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Request for Further Consideration of the Situation of the Indigenous Peoples of Merauke, Papua Province, Indonesia, and Indigenous Peoples in Indonesia in General, under the Committee on the Elimination of Racial Discrimination's Urgent Action and Early Warning Procedures

I. Introduction

1. The Indonesian and international organisations listed in Annex A hereto (“the submitting organisations”) hereby respectfully request that the Committee on the Elimination of Racial Discrimination (“the Committee”) continues to consider the situation of the indigenous peoples of Merauke, Papua Province, and indigenous peoples in the Republic of Indonesia (“Indonesia” or “the State”) more generally, under its urgent action and early warning procedures (“UA/EW procedures”).¹ At this time, they write to provide additional information in relation to the communication adopted by the Committee on 2 September 2011.²

2. The Committee’s communication of 2 September 2011 concerns not only the urgent and grave situation faced by the indigenous peoples of Merauke in connection with the Merauke Integrated Food and Energy Estate project (“the MIFEE project”), but also Indonesia’s compliance with paragraph 22 of the Committee’s 2007 concluding observations (concerning implementation of the 2001 *Papua Special Autonomy Law* and the “measures adopted to ensure the enjoyment by Papuans of their human rights without any discrimination”).³ It also references the recommendations made in the Committee’s 28

¹ ‘Papua’ as used herein refers to both the provinces of Papua and West Papua.

² *Letter of Anwar Kemal, Chairperson, CERD, to Indonesian Permanent Mission to the United Nations*, 02 September 2011. Available at: <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>.

³ *Concluding observations of the Committee on the Elimination of Racial Discrimination: Indonesia*. UN Doc. CERD/C/IDN/CO/3, 15 August 2007, at para. 22.

September 2009 letter, adopted under its UA/EW procedures, which expresses concern about a lack of respect for indigenous peoples' property and other rights in forestry-related laws, specifically Reduced Emissions from Deforestation and Forest Degradation ("REDD") regulations, adopted in 2009.⁴

3. In its letter, the Committee observes that Indonesia has failed to provide any information on the above, and requests a meeting with representatives of the State to discuss these issues during its 80th session. The submitting organisations respectfully add that, to their best of their knowledge, Indonesia has also failed to respond to the Committee's communication of 13 March 2009 (also adopted under the UA/EW procedures), which requests information on, *inter alia*, the implementation of paragraph 17 of its 2007 concluding observations (the subject matter of which corresponds to the Committee's most recent communication).⁵

4. The following short report provides additional and updated information on the situations highlighted in the Committee's above referenced communications. It concludes that Indonesia has failed to give effect to the Committee's recommendations, and despite some important and commendable efforts to adopt a law on the rights of indigenous peoples (see paragraph 33 below), that indigenous peoples throughout the country continue to lack any meaningful protection for their rights in domestic law. Indeed, all of the prejudicial defects in national law previously identified by the Committee remain in effect. Additionally, not only has Indonesia failed to reconsider the forestry regulations specified by the Committee in September 2009, it continues to pursue projects and operations based on these regulations that further deny indigenous peoples (and others) the exercise and enjoyment of their rights (see paragraphs 21-32 below).

5. The situation of the indigenous peoples of Merauke continues to be dire and there has been no discernible change in policy or practice with respect to the MIFEE project (see paragraphs 14-20). Decisions that affect the indigenous peoples of Merauke and Papua more broadly continue to be adopted without their effective participation and without reference to their rights. These decisions are implemented and enforced in a highly prejudicial manner and indigenous Papuans continue to suffer extreme and pervasive discrimination and other serious violations of their human rights. Papua also continues to be heavily militarised and the military is often involved in protecting extractive operations and plantations on indigenous lands, as well as rights-violations more broadly. Moreover, the *Papua Special Autonomy Law* remains largely ineffective due to, *inter alia*, the lack of requisite implementing laws and action (see paragraphs 7-13 below).

6. The submitting organisations, therefore, respectfully request that the Committee continues to monitor and takes action on the situation of indigenous peoples in Papua, and in Indonesia more generally, under its UA/EW procedures. They further request that the Committee makes appropriate recommendations aimed at assisting Indonesia to comply with its international obligations with regard to indigenous peoples. Specific requests are set forth in paragraph 34 below.

II. Failure to Implement the Papua Special Autonomy Law and Persistent and Gross Violations of Basic Human Rights in Papua

7. The *Papua Special Autonomy Law* ("PSAL") was adopted as an alternative to demands for independence made by the representatives of the Papuan indigenous peoples to the President of Indonesia

⁴ Letter of F-B. V. Dah, Chairperson, CERD, to Indonesian Permanent Mission to the United Nations, 28 September 2009. Available at: <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>.

⁵ See Letter of F-B. V. Dah, Chairperson, CERD, to Indonesian Permanent Mission to the United Nations, 13 March 2009. Available at: <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>. See also CERD/C/IDN/CO/3, 15 August 2007, at para. 17 (recommending that "The Committee, while noting that land, water and natural resources shall be controlled by the State party and exploited for the greatest benefit of the people under Indonesian law, recalls that such a principle must be exercised consistently with the rights of indigenous peoples. The State party should review its laws, in particular Law No. 18 of 2004 on Plantations, as well as the way they are interpreted and implemented in practice, to ensure that they respect the rights of indigenous peoples to possess, develop, control and use their communal lands. While noting that the Kalimantan Border Oil Palm Mega-project is being subjected to further studies, the Committee recommends that the State party secure the possession and ownership rights of local communities before proceeding further with this Plan. The State party should also ensure that meaningful consultations are undertaken with the concerned communities, with a view to obtaining their consent and participation in the Plan").

