from FWI's website at http://fwi.or.id/?page_id=204

Total land area - Indonesia:	190.31 million hectares
Total forest cover - Indonesia, 2009:	88.17 million hectares (46.33%)
Total forest cover - Papua, 2009:	34,138,992.70 (79.62%)
of which:	
HPH concessions:	8,556,145.35 ha
HTI concessions:	411,804.56 ha
Percentage of Indonesia's total forest cover in Papua:	38.72% (highest of all regions)
Deforestation between 2000-2009:	628,898.44 ha (1.81% of Papua's and 4.15% of total Indonesia deforestation in that period - the lowest of all regions)
Total peatland under forest cover in Indonesia 2009:	10.77 million ha (of total 20.8 million ha identified as peatland)
Peatland under forest cover in Papua, 2009:	6,156,243.19 ha (79.59% of peatland in Papua),
of which:	
HPH concessions:	897,212.75 ha
HTI concessions:	58,671.1 ha
Deforestation in peatland forests 2000-2009:	130,917.62 (2.08% of Papuan total and 6.54% overall total)
Release of forest in Papua 2003-2008 for non-forest uses such as oil palm plantations:	9.16%
Change in forest use in Papua for palm oil 2003-2008:	32,546.30 ha (2006)
Mining in Papua's forest areas:	74 KP permits, covering 2,100,000 ha

A new report by FPP, Pusaka and JASOIL notes that a quarter of Papua's peat swamp forests (a figure of 8 million hectares is given) are categorised as conversion forests. "If all this were to be converted into agriculture, more than a billion tons of CO₂ emissions would be released." See Papua and West Papua: REDD+ and the threat to indigenous peoples at <http://www.forestpeoples.org/fpp-series-rights-forests-and-climate-redd-plus-Indonesia>

(Box compiled by DTE)

customary areas in line with what's needed for REDD.

One carbon trading pilot project was initiated in 2008 by the provincial government of West Papua and Carbon Strategic International (CSI, Australia). It is located in forest areas in eight districts, with a total area of 8 million ha. The government's share is 80% and CSI's is 20%, with half of this for the company and half to pay experts. The division of the government's share between central government, region and community still has to be decided. It is thought that carbon absorption is 300-350 tonnes per hectare and each tonne will generate 10-16 USD. The price and income will be calculated annually based on financial developments and inflation.

There is now a new agreement between the West Papua provincial government and Asia Pacific Carbon (of Australia).

REDD locations in West Papua are in protected forests. These were selected because of the high level of threat they face due to urban expansion, plus mining such as coal, copper and gold, and other interests.

The conversion of forests in West Papua for economic growth is increasing; there are plans to develop oil palm plantations, sago, mining, transmigration and so on. This is evident from the increase in the number of companies wanting to carry out environmental impacts assessments for such projects.

BPKH (the Forest Area Mapping Agency of the Forestry Service) is currently making a map of forest management units (KPH) in West Papua and Manokwari district. It is hoped that this map will be a tool for the carbon trade, to find potential locations and will support the calculation of carbon produced.

Policy in Papua

REDD in Indonesia has been described as a national approach to be implemented at sub-national level. This means the overarching policy and incentive framework comes from the central government and the details for implementation rest with the provinces and/or regional government and related stakeholders.

Papuan regional legislation, which provides the legal framework for implementing REDD in Papua, recognises rights and customary forests and emphasises community-based forest management. Using provincial regulations and guidance from the decisions made by the forestry ministry on REDD, the Papuan government - supported by civil society, universities, indigenous communities and other key actors - planned to establish a Forest Carbon (REDD) Papua Task Force. This Task Force was appointed by governor's decree at the beginning of 2011. The group's aim is to assist the Papuan government to translate, develop and coordinate policy approaches and positive

FPIC

The following is an extract from FPP/Pusaka/JASOIL's new report Papua and West Papua: REDD+ and the threat to indigenous peoples¹

"One important development has been the issuance of a decree by Papua Governor Barnabas Suebu in October 2010, for the Creation of a Task Force on Low Carbon Development. One of the Task Force's roles is to secure legal certainty to safeguard the right of communities in accordance with the principle of Free, Prior and Informed Consent (FPIC). A similar policy was also issued by the Governor of West Papua, Abram Artuturi, in March 2011. The Special Provincial Government Regulation (PERDASUS) of Papua No. 23/2008 on Ulayat/Customary Rights of Customary Law Communities and PERDASUS No.21/2008 on Sustainable Forest Management, which both recognise the rights of the Papuans, can strengthen the position of communities affected by REDD+ plans. To date, however, neither the district nor the related government institutions have issued policies or programmes to implement the regulation of communities' customary rights and laws."¹

incentives coming from the national and international levels, for the provincial level and main districts involved. In practice, local community involvement is limited and the project is not in line with community interests.

There is still very little knowledge and technical capacity among local government officers and related government agencies, CSOs - let alone communities living in West Papua province - about climate change and the carbon trade. There is little knowledge about national policies, international commitments on climate change, best practice for forest management, carbon trade mechanisms, the logging moratorium, schemes to reduce forest destruction and reduce emissions, and their benefits and impacts.

