

Rights, forests and climate briefing series – October 2011

PAPUA AND WEST PAPUA: REDD+ and the threat to indigenous peoples

The Indonesian provinces of Papua and West Papua occupy the western half of the island of New Guinea. They are the most forested and culturally diverse provinces in the country, inhabited by more than 300 indigenous peoples.

According to the 2010 census, the populations of the provinces of Papua and West Papua were 2,851,999 and 760,855 respectively.

On the other hand, the National Statistics Bureau ranks Papua and West Papua at the bottom of the Human Development Index compared to other provinces in Indonesia. Health, education, life expectancy, security, income and life sustainability in both provinces were lower than any other provinces in the nation. The proportions of poor people in Papua and West Papua are the highest in the nation, with more than 35% classified as poor according to official criteria.



Map of Papua

Papua's forests encompass 405,443 km² comprising 106,191 km² of protected forest, 80,258 km² of conservation forest, 20,541 km² of limited production forest, 105,832 km² of permanent production forest and 92,621 km² of convertible production forest.

The provincial Forestry Offices in Papua and West Papua estimate the combined deforestation rate in the two provinces at 130,000 ha annually. Peat swamp forests encompass eight million hectares, which represents a third of all Indonesia's peat swamp forests. A quarter of Papua's swamp forests are categorised as conversion forest. If all this area were to be converted into agriculture, more than a billion tons of CO₂ emissions would be released.

REDD+ in Papua

After decades of top-down government management of forestry operations, with little consultation with affected communities, many indigenous communities in Papua and West Papua are far from clear about their rights to land and natural resources. 80% of the indigenous communities are in rural areas and 70% of these are officially classified as poor, with little access to information on government plans for their natural resources.

At the *Green Governors Gala COP 13 (2007)* in Bali, in front of the world's political and business leaders, The Governors of Papua and West Papua expressed their support for reducing emissions from deforestation and forest degradation, or REDD+.

The initiative for climate change mitigation is expected to increase the income and welfare of the Papuans as well. Several voluntary market-based REDD+ initiatives have been identified in Papua, but to date, none have progressed beyond the early planning stages.

In 2008, New Forest (Australia) and PT. Emerald Planet signed a Memorandum of Understanding with the Governor of Papua to develop plans to reduce emissions from deforestation in 265,000 hectares of forests in Mamberamo and Mimika. However, the project developers were unable to obtain all the necessary permits to develop the projects. The Governor of West Papua has approved a service agreement with the project developer Carbon Strategic Pty Ltd. (Australia), which is now idle. Currently, Australia-based Asia Pacific Carbon, Ltd. is undertaking assessment and surveys to engage in carbon trade and conservation of the biodiversity of the forests in West Papua. New Forest has presented its plan to the REDD+ Task Force in West Papua. Carbon Conservation and several international NGOs such as Flora and Fauna International (FFI), Conservation International (CI) and The World Wildlife Fund (WWF) also support the Papuan government's initiative.

To date, no significant progress has been made in the preparation phase of these projects. Information, concepts and content of the agreements have not been disseminated to the public, either officially or unofficially, by the provincial governments. 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 Atururi, 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 governments nor the related government institutions have issued policies or programmes to implement the regulation of communities' customary rights and laws.

At the national level, Indonesia's Department of Forestry issued a decree in 2009 on Procedures to Reduce Emissions from Deforestation and Forest Degradation. The REDD+ regulation potentially allows community forests to be managed as REDD+ sites, if the communities obtain a

permit from the Minister of Forestry. In general, however, the national REDD+ regulations fail to fully recognise and protect the customary land and resource rights of indigenous peoples.

Meanwhile, indigenous peoples in Papua have not been informed of the national REDD+ regulation or of the fact that REDD+ projects may be implemented on their customary territories. Nor are they actively engaged in developing policies and regulations affecting their forests and living space. On the contrary, the national government has determined that the forests where these local communities are living are "state forests" to be used "for the interests of development and carbon trade projects" without the acknowledgement of community rights. Based on this flawed national regulation, the development of REDD+ and carbon trade projects will be threatened or will have to be coercively implemented if they do not recognise and safeguard the rights of the indigenous peoples of Papua.

