

Save the Malind and the Forests of Papua: Stop the MIFEE Megaproject

Indonesian and International Civil Society Statement on MIFEE policy



MIFEE is Top-Down

The Merauke Integrated Food and Energy Estate Project (MIFEE) is a large-scale national development project located in Merauke, Papua Province. The government has established Merauke as a Special Economic Zone and a priority area for the agricultural sector, to serve as a large-scale provider of food and energy crops. This area is being portrayed as the most extensive area of fertile lowland with development potential in Papua. The natural forests and grasslands/savanna in this area are regarded as 'idle' or 'empty' land with a low population, which should therefore be used to support large-scale food and energy development.

The government has taken various policy steps aimed at speeding up the development of MIFEE. These include providing trillions of rupiah, designing a spatial plan to support the project, issuing preliminary concessions (*izin lokasi*) and releasing forest lands, setting low rates of compensation; infrastructure development through the MP3EI (Masterplan for the Acceleration and Expansion of Indonesia's Economic Development) – roads, ports, irrigation; and permitting the armed forces to carry out the work to speed up infrastructure development; and providing financial incentives.

In 2010, the government published its **Grand Design for MIFEE**, which designated 2.5 million hectares of land (around 55% of Merauke's total land area of 4.5 million hectares) as having potential for agricultural development. The National Spatial Coordination Board recommended an area of land covering 1,282,833 hectares as suitable for the MIFEE programme.

Most of the land in the MIFEE project area consists of forest, swamp and grassland. The government has classified this land as production forest for conversion covering 1,128,042.7 hectares; and land for 'other uses' (APL) covering 154,790.3 hectares. This is at odds with how the land is understood by local indigenous Papuan peoples, mostly the Malind, who live in most parts of the Merauke region. For the Malind, the forest, swamp and grasslands, fulfil a diversity of social, cultural, economic and environmental values and functions.

The government has mapped and divided this area into ten 'Agricultural Production Centre Clusters'. The reality today is that the government has issued preliminary concessions (*izin lokasi*) to more than 80 investors, covering more than 2.5 million hectares. The Forestry Minister has also agreed to release forest areas to 10 companies, while more are in the process of being agreed. The Agriculture Ministry continues to invite investors to develop sugarcane plantations

on 500,000 hectares of land announced for this purpose. This reflects the fact that control over natural resources is weighted towards the companies.

The people of Merauke take the view that MIFEE policies are being 'handed down from on high'. There has been no change to the centralistic development system. The government creates and decides policies without consulting or informing people. The government has never provided adequate information about MIFEE. The Malind, owners and rights-holders of land in Merauke, feel confused and anxious because their land has been seized by the government without their consent. Communities are not given the freedom to choose how to manage and benefit from their land and natural resource wealth. They are powerless against companies which make full use of their licences, funds and influence, and which enjoy the support of military personnel in persuading communities to hand over their land.

MIFEE project activities, which are based on, and driven by, the interests of the companies, have bulldozed trees in the forests, destroyed fields, and have filled in sago stands, swamps and rivers in the forests. A large part of the land has already been converted into sugarcane and oil palm plantations as well as timber plantations for the pulp industry. These are owned by powerful companies with pan-Asian or international operations which have links with local companies, such as Medco Group, Wilmar International Group, Agro Mandiri Semesta Group, Rajawali Group, Central Cipta Murdaya Group, Astra Group, Mayora Group, Texmaco Group, Korindo Group, Daewoo International, Moorim Group, Artha Graha Group, and Kertas Nusantara.

The impacts of MIFEE

The giant MIFEE project, which is being implemented without a Strategic Environmental Assessment, has already had significant impacts on people and environment:

Socio-economic impacts: the Malind, who live by hunting and gathering forest products, have been deprived of their livelihoods. It is increasingly difficult for them to find game and other sources of food in the forests, meaning that their income and quality of life have been negatively affected. The Malind have lost their means of production and economic independence. Instead, they have become dependent on expensive staple goods sold in shops, which they cannot afford on the low wages they earn as company labourers.

Social and cultural impacts: the Malind have been denied access to sites of important historical value for them, and to their sacred and ritual sites. This has led to loss of identity and disturbed the balance in their social and cultural relations. With the arrival of migrant workers, the socio-cultural and economic value systems of the town are becoming dominant and are influencing local social and cultural relations and the local economy. There is discrimination, an imbalance in which migrants control capital and the economy, which increased social tensions and disharmony between the Malind and the migrant communities.