There have been several meetings to discuss the carbon trade, but no follow-up, and no sign of policies or programmes by the provincial and district governments to implement it. These meetings are still very limited in that they do not involve civil society, local peoples organisations such as DAP (*Dewan Adat Papua* - Papuan Customary Council), LMA (*Lembaga Masyarakat Adat* - Indigenous Peoples' Council) or the MRP (*Majelis Rakyat Papua* - Papuan Peoples Assembly), NGOs or community representatives in West Papua. This lack of involvement, it is feared, will give rise to negative impacts in planning and implementing programmes.

The TGHK (Tata Guna Hutan Sepekatan - agreed forest use) map and

delineation of forest boundaries still does not exist and there is no clear discussion about it, due to the tussle between interests and concepts of state land and customary land. The draft spatial plan for West Papua province and for Manokwari district does not exist and hasn't been discussed.

The main people who hold rights over the target of REDD+ (land, forest and peat) do not understand and are not adequately involved in reaching a consensus at national and local level, to determine the preparations for implementing REDD+. This is what happened with the carbon trading project initiated by the West Papua provincial government and CSI.

What's needed for REDD?

Max. J. Tokede from UNIPA Manokwari explained what needs to be done to prepare for REDD as follows: first, increase monitoring capacity to detect changes in carbon storage in Papua and West Papua provinces. This consists of: remote sensing (satellite imaging); monitoring from the air; community-based monitoring on the ground; support for activities to monitor forests and timber trade by the Forestry Service and communities. Second, pilot activities for fair incentives to protect the forest, including spatial planning and changes in forest function, mapping indigenous communities' forests in pilot locations; building village institutions to manage incentive payments to prevent deforestation and create alternatives for income generation; building capacity for certified sustainable community logging, and developing participatory monitoring and protection systems.

Meanwhile, the REDD funding mechanism in Papua needs, among other things, to cover funding support for community development by opening village accounts; funding support for groups or individuals for community-based forest patrols and protection with group/individual accounts; and a savings and loan fund to develop small and medium businesses in villages. There also needs to be capacity at regional government level to facilitate funding for project management, funding for carbon monitoring and law enforcement, and funding for general community development (education/health/economic development). There also needs to be Technical Assistance to enable REDD to run smoothly.

Indigenous Rights

The real question is, will any benefits reach Indigenous Peoples who hold full rights over their forests? Will the Indonesian government say indigenous peoples who are set up as a legal entity will still be able to access natural resources in forests, as long as they don't cut trees, and will be able to profit from REDD? There are clearly still questions to be answered about setting up as a legal entity for indigenous communities: what about those

who don't have this legal status? If indigenous peoples can acquire this status, how do they go about it? It will be no easy process, no matter how straightforward it might appear. In this context, the state must first of all recognise the existence of indigenous peoples. Industrialised countries like the EU nations, Japan, USA and Norway are ready to fund REDD projects. Some of the schemes will pay USD10 per tonne of carbon. However, will the indigenous peoples of Papua benefit from these grants? It is not yet certain.

Protecting forests for the future, or managing them sustainably has been something generations of indigenous peoples have known about. There are sacred forests or taboo places within forests which are still integral to indigenous people's lives. Now the modern world knows these sacred forests as conservation forests. The way forests are used by indigenous peoples guarantees conservation and sustainability. They use simple technology and take only what they need for daily needs.

Director of the NGO PERDU Manokwari, Mujianto, explains that based on a study by PERDU in Kaimana district - an area which has been scoped and nominated by the West Papua provincial government as a REDD and carbon trade project area - government permits are still mostly given to entrepreneurs and companies. Post OHL II [OHL II is the second police operation against illegal logging], there are practically no licences for local communities. *Kopermas* [the state-sanctioned community cooperatives] aren't functioning, although local people do use cut timber in very limited volumes to take advantage of local markets available. The likelihood of the natural forests disappearing will increase as capital flows into this area for investment in various natural resources sectors (plantations, mining etc).

"Meanwhile, if we look back into the past... for generations local people's livelihoods have depended on natural resources, including forest resources; forest management and use was done using simple

methods based on local knowledge; fresh water needs, animal protein and ingredients for food and medicines, building materials were taken from their forest areas. Forest exploitation is still limited to supplying household needs and does not need destructive technology. In this case, forest-dwelling indigenous peoples are far more expert in safeguarding the forests for REDD projects. But if forests are turned into oxygen or carbon trading business, then local people have to be directly and fully involved, including in getting cash compensation", according to Muji.

JASOIL's role

REDD projects and other initiatives keep being rolled out but there is no sign that inadequate policies will be amended or the low level of political commitment shown by decision-makers and project initiators will be improved to project community rights. This is leading to fears that there will be distortions and conflicts of interests, that social conflict will spread, and that, in turn, the environment will not be protected, and GHG emissions will continue to rise, while communities become increasingly impoverished.

What ideas and actions do we need in this situation? Grassroots actions at community level are required, especially for those who will be affected directly by REDD+ projects. JASOIL Tanah Papua believes that two things can be done:

- 1) step up the readiness and unity among communities and the strengthening of their rights so that their bargaining position is improved and there is more community cohesion for influencing and determining all development projects and policies which take place on their land and will affect their lives;
- 2) increase community capacity for involvement in monitoring all stages of provincial REDD+ pilot projects and other REDD+ projects at district level and for involvement in corrective actions.