in February 1999.⁶ This law was intended to correct serious inequality and human rights violations as well as to refocus the self-determination aspirations expressed by the majority of indigenous Papuans. As such, it includes an explicit acknowledgement that

the administration and development of the Papua Province has not complied with the sense of justice, has not yet achieved prosperity for all people, has not yet fully supported law enforcement, and has not yet respected the human rights of people in Papua Province, in particular among the Papuan indigenous communities; and (2) that the management and use of the natural wealth of Papuan land has not yet been optimally utilised to enhance the living standard of the indigenous Papuan peoples, creating a wide socio-economic gap between Papua Province and other regions, and violating the basic rights of indigenous Papuans.⁷

8. Despite the compelling rationale for its adoption, the PSAL has yet to be adequately implemented almost 11 years after it was adopted: there has been very little meaningful devolution of powers to the provincial level,⁸ considerable amounts of the funding allocated for special autonomy programmes have been misappropriated,⁹ and human rights violations and discrimination against indigenous Papuans continue to be pervasive.¹⁰ The same is also the case for violations of the rights of the Papuan indigenous peoples to own and effectively control their traditional territories and the resources therein (the MIFEE project, discussed below, is just one example of how these rights continue to be abused with impunity).

9. The nature and extent of the human rights violations perpetrated by the Indonesian state against the Papuan indigenous peoples are expansively documented in a study by the Yale University Law School Human Rights Programme. This study considers the question of whether Indonesia's policy and activities in Papua may be considered 'genocidal' as that term is understood in international law. It concludes that "the pattern of activity undertaken by the Indonesian government, when considered in aggregation, begins to emerge as the sort of conduct that the [Genocide] Convention was designed to proscribe."¹¹ It describes this pattern of activity as follows:

The Indonesian government, particularly the military, Brimob [a paramilitary police force], and the KOPKAMTIB [military intelligence], has regularly brutalized the people of West Papua since the end of the colonial period, killing uncounted thousands in a series of incidents. Through its transmigration programs, the Indonesian government has undermined the social and cultural heritage of the people of West Papua by altering, at a fundamental level, the demographics and the underlying social structures of the region. Through the economic development efforts that it has sponsored, the Indonesian government has caused widespread and devastating pollution and other environmental damage, which, in turn, have led to the further obliteration or forced relocation of numerous West Papuan groups. Through its refusal

⁶ See generally L. Sullivan, *Challenges to Special Autonomy in Papua Province, Republic of Indonesia*, Australian National University Discussion Paper 6/2003, at 1. Available at: www.ips.cap.anu.edu.au/ssgm/papers/discussion_papers/sullivan.pdf.

⁷ *Papua Special Autonomy Law 2001*, Considerations, articles (f) and (g). Translated text in, A. Sumele, *Protection and Empowerment of the Rights of Indigenous People of Papua (Irian Jaya) Over Natural Resources Under Special Autonomy: From legal opportunities to the challenge of implementation*, at p. 14. Available at: rspas.anu.edu.au/papers/rmap/Wpapers/rmap_wp36.rtf.

⁸ See R. Chauvel, 'Filep Karma and the Fight for Papua's Future', *Inside Story*, 6 April 2011 (stating that "the one issue on which there is agreement between the Indonesian government and some of its Papuan critics is that the Special Autonomy Law has failed. Yet this recognition has produced sharply contrasting responses. The government seems intent on reasserting its direct control over Papua and reducing the limited authority that had been devolved to the provincial government. In Jakarta's new policy framework, the provincial government would remain part of the planning process but won't have the critical role envisaged in the Special Autonomy Law's provisions for self-government"). Available at: <http://inside.org.au/filep-karma-and-the-fight-for-papuas-future/>.

⁹ See 'Papua group wants KPK to pursue audit findings', *The Jakarta Post*, 19 April 2011 (documents calls to investigate corruption with respect to funds for Papua). Available at: <http://www.thejakartapost.com/news/2011/04/19/papua-group-wants-kpk-pursue-audit-findings.html>; and 'Policy of Special Autonomy in Papua to be Evaluated', *Tempo Interactive*, 20 April 2011 (where the President's special staff for regional development and autonomy, Velix Wanggai, told the media "the President realizes that the special autonomy funds have not been optimally and effectively managed"). Available at: <http://www.tempointeractive.com/hg/nasional/2011/04/20/brk.20110420-329023.uk.html>.

¹⁰ See *infra*.

¹¹ E. Brundige et al, *Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control*, Allard K. Lowenstein International Human Rights Clinic, Yale Law School, April 2004, at 71. Available at: http://www.law.yale.edu/documents/pdf/.../west_papua_final_report.pdf.

to introduce necessary measures of medical and economic relief for a plague that, evidence suggests, the government itself introduced, the Indonesian government has turned a willfully blind eye to the decimation of the people of West Papua. Indeed, throughout the past forty years, the Indonesian government has shown a callous disregard for—and, at times, an intentional and specific malevolence toward—the basic human rights and dignity of the people of West Papua.¹²

10. These shocking conclusions are echoed by numerous independent observers, including Indonesia's national human rights commission, KOMNAS HAM, and demonstrate that pervasive human rights violations and impunity for the perpetrators persist to this day. A 2011 report by Franciscans International, for example, states that “the indigenous people of Papua remain subject to severe human rights violations committed by Indonesian security forces and state authorities;” and that “the perpetrators of torture and extrajudicial killings enjoy impunity [and] indigenous Papuans making use of their civil and political rights are facing detention and conviction.”¹³ With regard to the PSAL, this report explains that in June 2010, “the indigenous community returned Law No. 21/2001 on Special Autonomy for Papua to the Indonesian Government as its regulations had barely been implemented by the state. Despite improved legislation, a Human Rights Court and a Truth and Reconciliation Commission for Papua have never become a reality.”¹⁴