Environmental impacts: the escalation in deforestation and out-of-control logging, along with the destruction of swamps, fields and rivers, the changing ecology and hydrology, the disruption of wildlife habitats, the pollution of rivers and swamps, is, in turn, reducing the carrying capacity of the environment and negatively affecting the Malind. Communities are having more difficulty in accessing food and clean water and cases of malnutrition are on the increase. The poor level of health care is exacerbating a rise in fatalities, mainly among children in Malind villages. In

2013 alone, five cases of child deaths have been identified in Zanegi village, Animha district, with malnutrition the suspected cause.

Intimidation and violence: there has also been an increase in cases of violence involving the Indonesian military in the forcible release of Malind land for company plantations or for infrastructure projects to support the MIFEE project.

What needs to be done

Based on the situation described above, it is our view that the MIFEE project has violated the constitutional rights of the Malind people as stated in the preamble of the 1945 Constitution, where the state is formed *“to protect all the people of Indonesia...and to improve public welfare”*; as stated in the 5th Principle of the *Pancasila*: *“Social justice for the whole of the people of Indonesia”*; and as also stated in Article 33 of the 1945 Constitution.

The MIFEE project has seized Malind land and forcibly transferred their land rights with low rates of compensation, and has destroyed forests, fields, sago stands, swamp, and important sites. This has violated the Malind’s right to development; their right to give or withhold their Free Prior and Informed Consent to development, the right to an adequate standard of living, the right to live in safety, the right to equal protection before the law, the right to justice, and the right to a healthy environment, as regulated in Law No. 39/1999 on Human Rights, Law No. 32/2009 on Environmental Protection and Management and in the International Covenant on Economic, Social and Cultural Rights, which Indonesia has ratified.

In July 2103, 27 Indonesian and international organisations submitted a report to the UN Committee on the Elimination of Racial Discrimination requesting its consideration of the situation of the Malind and other indigenous peoples of Merauke, under the Committee’s urgent action and early warning procedures.¹ A first submission was made two years ago which prompted the Committee to communicate its concerns to the Government of Indonesia.²

But despite the concerns and recommendations made by the Committee and a second submission on the situation of the Malind and other indigenous peoples made on 6 February 2012,³ Indonesia failed to take any corrective action and the situation continues to deteriorate. There has been no discernible change in policy or practice with respect to the MIFEE project, and there has been continued disregard for the internationally guaranteed rights of the indigenous Malind people, notably under the United Nations Declaration on the Rights of Indigenous Peoples.

Therefore, we consider it necessary to urge the Indonesian government to immediately stop all parts of the MIFEE project that are threatening the survival of the Malind people, to review and revoke the licences of companies which have caused forest destruction and have reduced the carrying capacity of the environment. Further, we urge the Indonesian government to take the following policy steps to save the Malind People and the forests of Merauke:

1. We urge the Indonesian government to respect the rights of the Malind People and to protect their means of production in order to sustain and to improve their lives.
2. We urge the government of Indonesia to make efforts to empower and build the capacity of the Malind People according to their own development needs as agreed and articulated by the Malind People themselves.

3. We urge the Indonesian government to engage in an official dialogue with representatives of the Malind People who have been chosen freely, on the best way to address the situation, prioritizing a constructive dialogue and a non-violent approach.
4. We recommend that the Indonesian government invites or grants the request for a field visit by the United Nations Special Rapporteurs on the Rights of Indigenous Peoples, on the Right to Food and on Contemporary Forms of Slavery, in the interest of fulfilling its international obligations, including those related to the rights of indigenous peoples in Papua.

Thank you

Coalition of Civil Society Organisations:



¹ See <http://www.downtoearth-indonesia.org/story/mifee-submission-cerd-27-organisations>

² http://www.forestpeoples.org/sites/fpp/files/news/2011/08/EW_UA%20Indigenous%20Peoples%20Merauke%20Indonesia%20July%2031%202011%20Final.pdf

³ See <http://www.forestpeoples.org/sites/fpp/files/publication/2012/02/2012-cerd-80th-session-ua-update-final.pdf>