Notes:

1. Forest Peoples Programme, Pusaka, JASOIL, Rights, forests and climate briefing series - October 2011. Papua and West Papua: REDD+ and the threat to indigenous peoples at <http://www.forestpeoples.org/fpp-series-rights-forests-and-climate-redd-plus-indonesia>
2. See Papua and West Papua: REDD+ and the threat to indigenous peoples, as above.
3. http://www.redd-indonesia.org/index.php?option=com_content&view=article&id=205&Itemid=57
4. <http://www.theemeraldplanet.com/indonesia/index.html>
5. www.eco-carbone.com
6. <http://www.carbon-strategic.com/contactus.html>
7. http://www.apcarbon.com/about_us.html
8. See DTE 76-77, May 2008 for more background at www.downtoearth-indonesia.org/old-site/76dde.htm. See also <http://www.carbonconservation.com/>

The business of REDD+

A new study by FPP, Pusaka and JASOIL found that none of the several REDD+ schemes which have been proposed for Papua have progressed beyond the early planning stage.²

Only one REDD project in Papua is identified on the REDD-Indonesia website (linked to Indonesia's Forestry Department). The project, called "Perpetual Finance for Carbon Benefits" is in Papua province, with **New Forest Asset Management/PT Emerald Planet** named as the organisations involved.³

According to FPP/Pusaka/JASOIL, these companies signed a Memorandum of Understanding with Papua's governor in 2008 to develop plans to reduce emissions from deforestation in 265,000 hectares of forests in Mamberamo and Mimika, but the developers were unable to obtain all the required permits. Emerald Planet's own website states that it is "active in Afforestation, Reforestation and Revegetation (ARR), Agricultural Land Management (ALM) and Reducing Emissions from Deforestation and Degradation (REDD) projects and investments in conjunction with Indonesian and foreign investors including **Eco-Carbone** (France), a major international bank and private investors." With its Indonesian headquarters in Bali, the company also states it "provides advisory services to the Provincial Government of Papua as the only private-sector member of the Advisory Board of the Papua Low Carbon Development Task Force."⁴

Under a partnership with Eco-Carbone, called **Eco-Emerald**, the company also claims to be developing "community-based jatophra plantations on degraded land in Indonesia" (it is not stated whether this is in Papua or elsewhere in Indonesia).⁵

Carbon Strategic International is a global environmental (carbon, biodiversity) investment and trading group. Its website says that the company works with corporations, governments and communities "to help them understand and leverage the rapidly growing environmental, energy and financial markets to create positive and sustainable economic, social and ecological outcomes." The companies' four main operations are described as Origination, Advisory & Finance, Trading and Asset Management. It has an office in Jakarta, but there is no specific information about Papua (or even Indonesia) on its website.⁶

Asia Pacific Carbon has been involved in carbon project development since 2005, starting in the rainforests of Papua New Guinea (PNG). Its current focus is on Indonesia and PNG. The company claims to be "one of the leading high quality carbon development companies in the Asia and Pacific region". It has offices in Australia, Singapore, Indonesia and Papua New Guinea. On its website, the company further states that it works with highly experienced projects developers, technology partners, financial institutions and trading groups" and is "further supported by our close working relationships with project owners, governments, statutory bodies, tertiary institutions and NGOs in each of our target markets."⁷

An earlier attempt to gain access to carbon projects in Papua was launched by **Carbon Conservation**, an Australia-based company run by entrepreneur Dorjee Sun.⁸ Carbon Conservation is involved in the Ulu Masen REDD project in Aceh.

(box compiled by DTE)

REDD in Indonesia - an update

DTE last reported on the development of policy and projects in Indonesia to reduce emissions from deforestation and forest degradation (REDD) in early 2010. At that point, President Susilo Bambang Yudoyono had made an international commitment to limit Indonesia's carbon emissions, and had announced plans to plant million of hectares of new forests. Indonesia was negotiating a REDD agreement with the World Bank's Forest Carbon and had issued three pieces of REDD-related legislation. Civil society organisations monitoring REDD developments at national and regional level were seriously concerned about the lack of safeguards for local communities whose forests were being, or might be in future, targeted for REDD.¹

Eighteen months later, more details of the national REDD (now REDD+²) picture have been filled in, official and unofficial REDD projects are moving ahead and more major international funding schemes for REDD in Indonesia are now up and running. But CSO concerns about REDD and the decision-making processes associated with REDD projects and policy persist. As projects move towards implementation, concerns about community rights - particularly the need to protect indigenous communities' right to give or withhold to free, prior and informed consent to projects affecting them - have become more acute. Meanwhile, a major policy shift to recognise indigenous rights has been announced by the government.

The Moratorium and the Lol

A much-anticipated two-year moratorium on clearing primary forests and peatland was signed in May 2011. Presidential instruction No 10/2011 was one of the agreed outcomes of the Letter of Intent (LoI) that Indonesia signed with Norway the previous year as part of a US\$ 1 billion REDD+ deal. The LoI and a follow-up Joint Concept Note set out a three-phase REDD+ plan. The first preparatory phase includes:

- ♦ setting up a National REDD+ Agency (to be prepared by a REDD+ Task Force) to be fully operational by the end of 2011
- ♦ the 2-year moratorium (originally designed to be effective from January 2011, but delayed till May)
- ♦ setting up an independent Monitoring, Reporting and Verification (MRV) Institution
- ♦ setting up an interim financing instrument to handle the preparatory phase
- ♦ a National REDD+ Strategy, to be developed into a national action plan, and which "proposes methods for implementing FPIC and equitable benefit-sharing"
- ♦ selecting a pilot province for REDD+.³