11. Based on leaked copies of internal military reports, Human Rights Watch has documented the role of Indonesia's army in conducting massive and unlawful surveillance operations against Papuans, predominately those engaged in peaceful and internationally protected activities.¹⁵ It has also documented the practice of arresting and imprisoning Papuans on charges of ‘treason’ for engaging in nothing more than the exercise of their rights to freedom of speech and assembly, including activities that are ostensibly protected under the PSAL.¹⁶ This includes an armed attack on a peaceful meeting in October 2011, during which three members of the Papuan People's Congress were extra-judicially executed and 300 attendees were arbitrarily arrested and severely physically abused.¹⁷ These accusations were substantiated by the KOMNAS HAM, which called for an immediate investigation by civilian authorities, a proposal that was bluntly rejected by State officials.¹⁸ The common use of torture against detainees in Papua is also well documented.¹⁹

12. Violations of indigenous peoples' rights more specifically are equally well documented and equally pervasive. For instance, the US State Department's 2011 *Annual Report on Human Rights*, which is not known for being critical of Indonesia, states that

During the year indigenous persons, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and

¹² *Id.*

¹³ See *Human Rights in Papua 2010-11*, Franciscans International, Papua Land of Peace and Asian Human Rights Commission, November 2011, at p. 6. Available at: <http://tapol.gn.apc.org/reports.html>.

¹⁴ *Id.* See also *id.* at p. 20 (stating that “In June 2010, the [Papuan People's Assembly – an institution established by the PSAL] together with representatives of indigenous institutions, groups, and tribes held a General Assembly to discuss and evaluate the Special Autonomy Law in Jayapura. The two-day forum concluded that the Special Autonomy Law failed to answer the needs and fulfil the basic rights of the Papuan peoples. In its recommendations, the Papuan People's Assembly and the Indigenous People of Papua decided to return the Special Autonomy Law to the Government of Indonesia and to demand a dialogue between the Indonesian Government and the People of Papua under international mediation”).

¹⁵ See Human Rights Watch, ‘Indonesia: Military Documents Reveal Unlawful Spying in Papua’, 14 August 2011. Available at: <http://www.hrw.org/news/2011/08/14/indonesia-military-documents-reveal-unlawful-spying-papua>.

¹⁶ See Human Rights Watch, ‘Indonesia: Hold Abusers From Military Accountable’. More Than 100 Political Prisoners Held for Protesting Peacefully’, 25 January 2011. Available at: <http://www.hrw.org/news/2011/01/24/indonesia-hold-abusers-military-accountable>.

¹⁷ See ‘Indonesia: “Slap on the wrist” for police violence in Papua is accountability failure’, *Amnesty International*, 23 November 2011. Available at: <http://www.amnesty.org/zh-hant/node/28274>.

¹⁸ See *inter alia* ‘For Papuans, Obama Visit to ASEAN Summit Brings Home Heavy Price of Indonesia's Economic Development Plans’, *Yale Law School*, 5 December 2011. Available at: <http://www.law.yale.edu/news/14411.htm>.

¹⁹ See Human Rights Watch, ‘Indonesian military gets away with torture. Three days of torture, it seems, is not a serious human rights violation in Indonesia’, 9 February 2011. Available at: <http://www.hrw.org/news/2011/02/09/indonesian-military-gets-away-torture>; and Human Rights Watch, ‘Prosecuting Political Aspiration: Indonesia's Political Prisoners, 23 June 2010. Available at: <http://www.hrw.org/reports/2010/06/23/prosecuting-political-aspiration-0>. See also ‘Torture widespread in Papua’, *The Jakarta Post*, 14 January 2012. Available at: <http://www.thejakartapost.com/news/2012/01/14/torture-widespread-papua.html>.

logistical problems to indigenous communities. The government failed to prevent companies, often in collusion with the local military and police, from encroaching on indigenous peoples' land. In Papua tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, and among indigenous tribes.²⁰

13. James Silk, the Director of Yale University Law School's Human Rights Clinic, adds that "Indonesia's exploitation of rich Papuan lands and their impoverished indigenous owners reveals the dark but little-known underbelly of the country's development ambitions. This exploitation stretches back half a century."²¹ Referring to the MIFEE project, he urges that "As violence escalates, world leaders should press the Indonesian government on the long-term, less conspicuous abuses of Papuan rights: government-sanctioned mass seizure of indigenous land for the purpose of natural resource extraction and large-scale agriculture for export."²²

III. The MIFEE project continues unabated and with severe consequences for indigenous peoples

14. The above described situation provides the setting for the MIFEE project, which falls within the paradigm of 'land-grabbing' addressed in some detail by the UN Special Rapporteur on the Right to Food, Olivier de Schutter.²³ As Franciscans International explained in 2011, "Powerful national and international economic actors – from corporations to governments – have identified Merauke as an empty land and a site for fuel and food production."²⁴ However, "MIFEE is different from most land-grab projects because of the military-business-political framework and the climate of political intimidation and oppression present in West Papua"²⁵ It adds that

Economic and political interests in Papua remain the driving force behind the human rights violations in Indonesia's easternmost region. In August 2010, the Merauke Integrated Food and Energy Estate (MIFEE) was launched in the Merauke Regency, Papua Province, with the view to developing a plantation of 1.2 million hectares for cash-crops. This development poses a threat to the economic, social and cultural survival of the indigenous people in southern Papua. Violations of land rights and violations of Free, Prior Informed Consent (FPIC) are reported from numerous indigenous villages affected by MIFEE and other areas of natural resources exploitation.²⁶

15. Despite the concerns raised by the Committee in September 2011, the MIFEE project continues to operate without regard for the rights of the affected indigenous peoples and to their extreme detriment. There has been no discernible change in Indonesia's policy and practice in this respect. In an October 2011 'low carbon development conference' held in Papua Province, for instance, where indigenous Papuans denounced the MIFEE project, a representative of the Merauke District government vehemently stated that the views of non-State entities would not be taken into account and that the economic objectives of the MIFEE project will prevail. There has also been no official reaction from the State about either the

²⁰ *US Dept. of State, Human Rights in 2010: Indonesia.* Available at: <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154385.htm>.