"The State never helped my ancestors to make our sago gardens out there. How can it be that all these lands belong to the State?"

Egenius Beljai from Kweel Village, Eligobel sub-district, Merauke District, Papua, Indonesia, in June 2011.

Threats

The communities in the three sites that Pusaka and Forest Peoples Programme regularly visit in Papua and West Papua have yet to consider the implications of proposed climate change mitigation initiatives on their rights to land and forests. When the REDD+ projects are implemented, will they affect communities' access to their forests? Despite international norms and standards for REDD+ on the need to recognise and protect the rights of indigenous peoples in project sites, no clear information has been provided to the communities from the national or regional governments on policies or practices related to community rights. This lack of clarity concerning community rights can be seen in the Forestry Minister's Decree No. 30/2009 on REDD+, which states that customary forests are among the areas where REDD+ can be implemented. However, no law has been passed or regulation established at the national level that provides explicit legal recognition of indigenous peoples and customary forests.

On the other hand, the indigenous peoples of Papua living in rural villages are still dependent on hunting, gathering and harvesting medicinal plants. The staple food –sago – is

generally collected from the sago swamp forests found in many customary territories. Similarly, other needs such as animal protein are obtained from hunting and fishing in the forests and the waters inside customary territories. The local concept of rights to land is commonly based on the rights of a clan or *hak pertuanan*. Under the rights of a clan, which are typically held by a chief, a communities' rights are vulnerable to manipulation through their system of representation, as chiefs do not always engage with their communities to inform them about development plans and projects being discussed with outside interests. The rights of a customary group to their ancestral lands can be obtained on paper by outsiders through the mere signature or thumbprint of the clan head alone.

Another factor leading to indigenous communities becoming marginalised from modern agricultural or forestry production systems is that these systems require workers or managers to have a certain level of knowledge and skills which are not typically available to members of rural communities. This is compounded with a lack of recognition and due consideration for pre-existing customary knowledge systems and uses of natural resources, developed by indigenous peoples over generations.

Small Efforts for the Indigenous Peoples of Papua

Since 2008, Pusaka and Forest Peoples Programmeme, along with local Civil Society Organisations (CSOs), have been assisting indigenous peoples in villages in the following areas: the Oadate tribe in Oadate (Waropen district), the Bauzi tribe in Kasonaweja and Mamberamo Hilir (Mamberamo Raya district), the Kamoro tribe in Iwaka and Nayaro (Mimika district) and the Marind tribe (Merauke), Papua Province and the indigenous peoples of Waiyai in Friwen (Raja Ampat), Shywa (Maybrat), the Mpur tribe in Mubrani, Senopi and Kebar (Manokwari) and the Arfak tribe in Sidey and Prafi (Manokwari).

The cooperation with these communities aims to strengthen their capacity to understand and protect their rights. Activities include discussing rights in land under local, provincial, national and international law; participatory mapping; dialogues with the local and provincial government officials and decision makers, and discussions with Papuan NGOs and REDD+ project developers. The main activities relate to problems surrounding community rights in land, FPIC, and planned climate change mitigation initiatives. The objective of the field work undertaken by Pusaka and FPP is to strengthen the communities' capacity to understand and assert their rights and influence decision makers and development planners, based on their awareness of their



Village in Merauke

rights as set out in both national and international laws. The right of communities to FPIC and laws relating to human rights are the main topics discussed in the trainings, village meetings and workshops held by Pusaka and FPP.

We also work with local organisations including: YPLHPMSP (Environmental Development and Papuan Civil Society Empowerment Foundation), JASOIL (Social and Environmental Advocacy Network), YALI Papua, FOKER-LSM Papua, Jaringan Perempuan Mimika, SKP Mimika and SKP Merauke and KOMALI. The workshops and trainings also involve regional government officials as resource persons or participants.

“If FPIC just leads to the weakening of the roots of our culture rather than making it develop, then you (Emil) belong to a group that cannot be trusted”

One of the village leaders attending the workshop in Aceh on REDD+ in August 2011.