The second 'Transformation' phase of the Indonesian-Norway deal includes

national level capacity-building, legal reform, plus at least one full scale province-level pilot project. The Third phase, called 'Contributions for Verified Performance' and due to start in 2014 will see the start of Norwegian payments to Indonesia for reducing its emissions in accordance with UNFCCC guidance.⁴

The moratorium itself received a less than luke-warm reception by CSOs because it offers little additional protection to Indonesia's fast-disappearing forests. This is largely due to the exemptions given to powerful companies who want to continue using carbon-rich forest and peatlands to expand their businesses. Presidential Instruction No 10/2011 lists exemptions from the moratorium as

- ♦ applications that have been already approved in principle by the Ministry of Forestry,
- ♦ the implementation of vital national development (geothermal, oil and natural gas, electricity and land for rice and sugar cane);
- ♦ the extension of existing forest licences
- ♦ Ecosystem restoration.⁵

According to the government, the moratorium area covers 64 million hectares. However, CSOs point out that only around 45.5 million ha of primary forests are actually left. Around a quarter of that area is already covered by licences (so cannot be included in the moratorium) and most of the rest is already off-limits to loggers and plantation developers as it has been classified as protection forest. According to their calculations, only around 8.8 million ha of Indonesia's primary forests will get any additional protection via the moratorium.⁶

One area that is exempted from the moratorium is the area in Merauke allocated for the giant MIFEE project. Before the moratorium was issued, Kuntoro Mangkusubroto, a key presidential aid who is also in charge of the REDD+ Task Force, had said the MIFEE area would be reduced to 350,000-500,000 ha partly due to the carbon-rich peatlands in the region.⁷

Any positive impact of the moratorium announcement was further undercut by the publication of a report by Environmental Investigation Agency (EIA) and the Indonesian NGO Telapak. This showed how the moratorium was being breached on its first day by a Malaysian-owned oil palm developer in Central Kalimantan. The report also showed how Norway - promoter of the moratorium - was at the same time investing in the logging and plantations sector, which is closely linked to forest destruction.⁸

It also emerged that forestry ministry permits covering 2.9 million hectares had been issued to companies on the last day of 2010, in what appeared to be a last-minute rush to beat the original moratorium deadline

Key dates for REDD+

May 2010: Norway-Indonesia Letter Intent on REDD+ is signed.

October 2010: REDD+ Task Force is set up under Presidential Decree 19/2010.

November 2010: Forestry Ministry sets up a Climate Change Working Group under Ministerial Decree 624/Menhut-II/2010.

November 2010: Draft National REDD+ Strategy prepared.

May 2011: Two-year Moratorium signed - Presidential Decree 10/2011.

July 2011: Indonesia indicates major policy shift towards recognition of indigenous peoples' rights and addressing problems in forest tenure regime.

September 2011: President SBY announces a new Task Force, to set up a REDD institution by the end of 2012.

of January 1st 2011.⁹ In yet another move that appeared to undermine the aims of the moratorium, President SBY issued Decree 18/2011 in February. This permits underground mining, power plants and other nationally important projects to go ahead in protected forests.¹⁰

Other REDD+ developments, some related to the Norway LoI, include:

- ♦ the establishment of the National REDD+ Task Force, in October 2010, headed by Kuntoro Mangkusubroto, a former mining minister, leader of the post tsunami reconstruction agency in Aceh, and now also head of the president's Special Delivery Unit (UKP4).
- ♦ the setting up in November 2010, of a Climate Change Working Group within the Forestry Ministry to support its representation in the REDD+ Task Force;
- ♦ consultation with NGOs on a Draft National REDD+ Strategy. Inputs from civil society groups (including DTE) called for the strategy to adhere to international human rights standards, to recognise the role of indigenous and local communities in sustaining the forests, to include a strategy on addressing conflicts over land and to include a complaints mechanism so that people can report violations or negative impacts REDD+ and have their problems addressed.¹¹
- ♦ more and more REDD+ demonstration activities. As of February 2011, the Ministry of Forestry had approved 16 such projects, and more than 60 were on the waiting list.¹² There is increasing concern about these projects going ahead before safeguards for communities have been agreed. A study by the Jakarta-based NGO HuMa raises particular concerns about the lack of safeguards among bilateral

(Continued on page 16)

BP Tangguh, two years on

An update on the situation at the giant gas and LNG project in West Papua's Bird's Head region, operated by the UK-based energy multinational, BP.

More than two years on from the beginning of production at the Tangguh Liquid Natural Gas (LNG) project, questions about BP and its US\$5 billion project in Bintuni Bay, West Papua still haven't gone away.

Events on the other side of the world last year produced other uncomfortable questions for BP. The Gulf of Mexico oil disaster highlighted the environmental and social cost of drilling for oil and gas. In West Papua's case, these costs are less visible to the outside world because news about Tangguh is harder to access, due to the transport and communication difficulties in the region.

Despite the social, human rights and environmental risks, BP is pushing ahead with plans to expand the Tangguh LNG project: a third production 'train' to add to the two trains already in production will be built by 2014.