²¹ 'For Papuans, Obama Visit to ASEAN Summit Brings Home Heavy Price of Indonesia's Economic Development Plans', Yale Law School, 5 December 2011. Available at: <http://www.law.yale.edu/news/14411.htm>.

²² *Id.*

²³ *See Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge.* Mr. Olivier De Schutter, Special Rapporteur on the right to food, 11 June 2009 (stating, at p. 7-8, 12, that indigenous peoples are especially vulnerable and often suffer irreparable harm in connection with land-grabbing, 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). Available at: <http://www2.ohchr.org/english/issues/food/docs/BriefingNotelandgrab.pdf>.

²⁴ Franciscans International et al, *Human Rights in Papua 2010-11*, November 2011, at p. 37.

²⁵ *Id.* (stating that "Key players in MIFEE, on the contrary, all have political connections. The Comexindo Group, for example, is owned by Hashim Djojohadikusumo, the brother of ex-Kopassus general and son-in-law of Soeharto, Prabowo Subianto. In this case, the lines between political, security, and corporate interests appears, at best, blurred;" and, at p. 38, that "Military personnel also play an active role in persuading communities to accept MIFEE investments on their land. Most companies employ people with a military or intelligence background to influence communities to accept foreign investments as well as to protect the projects, and the interests of the companies once they are operational. Alliances are also created between local government officials and police and military personnel making it difficult for communities to resist or challenge the companies").

²⁶ *Id.* at p. 6.

Committee's recommendations or how it may consider addressing the concerns raised by numerous parties about the human rights impacts of the MIFEE project.

16. These concerns are far from negligible and, as the Committee stated in September 2011, they directly relate to the survival of the affected indigenous peoples as distinct cultural and territorial entities, particularly as this is fundamentally intertwined with their ability to maintain their multiple connections to their ancestral lands and territories.²⁷ As numerous observers have indicated, the "direct and indirect consequences of MIFEE will be the wiping out of customary land tenures in areas targeted by the project, and their full incorporation into the state system for controlling land" and; the "scale of MIFEE and the expected influx of migrant workers will displace these communities from their customary lands and livelihoods, bringing a drastic change to their way of life and culture."²⁸ The national indigenous peoples' organisation of Indonesia, AMAN's, statement read to the ninth session of the UN Permanent Forum on Indigenous Issues explains the gravity of the situation and calls the MIFEE project "unacceptable."²⁹ AMAN concludes that the MIFEE 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."³⁰

17. The indigenous peoples affected by the MIFEE project, who depend on their ancestral forests for their means of subsistence and cultural and spiritual sustenance, disproportionately suffer the negative effects of the MIFEE project and gain few, if any, benefits. This is borne out by the Indonesian NGO, PUSAKA, which has made the most comprehensive study to date on the social, cultural, political, and economic implications of the MIFEE project. It concludes that MIFEE is not designed to provide jobs or development for the local population because their way of living off the land as hunter-gatherers and small-scale farmers has not prepared them for commercial farming or equipped them with the necessary skills or technical knowledge.³¹

18. In short, the MIFEE project constitutes the kind of activity that the Committee's UA/EW procedures were designed to address. MIFEE is a large-scale and extreme "Encroachment on the traditional lands of indigenous peoples ... for the purpose of exploitation of natural resources," and represents a situation that threatens their cultural survival given their extreme vulnerability and the high likelihood of substantial, negative and multi-generational impacts on the maintenance of their relationships with their traditional territories.³² It thus represents a grave situation "requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention" and to reduce the risk of further racial discrimination.³³ The climate of pervasive violence and human rights violations against indigenous Papuans, including entrenched discrimination at all levels of society, is an aggravating factor that intensifies the urgent and extreme nature of this situation and compels international scrutiny and attention.³⁴ As Franciscans International states, the "overall impact on the indigenous peoples is going to be potentially catastrophic unless urgent action is taken to protect them."³⁵

19. The submitting organisations stress that violations of the rights of indigenous peoples caused by agro-industrial plantations are by no means limited to the MIFEE project or to Papua Province,³⁶ but are

²⁷ Letter of Anwar Kemal, Chairperson, CERD, to Indonesian Permanent Mission to the United Nations, 02 September 2011 (requesting information on "the impact of transmigration over their capacity to survive as a minority...").

²⁸ Franciscans International, Papua Land of Peace and Asian Human Rights Commission, *Human Rights in Papua 2010-11*, November 2011, at p. 37.

²⁹ Statement of AMAN to the ninth session of the UN Permanent Forum on Indigenous Issues, 23 April 2010. Available at: <http://www.aman.or.id/in/masyarakat-adat/masalah-masyarakat-adat/179.html>.

³⁰ *Id.*

³¹ Y. Zakaria et al, *Beyond Malind imagination: Beberapa catatan atas upaya percepatan pembangunan cq. Merauke Integrated Food and Estate (MIFEE) di Kabupaten Merauke, Papua, dan kesiapan masyarakat adat setempat dalam menghadapinya*. Jakarta: Pusat Studi dan Advokasi Hak-hak Masyarakat Adat (PUSAKA), 2010.