Responses from the Communities and the Regional Governments

Examples of the outcomes of the workshops and trainings that Pusaka and FPP have held are the following responses from members of communities in Waropen and representatives of the Forestry Office of Waropen, who attended a workshop with Pusaka held in Waropen on November 11th – 12th 2009.

The Indigenous Peoples:

- We want to map our customary territories. Please, pass this request on to the Minister, the Department of Forestry. Revoke the logging permits granted to PT. IRMA SULINDO, which encroaches onto the protected forest of Waropen district, and to PT. WAPOGA MUTIARA TIMBER, which is taking logs near our water springs. In Papua (Amberbaken) there are two reserve projects, one by WWF and the other by the government (the Forestry Office), which overlap our forest and lands.
- Regarding logging in the region of Raja Ampat, especially in South Waigeo, there is a plan to clear part of the forest for the Waigeo ring road. There are four tribes living in that part and I have a piece of customary land there too, which will be affected by the plan. The road is said to be fifteen metres wide. The Regent says it is customary land. I ask that the Department of Forestry issue a regulation referring to the customary

arrangements applicable in Papua.

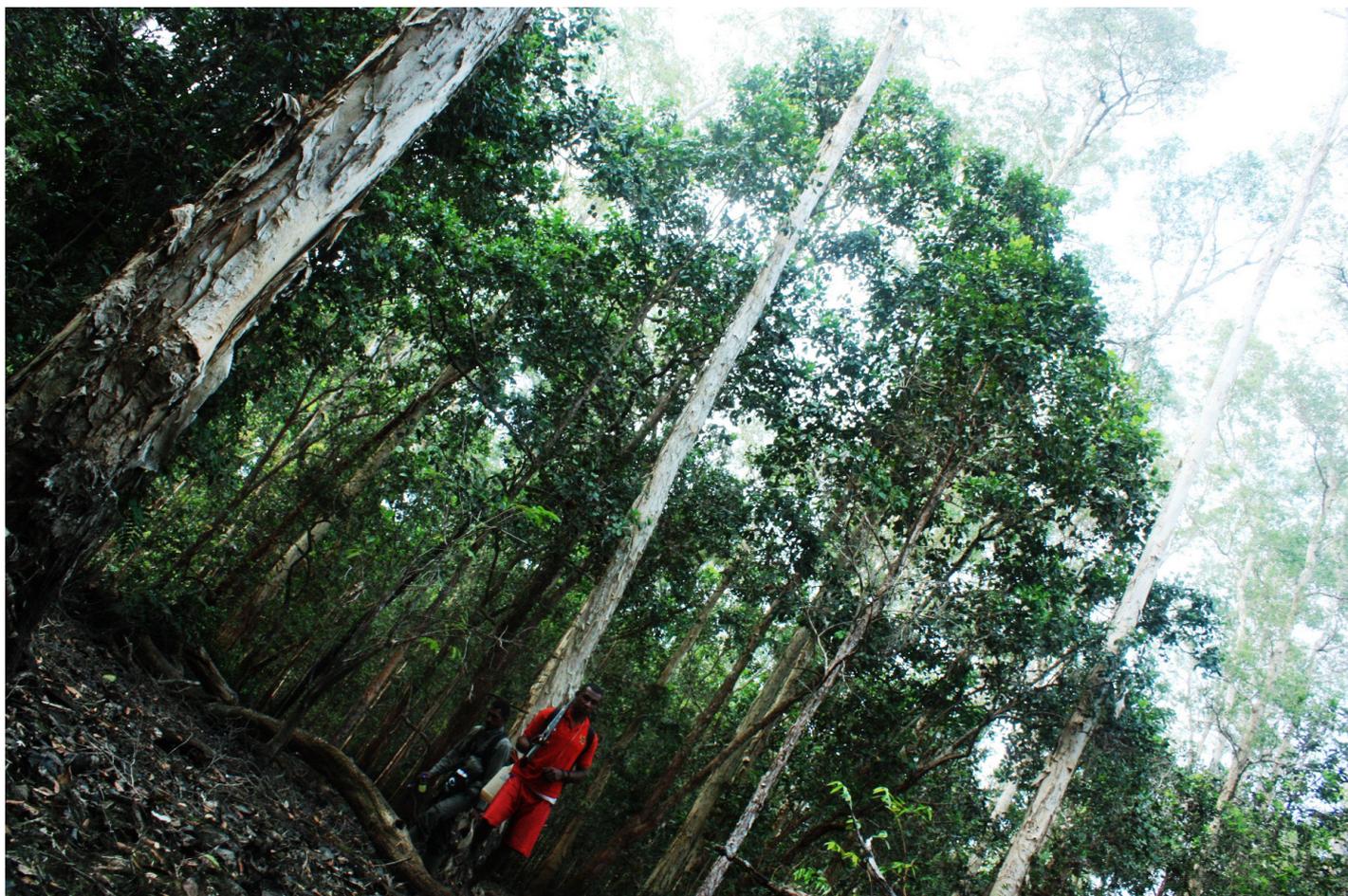
- There are agreements on forest management and REDD+ in Papua; we expect they will be implemented, notably in West Papua. The province has a lot of natural resource potential but permits have always come from the Governor, not from the indigenous peoples as the rightful owners of the resources. Boundaries of clans' land have been put into place, but they are not recognised by the government. Is a decree needed for the process to be clarified? In our opinion, it is important that the national and regional governments recognise the rights of the indigenous peoples in an honest and just manner.