BP has also acquired an offshore exploration concession for oil and gas in the Arafura Sea south of Timika and is thought to be planning to acquire further oil and gas concessions in the surrounding area. Put these together with four newly signed coalbed methane contracts in Central Kalimantan and another gas project in East Kalimantan,¹ and BP's commitment to expanding its Indonesian interests becomes clear.²

Demand for LNG from abroad remains high, with Tangguh's output being shipped to markets in China, the USA and South Korea. Japan and Taiwan are also potential importers of Tangguh's LNG. As well as this, BP has been in discussion with various parties to begin supplying LNG to the Indonesian market. There have been reports of potential contracts to supply LNG to power stations in North Sumatra³ and even the possibility of supplying LNG to a proposed new petrochemical plant in West Papua itself.⁴

It is clear that the demand for new and more plentiful energy supplies is prompting Indonesia to try and meet that demand, particularly through the Tangguh project. BP and its Indonesian counterpart BP Migas are aligning themselves to benefit from this push.

Meanwhile, against a backdrop of economic growth throughout Indonesia,⁵ the push for ever greater profit and growth has been highlighted by a recent announcement that the Indonesian government is looking to renegotiate the price of its LNG sales contract with one of the Tangguh's biggest



BP-Tangguh LNG operation in Bintuni Bay, West Papua.

customers, the China National Offshore Oil Corporation (CNOOC).⁶

Tangguh as top-down 'development' and the role of TIAP

The dark cloud growing on the horizon behind this Bintuni Bay energy bonanza is the dangerous political situation that is developing in West Papua. For many years DTE has been reporting on the human rights situation in West Papua and has highlighted the need for local communities to be taken into account by governments and companies when launching new initiatives and deciding upon government policy. DTE has consistently called for development to be rooted in and responding to the needs, interests and priorities of local communities. Meanwhile, mega-projects such as BP Tangguh have been pushed ahead under the banner of bringing progress and development to West Papua, but with the main objective of extracting natural resources for far-away markets and energy demands.

Since the beginning of the Tangguh project, DTE, along with various other NGOs and civil society actors, has attended meetings of the Tangguh Independent Advisory Panel (TIAP) in order to push BP to recognise and respect community rights to lands and resources, and to address local concerns about this mega-enterprise. TIAP was set up

by BP in 2002 to "provide external advice to senior decision-makers regarding the non-commercial aspects of the Tangguh LNG project". Increasingly, the independence and effectiveness of the TIAP process has been called into question. In 2009, Lord Hannay, one of the then TIAP panel members, accused some of the NGOs of "crying wolf" over the human rights situation in West Papua.

Two years on, although BP Tangguh has made efforts to insulate itself from some of the problems of operating in West Papua, it appears unlikely that the project can avoid getting mired in the wider problems afflicting the region.

Conflict, killings, strikes and corruption continue to dog the Rio Tinto-Freeport mine near Timika⁷ and an increase in violence in Papua generally means that problems are starting to get closer to Tangguh.

The Asian Human Rights Commission recently issued an urgent action outlining the detention and imprisonment of various activists under the charges of 'rebellion' for raising the morning star flag in the regional capital Manokwari.⁸ At the beginning of September, a journalist covering the protests of indigenous landowners was beaten up by the district chief of South Sorong and his assistants and pressurised to report in their favour.⁹

Neither of these incidents was directly related to BP Tangguh, but they are evidence of growing tensions and discontent in the region following the July Peace Conference (see page 6) and other political developments. There remains widespread discontent with the failure of Special Autonomy to address Papua's problems. The question of population balance also feeds the tensions. A recent report on the overall situation in West Papua has predicted that the indigenous population, which accounts for around half the population today, will be outnumbered two to one by the immigrant population within the next ten years.¹⁰ All these tensions will only be exacerbated by this further marginalisation of the local indigenous population.

Questions for BP

What role does the presence of BP Tangguh play in this picture of increasing discontent and conflict in West Papua? At the recent TIAP meeting, DTE raised specific questions about the situation in the surrounding area of Bintuni Bay. Our questions were based on the result of prior consultations with CSOs and

TIAP Mark II

The TIAP meeting, held in March 2011 in London, was the first meeting of the 2nd Tangguh Independent Advisory Panel and the first to report on the operations phase of the Tangguh project.

The old panel had appeared to get 'mission fatigue' in its role as a source of independent advice for BP.¹¹ However, the new panel, as well as having a more limited mandate and consisting of only two members, also seems to have got off to a slow start.

At the latest meeting, only one panel member was present; Augustinus Rumansara, environmental advisor to the Governor of Papua, a previous chair of the Asian Development Bank's Compliance Review Panel and former employee of BP Indonesia. Gary Klein, a partner in the law firm DLA Piper, continues to serve as the panel's 'counsel and secretariat' and acted as the second member of the panel for this meeting.¹² Having agreed to be part of the panel, the US Senator Chuck Hagel withdrew from it in March 2010. In June of this year, US Senator Tom Daschle was announced as the new second member and chair of the panel.¹³

community representatives in West Papua and Jakarta. We asked about claims for compensation for the Sebyar and Immeko communities, and sought clarification on BP Tangguh's social, health and welfare programmes for the north shore communities in Bintuni Bay. The meeting discussed a proposal for a human rights advocate for Bintuni Bay.¹⁴ We conveyed the message from Yan Christian Warinussy, the director of LP3BH, a human rights advocacy organisation based in Manokwari, that BP needs to proactively support the reporting of the human rights situation in the region.¹⁵ DTE reminded BP of the recent OECD ruling against BP in relation to the Baku-Tbilisi pipeline, which calls on BP to take into account the human rights context of their projects.¹⁶ BP staff at the meeting agreed to 'seriously consider' the proposal for a human rights advocate for the Bintuni Bay region and to 'take it forward'. DTE understands that since then, BP has agreed to fund this proposal.