³² See *Guidelines for the Use of the Early Warning and Urgent Action Procedure*, August 2007, at p. 3, para. 12.

³³ *Prevention of Racial Discrimination, including early warning and urgent procedures: working paper adopted by the Committee on the Elimination of Racial Discrimination*. UN Doc. A/48/18, Annex III, at para. 8-9.

³⁴ Rodolfo Stevenhagen, the former UN Special Rapporteur for Indigenous People explained in his report during the Commission on Human Rights at its 61st session in 2005 that "Indigenous people in Papua suffer from widespread discrimination that prevents them, in certain ways, to gain access into institutions in community, which enable them to make their own decision, such as in education, treatment, health, equal earning/income, public view of women, and self-respect, although there exists the Papua Adat Council and Papuan People Assembly."

³⁵ Franciscans International et al, *Human Rights in Papua 2010-11*, November 2011, at p. 40.

³⁶ See *id.* p. 40-1 (listing other oil palm projects affecting indigenous peoples in Papua).

endemic throughout Indonesia.³⁷ Protests by indigenous and other dispossessed peoples are often violently suppressed by armed police and paramilitary units working at the behest of the companies involved.³⁸ The scale of these problems has been recognised by Indonesia's national human rights commission, KOMNAS HAM, which hosted a meeting of South East Asian national human rights institutions, NGOs and indigenous peoples' organisations in December 2011 to specifically discuss the human rights impacts of agribusiness. At this meeting, a representative of Papuan indigenous peoples focused on the MIFEE project, explaining that it will "destroy the forest and livelihoods of Papuan indigenous people in Merauke."³⁹ The Secretary-General of AMAN further explained that "Discrimination towards the indigenous peoples of Indonesia by the government is based on economic benefits. ... West Papua's economy is dependent on its natural resources. Therefore, the existence of Papuan indigenous peoples is considered as a threat towards the government's efforts to occupy the natural resources."⁴⁰

20. The meeting organised by KOMNAS HAM resulted in the '*Bali Declaration on Human Rights and Agribusiness*', which is intended to provide a framework for the South East Asian national human rights institutions to address the human rights impacts of agribusiness in their various countries.⁴¹ While the *Bali Declaration* has been used by KOMNAS HAM in dialogue with other entities of the Indonesian State, the State has yet to formally indicate whether it supports the *Bali Declaration* or to take any action with respect to the rights set forth therein. Rights violations in plantations in Indonesia therefore continue unabated.

IV. Discriminatory Forestry Regulations and REDD projects in Indonesia

21. In its September 2011 communication, the Committee requested that Indonesia respond to its September 2009 letter concerning the Forestry Ministry's 2009 REDD regulation, as well as inform it of the State's efforts to comply with its detailed 2007 recommendations concerning reform of its forestry, plantations and land legislation. These reforms recommended by the Committee are intended to ensure that these laws no longer discriminate against indigenous peoples. However, Indonesia is yet to revise the relevant laws and is yet to respond to the Committee's letter from September 2009 and its other requests for information.⁴²

22. In effect, Indonesia's REDD Regulation No.30/2009 and the Law on Forestry (No.41/1999) allow the State to create a massive system of publicly- and privately-held forestry concessions and 'carbon sinks' in the forests traditionally owned by indigenous peoples without any regard for their rights or existence. Disregard for the Committee's recommendations and indigenous peoples' rights more generally in REDD activities entails profound risks, risks that, as discussed below, have already materialised to indigenous peoples' detriment in actual REDD projects in Indonesia.

³⁷ See *inter alia* R. Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, *Oral Statement to the UN Permanent Forum on Indigenous Issues Sixth Session*, 21 May 2007, at p. 3 (identifying plantations in Indonesia as placing indigenous peoples "on the verge of completely losing their traditional territories and thus of disappearing as distinct peoples") and; *Sustaining Economic Growth, Rural Livelihoods and Environmental Benefits: Strategic Options for Forest Assistance in Indonesia*, World Bank, December 2006, at p. 2.

³⁸ See 'Rural Indonesians Demonstrate to Demand Land Rights and an End to Land Grabs', *Statement of the Joint Secretariat of the Indonesian Movement for Recovering People's Rights*, Jakarta, 12 January 2012 (statement made by an alliance of indigenous peoples, farmers, workers and landless people as well as supportive NGOs following a high profile cases of police violence against and killings of rural people protesting land grabs). Available at: <http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2012/01/rural-indonesians-demonstrate-demand-land-rights-a>.

³⁹ See <http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2011/12/updated-press-release-bali-declaration-acclaimed-a>.

⁴⁰ *Id.*

⁴¹ See <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2011/bali-declaration-human-rights-and-agribusiness-southeast-asia->.

⁴² See *Regulation on Reduction of Emissions from Deforestation and Forest Degradation Procedures*, Ministry of Forestry (No. 30/2009, P.30/Menhut-II/2009), 01 May 2009, at Art. 1(4) and (5); and Law 41, 1999 on Forestry, Art. 1(4) and (6) (both explaining that "Indigenous forest is state forest located in the area of customary law" and, 'state forest' is "forest that is on land that is not burdened by land rights"). Under the *Basic Agrarian Law* some form of customary rights to lands are recognised. However, these rights will be superseded by any grant of real title or other form of registered property right and the State has wide discretion to determine whether customary rights continue to exist. This legislative scheme was rejected by the Committee in its 2007 concluding observations. See CERD/C/IND/CO/3, at para. 15-7.