Representative of the Forestry Office of Waropen:

- I think the slogan, “no REDD without rights” should be replaced with “no REDD without indigenous peoples' authority”. Papua's Special Autonomy Law on Customary Laws says that illegal logging is a forest crime and is subject to customary sanctions, but no enforcement is in place.
- We all take into consideration the customary status and the sustainability of forests and the environment in Papua. Customary disputes are in fact difficult to resolve and have been a continuous element in the history of forest management. The Department of Forestry has learned from its experiences and despite ongoing weaknesses, we see that we are free to talk and communities' movements are encouraging the governments to change. The Department is starting to appreciate not only forests but also the role of communities in protecting these forests. The Department itself disagrees with large-scale forest clearing as an approach to development. The government is going through major changes as authority is no longer centralised.

“It is good if custom can form the roots of FPIC, since custom is the first foundation of communication in a society”

Community participant at Law and Human Rights workshop organised by Pusaka and Huma in Merauke, Papua, June 2011.



Forests in Merauke

Outputs of Advocacy Efforts

The series of activities undertaken, among others, by Pusaka and FPP have gained support from local CSOs as well as the regional governments, and especially from the indigenous peoples we have worked with:

- In Mamberamo and Waropen, the Regents came to the workshops and expressed their district government's commitment to supporting the recognition of indigenous peoples' rights.
- The members of indigenous communities that attended trainings on FPIC, and legal and human rights have increased their involvement in processes at the village, sub-district and district levels regarding the formulation of policies and development of project monitoring plans. Julianus Kowela, a customary leader of Waropen, for example, has started to be actively engaged in these activities right up to the national level.
- The indigenous peoples have started to plan and propose cooperation with NGOs to support their plan to map customary territories.
- The indigenous peoples have started to publish and broadcast stories and reports on their problems through local print and electronic media.

Recommendations

Climate change mitigation efforts in Papua need to pay special attention to the rights and needs of indigenous peoples that will be affected by these efforts. Measures to inform and cooperate with indigenous communities must respect the right of communities to FPIC and be undertaken with participatory planning that effectively involves all the indigenous communities that will be affected.

Such involvement can be done through:

- Village meetings involving all potentially affected communities, using processes that respect the right of communities to give or withhold their FPIC.
- Regional and district government officials disseminating development plans to indigenous communities before the plans are finalised, so that

communities can choose if and how they want to be involved.

- Participatory mapping of customary territories throughout Papua.
- The district governments in Papua and West Papua must issue affirmative policies and programmes that encourage recognition and safeguard of indigenous peoples' rights in villages.
- Capacity building for community leaders and customary institutions at the sub-district and district levels.

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Granted United Nations Economic and Social Council (ECOSOC) Special Consultative Status July 2010.