One of the main issues to emerge at the meeting was grievance procedures at BP Tangguh. There was agreement that these procedures aren't being taken advantage of in order to air and resolve community concerns and that they are too complicated and often culturally inappropriate.¹⁷ DTE also raised concerns about BP's community development programme, reported by an Indonesian civil society organisation, UCM-Jakarta, which is working with local communities on the north shore of Bintuni Bay. In both this and the Sebyar and Immeko compensation claim

cases, the bureaucratic grievance procedures at BP have not produced results. It is clear from these complaints that the reality on the ground in these communities is very different to the rosy picture that is painted by BP itself in much of its corporate literature and publicity.

Other issues discussed at the TIAP meeting included the employment of local Papuans. On this, BP reported that the local Papuan employment targets for 2029 are unlikely to be met.¹⁸ On the issue of resettlement, it was pointed out that concerns had been raised by BP's financial backers as to the sustainability of the resettled villages.¹⁹ On financial transparency, public and trackable information about revenues from Tangguh was lacking still. The meeting discussed the role of women in the Bintuni Bay area and the need for gender considerations to be central to all aspects of the Tangguh project. Also, the ongoing question of Tangguh's failure to use carbon capture and storage as a means of reducing carbon emissions was noted. These issues and others were discussed, but after all the talking, the wider, more obvious question remained unaddressed: who stands to gain most from Tangguh, and who will suffer the lasting social, human rights and environmental impacts?

Notes

1. <http://www.bp.com/genericarticle.do?categoryId=2012968&contentId=7068063>
2. <http://www.thejakartapost.com/news/2010/12/17/bp-plans-third-Ing-train-tangguh-project-2011.html>
3. <http://www.bloomberg.com/news/2011-05-26/bp-may-supply-Ing-to-gas-negara-s-n-sumatra-terminal-correct.html>
4. <http://www.thejakartapost.com/news/2011/04/18/german-firm-invest-900m-west-papua.html>
5. Indonesia's growth rate in 2010 was calculated at 6.1% in 2010. See: http://www.indexmundi.com/indonesia/gdp_real_growth_rate.html
6. Indonesia plans Tangguh price talks: <http://www.upstreamonline.com/live/article278756.ece>
7. <http://www.thejakartapost.com/news/2011/09/20/workers%E2%80%99-strike-continues-freeport%E2%80%99s-grasberg-copper-mine.html>
See also *Bintang Papua*, 19 September 2011.
8. <http://www.urgentappeals.net/support.php?ua=AHRC-UAU-041-2011>
<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-117-2011>
9. *Jubi*, 9 September 2011
10. http://japanfocus.org/-David_Adam-Stott/3597
11. *DTE* 82, September 2009: <http://www.downtoearth-indonesia.org/story/ngos-accused-crying-wolf-over-tangguh-human-rights-risks>
12. See: Introduction to TIAP first report on Operations phase, January 2011: http://www.bp.com/liveassets/bp_internet/indonesia/STAGING/home_assets/downloads/

Tangguh standards tool

DTE's summary of BP's social, human rights and environmental commitments is on our website in Indonesian and English at <http://www.downtoearth-indonesia.org/story/tangguh-bp-and-international-standards>.

The document is an attempt to bridge the information gap between BP's rhetoric and the reality on the ground in Bintuni Bay (and more widely in West Papua), and to provide local communities a tool with which to hold BP to account. It is clear that BP's claim that the Tangguh operation is a 'worldclass model for development'²⁰ remains an empty boast, given the problems identified at Tangguh itself and given the inequalities and growing tensions that still mark out West Papua today.

t/TIAP_Report_2010.pdf

13. <http://www.bp.com/genericarticle.do?categoryId=9004787&contentId=7069580>
14. See also recommendation 3, Section 8, TIAP first report on Operations phase, January 2011.
15. A translation of an article on the recent human rights situation in Papua written by Yan Christian Warinussy that appeared in *Bintang Papua* on 14 September 2011 is available at: <http://westpapuamedia.info/2011/09/16/warinussy-on-the-politics-behind-the-recent-conflicts-in-papua/>
16. <http://www.thecornerhouse.org.uk/resource/revise-final-statement-complaint-under-oecd-guidelines-multinational-enterprises>
17. The process of addressing community grievances has also been advanced through new national legislation on freedom of information. The Indonesian government was required to provide supporting documentation to claims for compensation for customary land of the Sebyar tribe in Bintuni Bay. See: <http://www.thejakartapost.com/news/2011/04/28/indone-freedom-information-lawsia%E2%80%99s-one-year.html>
18. For the specifics of these employment targets, see Employment Section of DTE document: *Tangguh, BP and International Standards*, Section 3, p13: <http://www.downtoearth-indonesia.org/node/456>
19. Further information on these concerns about sustainability by the 'Lenders Panel' can be found in their final report on 'Environmental and Social Monitoring' from August 2010 on the Asian Development Bank's website at: <http://www.adb.org/Documents/SEMRs/INO/38919/38919-01-ino-semr.pdf>
20. See: <http://www.downtoearth-indonesia.org/old-site/73tan.htm> This claim is still repeated in the literature surrounding the Tangguh project today, even in the most recent TIAP report from January 2011 and BP's recent press release on Tangguh of 17 June 2011. ♦

Songs of worries, songs of strength

...and some hopes for securing sustainable livelihoods.