23. That REDD activities may have severe impacts on indigenous peoples has been acknowledged by the Office of the High Commissioner for Human Rights (“OHCHR”),⁴³ the Permanent Forum on Indigenous Issues (“PFII”)⁴⁴ and by the UN REDD Programme (“UNREDD”).⁴⁵ The PFII decided in 2008 that, if they are to avoid harm to indigenous peoples, REDD plans and projects must “respect rights to land, territories and resources, and the rights of self-determination and the free, prior and informed consent of the indigenous peoples concerned.”⁴⁶ The OHCHR observes that “indigenous communities fear expropriation of their lands and displacement” in connection with REDD initiatives,⁴⁷ and concludes that indigenous peoples require special attention to ensure that their rights are respected.⁴⁸ The UNREDD concurs and has formally incorporated the 2007 UN *Declaration on the Rights of Indigenous Peoples* into its operational policy instruments.⁴⁹ It explains that the right to free, prior and informed consent is “a fundamental policy and operational underpinning of the UN-REDD Programme.”⁵⁰ Indonesia’s approach and practice with respect to REDD stands in stark contrast to the positions adopted by these UN bodies.

24. Indonesia’s Forestry Ministry has stated that it is planning to conduct a review of its REDD regulations. However, no timeline has been established, no information has been provided to civil society as to how the review will be conducted or whether it will include consideration of how the current regulations discriminate against indigenous peoples. The Forestry Law – one of the laws specifically identified by the Committee in 2007 as lacking adequate protection for indigenous peoples’ rights – is also included for revision in the National Legislation Program of 2010-2014. So far, however, there has been no effort by the State to move forward on the revision, nor any indication of when or how it may be reviewed.

25. While the Forestry Ministry repeatedly claims that its REDD Regulation provides an opportunity for indigenous peoples to participate in, and presumably benefit from, REDD projects, the requirements therein are presently impossible for them to fulfill. The current criteria for the inclusion of a “customary forest” (meaning forests located within lands traditionally owned by indigenous peoples) in REDD projects are:

- the enactment of the Forestry Ministry’s Decree on the Rights to Customary Forest Management;
- obtaining a recommendation from the local government on the implementation of REDD;
- satisfying the criteria and indicators for the REDD project site; and
- submitting an implementation plan for the REDD project.

26. However, to date, the Forest Ministry has yet to enact the Decree on the Rights to Customary Forest Management, so it is impossible for communities to apply for and obtain a REDD license for their customary forests.⁵¹ Irrespective, this decree is not intended to constitute recognition of rights of ownership and control over traditional forests – as recommended by the Committee in its extensive 2007 concluding observations – but merely a license to obtain a revocable forestry concession in which payments may be made for maintaining forests and the carbon sequestered therein.

27. Indonesia is pursuing many REDD initiatives and projects in conjunction with various bilateral and multilateral parties. In the case of the World Bank’s Forest Carbon Partnership Facility (“FCPF”), although the Indonesian Government has been preparing a plan with the FCPF for several years, its attempts to

⁴³ *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*. UN Doc. A/HRC/10/61, 15 January 2009, para. 51-4, 68-8.

⁴⁴ *Report of the UN Permanent Forum on Indigenous Issues*. UN Doc. E/C.19/2008/13, at para. 45.

⁴⁵ See UN REDD Programme/Tebtebba Foundation, *Global indigenous peoples’ consultation on reducing emissions from deforestation and forest degradation (REDD)*, Baguio City, Philippines, 12–14 November 2008.

⁴⁶ *Report of the UN Permanent Forum on Indigenous Issues*. UN Doc. E/C.19/2008/13, at para. 45.

⁴⁷ *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, supra*, at para. 68

⁴⁸ *Id.* at para. 94.

⁴⁹ *Operational Guidance: Engagement of Indigenous Peoples & other forest dependent communities, Working Draft*, UN REDD Programme, 23 March 2009, p. 7 (stating that “All UN-REDD Programme activities, particularly those that may potentially impact Indigenous Peoples, must follow a human rights based approach and must also adhere to the United Nations Declaration on the Rights of Indigenous Peoples ...”). Available at: <http://www.un-redd.org/Portals/15/documents/events/20090309Panama/Documents/UN%20REDD%20IP%20Guidelines%2023Mar09.pdf>.

⁵⁰ *Id.* at p. 5.

⁵¹ See *REDD Regulation 30/2009*. Available at: <http://karbon-redd.blogspot.com/2009/07/redd-permenhut-302009.html>.

consult with indigenous peoples have been minimal.⁵² This is highly disturbing given that the OHCHR explains that “Participation in decision-making is of key importance in efforts to tackle climate change.”⁵³ To make matters worse, the proposals submitted by Indonesia to the FCPF to date⁵⁴ do not provide any indication that Indonesia intends to respect or even consider indigenous peoples’ rights in relation to REDD, and it is entirely unclear how or whether World Bank safeguard policies will apply to FCPF activities.⁵⁵

28. Instead, Indonesia’s submissions to the FCPF are based on a default position that indigenous peoples must accept REDD activities in their traditional territories. According to Indonesia, and as noted above, based on the REDD Regulation, indigenous peoples can be “REDD implementers” where they have some form of State-recognised “forest use rights” or, in cases where they do not, “these groups may be involved in monitoring...”⁵⁶ At no point does Indonesia mention a right to participate in decision making and consent to REDD activities, and there is no provision for the protection of their property rights (an omission that is also present in paragraph 17 of the World Bank’s Operational Policy 4.10 on Indigenous Peoples). This arbitrary distinction between indigenous peoples – a distinction based solely on the discriminatory failure of the State to recognise rights – further entrenches and aggravates Indonesia’s impairment and nullification of indigenous peoples’ rights.⁵⁷