Notes from a workshop co-organised by LP3BH, Yalhimo, Mnukwar, DTE and PPP.

**Nanoto tompan fo wojaru, nanoto
tompam fo wojaru
Nanipun sorsorememo, nanipun
sorsorememo**

*Let us see the star rising from the sea
to stand on the peak
to convey the news
(that) something will happen in Mpur*

Something was indeed happening in Mpur. The song above was composed by participants in their own language, Amberbaken, during a climate change workshop in May 2011. Worries about the changing landscape, bringing uncertainties to their livelihoods, were a dominant theme at the event.

The Amberbaken area lies on the northeastern coast of the Bird's Head region, West Papua, and is the home of the Mpur people. Linguist Malcolm Ross tentatively assigned the Mpur/Amberbaken language as one of the three West Papuan language families. It was once also catalogued as a language isolate (an independent language) by *Ethnologue*¹ as it is a relatively independent language.

Until less than a decade ago, Amberbaken was a relatively isolated place. The military clamp-down on the OPM (Free Papua Organisation) had been very heavy in



Map of West Papua province. Dark green areas are primary forest, lighter green, secondary forest. The grey districts are those with the highest levels of deforestation in the 2005-2009 period.

Source: JASOIL

the area, and consequently access to it was restricted.

Historically however, Amberbaken did not have a reputation for being isolated. Local folklore tells a story of how rice - which is not a traditional Papuan staple - was brought into the area and became a locally cultivated crop. The story goes:

A man escaped from his detention at the Tidore court during the time the northeastern coast of Papua was under the domination of the Tidore Kingdom. He came home bringing rice seeds wrapped in his curly hair. From then on the people of Mpur grow their own rice as well as sago and sweet potato as their staples.

The local rice - which is a matter of local pride - tastes much better than the *raskin* (government-subsidised rice provided for the poor people).

Today, a leg of the Trans-Papua Road connecting Manokwari and Sorong (a distance of around 568 km) passes through the area. It is helping to make the Amberbaken more accessible, but it is also making it easier for outsiders to come and exploit the area's rich natural resources. Amberbaken's isolation is being broken once more but this time much more rapidly and on a massive scale.

The roar of chainsaws and bulldozers tearing down the pristine forests has been countered by the loud protests of environmental activists at the development of the Trans-Papua road. The road has allegedly cut through parts of North Tamberau Nature Reserve.² The protests underline concerns that the new artery aimed at bringing the new blood of investment to the region will also suck the life-blood out of the local communities. The revenue it brings may well only line the pockets of members of the local government elite, while the newly opened access brought by the road will speed up the destruction brought by oil palm plantation development and mining (see map, page 1 for an idea of the extent of concessions in Papua and West Papua).

JASOIL, the local NGO coalition



*Singing the workshop songs, Arfu, May 2011
(Photo: Adriana Sri Adhiati)*

working on social and environmental justice, has studied the development plans of West Papua province. After overlaying maps of the plans, the group concluded that between 2000 - 2010 the fastest increase in the rate of deforestation occurred in several districts including Manokwari district (see map), and now also the newly created Tambrauw district, where Amberbaken is located.

The Mpur people have learned about the problems associated with oil palm plantations from the experience of transmigrants living in transmigration villages in the palm oil zone, some 60km away from Amberbaken. The transmigrants have introduced a new kind of economy, which includes selling garden produce - most vegetable and fruit supplies from the Manokwari region come from the transmigration sites. But they have also witnessed the land provided for them under transmigration programme slowly but surely deteriorating following the introduction of oil palm.

Problems around the transfer of land ownership for transmigration sites persist today. They are the fire hidden inside a mound of rice chaff (as a local saying goes) which could flare up at any time. Demands from the previous Papuan owners to return the land have often led to conflicts, sometime with fatalities. None of the parties can sleep peacefully until this matter is settled.

**Isok ifo burodaiimo
bahabimo burodaiimo
bahabimo mugouwaoroh
monuh mogetew**

*Those people chase after us
Kill us
Kill our blood
To pay for this land*

(song composed in Meyakh language
at the workshop)

A land rich in resources that will not last forever, Papua is like a cake and many people are eager to get their hands on a slice. *Those people* - the ones eager for a slice of the cake - include Papuans who are keen to reap some cash rewards from acquiring positions of power and control over the resources. The push to gain political power, as well as *pemekaran* - the creation of new districts by dividing old ones - has been splitting families and clans. Some local groups in Amberbaken have been worried about splitting Manokwari district to create a new district - Tambrauw (named after the mountain range in the region) - at the western end of the region. They feel this will only benefit a few people rather than improving the welfare of whole community. In their view, *pemekaran* only helps shorten the distance for negotiation and decision-making between investors and the self-enriching local elites. And *those people* are not always trustworthy.

Seeking a sustainable solution

**Inta nek Papua
nek mafuno
war disiyu
soro bundake**

**ilmu bwano jasa bwano
inun mbe intar waro dokone
dokone**

*My land Papua
land of beauty
water of refreshment
mountains covered in clouds*

*for the calling of knowledge and service
I have to go
leaving my land of Papua*

(song in Kebar language, composed at the
workshop)

The Mpur are aspirational people. Given the opportunity they will send their children far away from home to get a higher education, even to another island, if necessary, since only limited education facilities are

available in the area. While the arrival of big oil palm estates looks imminent,³ during the recent workshop, the Mpur participants expressed an interest in looking for positive alternatives to oil palm to boost the local economy. The thinking goes like this: once local people's welfare is improved, they will better be able to resist the temptation to sell their land. They know that more often than not, they would end up worse off if they relinquished their resources. Not only would they lose the resources that are the basis of their livelihoods, but they would also lose their cultural and psychological connections to the forests.

nek te eyen

land is our mother

(Mpur expression)

Aware of the conflict that might erupt within the community once they start giving in to outside pressure, they are looking inside their own community - to strengthen and improve their customary (*adat*) rules. *Adat* has been tried and tested and has helped them to

(continued next page)

One woman's story

Selviana Anari is a *guru jemaat*⁴ in her late 20s, with the main responsibilities of teaching the Gospel, leading church services and taking care of the church community. Her choice of work is not typical of Papuan women. Most women in her community stay at home to take care of the housework and the forest garden, and look after children. In a conversation with DTE's Adriana Sri Adhiati, Selviana outlined some of the main concerns facing women in her area.

Selviana grew up in a religious family. Her father and husband are also *guru jemaat*. Although uncommon, the call to become a religious leader seems natural, given her family background. To become a *guru jemaat* she has had to go through a special religious teacher college - in her case, it is equivalent to high school - that makes her one of the most highly-educated people in the community.

For women in the community, her church runs a special religious service at home, followed by other activities. They also provide home economics training (eg sewing, cooking skills) for women in the community.

Among the many challenges of her work, she admits that *pemekaran* is quite a substantial one. One of her main tasks is to maintain the size of her congregation. If it is not growing in number, at least it should not be decreasing. *Pemekaran*, however, has shifted the administrative borders where her congregation lives. This makes her worried that her congregation members might join other churches with better access to religious facilities under the newly established district.

Pemekaran and the opening up of the region by the Trans-Papua road development, has also indirectly influenced her family's decision to move house. The house they live in now used to be a hut in their forest garden. They moved there to be near the new road. Currently, around 25 families like hers have settled in the area, forming a new village, Wasanggon, which in turn is supporting *pemekaran* because of the expansion of facilities it brings with it.

The issue of *pemekaran* (at district and provincial level) is one that doesn't get the attention it deserves given its effects on Papuan communities and ecosystems, as it leads to more military personnel, more resource extraction, and the imposition of government structures which are divisive for local communities.

Selviana also pointed out that the high rate of maternal and infant mortality, due to the limited basic health facilities, remains a major problem for women and children in the community. Her observation confirms reports that put Papua among the regions with highest maternal mortality rate in Indonesia, while the country itself is already ranked bottom of the Southeast Asia table on maternal mortality.⁵

Another common problem in the community is domestic violence against women by their husbands, mostly linked to alcoholism. A Manokwari-based NGO, LP3BH, has been trying to address the problem in its campaigns in the past couple of years, in line with their work to promote human rights.⁶

Land grabs and ecological destruction - a formula for climate injustice

Down To Earth and the Manokwari-based NGO LP3BH ran a Training of Trainers workshop on the theme of Climate Justice in Manokwari, March 2011. As follow up to this workshop, five NGOs organised jointly a workshop for village leaders in Amberbaken.

During the workshop, the issue of climate justice was linked to local concerns about oil palm development, how the increase in demand for alternatives to fossil-based energy may lead to conversion of forests into plantation estates for so-called renewable energy, and how the solution for one group of countries problem creates problems for others.

Such false solutions to climate change, which is itself the result of ecological imbalance, add to the existing ecological problems and those which might develop in the future, should there be no change in the development model.

Papua, a land where injustice prevails in most aspect of people's lives, is also on the receiving end of climate injustice.

(continued from previous page)

survive over the centuries. This strengthening work to 'look inside' to better equip themselves to face change has just started.

Notes

1. A publication of SIL International, which studies lesser-known languages, with the primary intention of translating the Bible into such languages.
2. *Jubi*, 7 Jan 2010, 'Jalan Trans Papua Barat, Serobot Kawasan Cagar Alam Tambrau Utara' <http://www.tabloidjubi.com/daily-news/seputar-tanah-papua/4530-jalan-trans-papua-barat-serobot-kawasan-cagar-alam-tambrau-utara.html>
3. <http://vogelkoppapua.org/?page=news.de tail&id=82> - news about inauguration of a new oil palm estate of some 15,500 hectares in Sidey owned by subsidiary of the Medco Group, one of Indonesia's super-conglomerates. Sidey is a neighbouring area of Amberbaken.
4. The teacher of the congregation - see *The history of Christianity in Indonesia*, eds. Jan S. Aritonang, Karel, A. Steenbrink
5. http://www.searo.who.int/en/Section313/Section1520_13441.htm
6. <http://vogelkoppapua.org/?page=news.de tail&id=190>♦



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Mpur Peoples and development

*a film by Mnukwar
with support from DTE*

This new film explores the views of the Mpur community, West Papua, on development plans for their region which will affect their land, livelihoods and culture.

Set up in 2007 by several environmental and social justice activists, Manokwari-based NGO Mnukwar focuses on facilitating learning about community rights and citizenship through film-making.

The group believes that empowering people does not need to be expensive: the Mnukwar crew has been teaching people how to use any media able to record moving images, such as a simple mobile phone, to create a film.

The film can be viewed via our website at:
www.downtoearth-indonesia.org