29. Separately, the National Task Force on REDD+ Agency Establishment has developed a draft National Strategy on REDD, which states that REDD developments in Indonesia must respect the right of indigenous peoples to FPIC. The President is expected to issue the final REDD National Strategy in the next months. However, the draft National Strategy does not set out how it will be implemented, it may be changed prior to its adoption, and regulations on how the government and other REDD ‘developers’ should respect FPIC have yet to be drafted. Unless existing laws that discriminate against indigenous peoples are revised and indigenous peoples’ territories are recognised, demarcated and protected by law, the draft National REDD strategy will be unable to prevent REDD activities further discriminating against and potentially causing harm to indigenous peoples precisely because these laws supersede and directly contradict the draft Strategy.

30. Such regulations and revisions to existing laws are urgently needed as the approximately 40 REDD pilot projects and ‘demonstration activities’ around the archipelago are presently failing to respect the rights of indigenous peoples to own and control their territories and to FPIC.⁵⁸ For instance, in Central

⁵² In 2010, the Ministry of Forestry held a meeting to consult with NGOs and indigenous peoples about the FCPF, but the invitations for the meeting were issued two days before it was held, few indigenous representatives were invited, and the time for the consultation was less than four hours. The consultation was so poorly organised that NGO and indigenous peoples denounced the event as a non-consultation. See <http://www.redd-monitor.org/2010/05/25/world-banks-fcpf-in-indonesia-fails-to-address-civil-society-concerns/>. Nonetheless, in November 2011, without the prior knowledge of the participants, a FCPF consultant facilitating a workshop held under the auspices of the National Forestry Congress, attempted to have the workshop discussed above classified as a consultation on the FCPF. The participants at the workshop, however, immediately rejected such a classification.

⁵³ *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*. UN Doc. A/HRC/10/61, 15 January 2009, at para. 79.

⁵⁴ These documents are available at: <http://www.forestcarbonpartnership.org/fcp/node/218>.

⁵⁵ Complaints by the AMAN, the national indigenous peoples’ organisation, about the lack of indigenous participation in FCPF related activities and the lack of attention for indigenous peoples’ rights in REDD proposals prepared for the FCPF are available at: http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/AMAN_on_Indonesia_R-Plan_o.pdf. Indonesia has not responded to these complaints, formally or otherwise.

⁵⁶ *Forest Carbon Partnership Readiness-Plan Template, Working Draft 2*, Government of Indonesia, May 2009, at p. 26. Available at: http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Indonesia_Rplan_May2009_o.pdf.

⁵⁷ On the legitimacy of certain distinctions by states within or between indigenous peoples, see *General Recommendation XXIV on Reporting of persons belonging to different races, national/ethnic groups, or indigenous peoples* (Art. 1), 27/08/99, at para. 3 (stating that CERD “believes that there is an international standard concerning the specific rights of people belonging to such groups” and; “that the application of different criteria in order to determine ethnic groups or indigenous peoples, leading to the recognition of some and refusal to recognize others, may give rise to differing treatment for various groups within a country’s population”). See also *Guyana: 04/04/2006*, CERD/C/GUY/CO/14, at para. 16. (expressing deep concern “about the State party’s practice of granting land titles ... on the basis of numerical and other criteria not necessarily in accordance with the traditions of indigenous communities concerned, thereby depriving untitled and ineligible communities of rights to lands they traditionally occupy”).

⁵⁸ Indigenous peoples’ experience with REDD projects in Indonesia to date is extensively surveyed in a series of reports made by Indonesian and international NGOs. See <http://www.forestpeoples.org/fpp-series-rights-forests-and-climate-redd-plus-Indonesia>.

Kalimantan, indigenous Dayak communities affected by the Australia-Indonesia Kalimantan Forest Carbon Partnership have been protesting about the failure of this initiative to respect their customary rights.⁵⁹ In Jambi, Sumatra Province, coffee farmers have been protesting against their forced eviction to make way for a conservation project that will seek REDD financing.⁶⁰ Numerous other examples could be cited. Due to an absence of effective domestic remedies, the affected communities are forced into public protests to seek protection for their rights, protests that are often violently suppressed by State agents.

31. In sum, Indonesia has failed to take any steps to rectify the discriminatory provisions of its 2009 REDD regulation, as recommended by the Committee, and the Forestry Ministry continues to promote the instrument, despite the existence of a number of serious obstacles that preclude its beneficial application to indigenous peoples, and it continues to implement REDD projects that rely on its discriminatory provisions. Predictably, these projects have resulted in violations of indigenous peoples' rights, violations that are neither mitigated in fact nor actionable in domestic venues.

32. The State has indicated that the REDD regulation, and the Forestry Law, will be reviewed, but there is no indication of how this will occur or when and on what basis. While the draft National REDD strategy contains a number of important protections for indigenous peoples' rights, it remains a draft and may be changed prior to its adoption. Moreover, the draft National Strategy contradicts existing laws and there is no indication of how it may be implemented when adopted. The exclusion of respect for indigenous peoples' rights in Indonesia's engagement with the World Bank's FCPF is especially troubling, particularly given the lack of clarity about the potential application of World Bank safeguard policies in FCPF activities. Irrespective, the applicable World Bank safeguard policy on indigenous peoples does not require any action aimed at securing indigenous peoples' property rights as a prior condition to implementation of FCPF activities.

V. The Proposed Law on the Rights of Indigenous Peoples

33. On 16 December 2011, the Indonesian National Parliament adopted a *Draft Law on the Recognition and Protection of the Rights of Indigenous Peoples* as well as an accompanying 'academic paper' drafted by AMAN. The Parliament resolved that this draft law will be among 64 proposed laws to be debated and presented for enactment in 2012. This draft law enjoys the widespread support of indigenous peoples throughout Indonesia and was drafted with their participation as facilitated by AMAN. The submitting organisations commend Indonesia for undertaking the drafting of this law and its collaborative approach with AMAN in conducting consultations to date, and hope that it will be enacted without substantial amendments. If enacted as drafted, and if it is implemented in practice, it will represent a major and long-overdue step forward in the recognition of and respect for the rights of indigenous peoples and their millions of members in Indonesia.

VI. Conclusion and Request

34. In light of the preceding, the submitting organisations respectfully request that the Committee:
- a) Continues to monitor and makes appropriate recommendations about the situation of the indigenous peoples of Merauke affected by the MIFEE project under its UA/EW procedures and in line with its September 2011 letter;
 - b) Continues to monitor and makes appropriate recommendations about the situation of indigenous peoples throughout Indonesia who are affected by oil palm and other natural resources exploitation, including by reiterating its prior recommendations that Indonesia conducts a comprehensive and participatory review of its legislative frameworks pertaining to, *inter alia*, forests, plantations, REDD, and land tenure, and amends these laws to ensure that they no longer discriminate against indigenous peoples;
 - c) Highlights and expresses profound concern about the scale of human rights violations against indigenous Papuans, and makes appropriate and urgent recommendations aimed at addressing

⁵⁹ See Statement by Dayak leaders, available at: <http://aliran.com/6350.html>.

⁶⁰ See <http://en.kpshk.org/index.php/comunity-forestry/read/2010/10/25/1126/merangin-brave-to-threaten-refuse-to-evict.kpshk>.

this alarming situation, including through Indonesia engaging in formal dialogue with the freely chosen representatives of Papuan indigenous peoples about how best to address this situation;

- d) Recommends that Indonesia, as a matter of urgency, establishes a Human Rights Court and a Truth and Reconciliation Commission for Papua, as provided for in the PSAL;
- e) Encourages Indonesia to prioritise constructive dialogue and non-violent approaches to addressing conflict in Papua;
- f) Urges Indonesia to, as soon as possible, enact and implement with the full and effective participation of indigenous peoples, the *Draft Law on the Recognition and Protection of the Rights of Indigenous Peoples* as it was adopted by the Indonesian National Parliament on 16 December 2011;
- g) Urges Indonesia to actively support and implement the *Bali Declaration on Human Rights and Agribusiness* in conjunction with KOMNAS HAM, indigenous peoples' organisations, business entities and NGOs;
- h) Recommends that Indonesia requests or accepts requests for on-site visits from the UN Special Rapporteur on the Rights of Indigenous Peoples and the UN Special Rapporteur on the Right to Food so as to assist it with compliance with its international obligations, including in relation to the rights of indigenous peoples in Papua;
- i) Requests that the above mentioned special procedures report back to the Committee any of their findings or any progress in arranging and carrying out on-site visits; and
- j) Formally and urgently requests that Indonesia ensures that the rights of indigenous peoples are fully recognised and protected in relation to REDD projects, including those supported by bilateral or multilateral partners, in particular the World Bank's FCPF.

Annex A – Submitting Organisations

- **Perkumpulan Sawit Watch** is an Indonesian Non-Government Organisation concerned with adverse negative social and environmental impacts of oil palm plantation development in Indonesia. It is active in 17 provinces where oil palm plantations are being developed in Indonesia. **Address:** Jl. Sempur Kaler No. 28, Bogor 16129, tel: +62 251 352171/fax: +62 251 352047, e-mail: info@sawitwatch.or.id, website: www.sawitwatch.or.id
- **Aliansi Masyarakat Adat Nusantara/AMAN (Indigenous People Alliance of the Archipelago)** is an indigenous peoples' organisation that represents indigenous peoples from the whole of the Republic of Indonesia. The Alliance is aimed to be an organisation for indigenous peoples to struggle for their existence and rights inherited with it as well as to struggle for sovereignty in running their lives and in managing their natural resources. AMAN's main working areas are 1] Indigenous organization, networking and customary institutions development; 2] Indigenous rights advocacy and legal defense; 3] strengthening customary-based economic system; 4] strengthening indigenous women; and, 5] education for indigenous youth. **Address:** Jalan Tebet Utara II, Blok C No. 22 Jakarta Selatan 12820, Indonesia Telp/Fax. +62 21 8297954, e-mail: rumahaman@cbn.net.id
- **Aliansi Masyarakat Adat Kalimantan Barat (Indigenous Peoples' Alliance of West Kalimantan)/AMAN Kalbar** is one of the provincial offices of Indigenous Peoples' Alliance of the Archipelago (AMAN) in West Kalimantan. **Address:** Jl. Budi Utomo, No.03, Siantan Hulu, Pontianak Utara 78241, Kalimantan Barat, Tel/fax: +62 561 885264/885211, e-mail: amakalbar@ptk.centrin.net.id
- **JASOIL (Jaringan untuk Advokasi Sosial dan Lingkungan)** an NGO forum based in Manokwari, West Papua Province which focuses mainly on human rights and environmental sustainability through research, training, community assistance and networking with other civil society organizations. **Contact person:** Piet Sau, JASOIL Manokwari, West Papua Province.
- **Keuskupan Agung Merauke/Sekretariat Keadilan dan Perdamaian (SKP KAME)**, (the Office for Justice& Peace of the Catholic Diocese of Merauke, Papua, Indonesia) is an internal institution of the Catholic Church established in 2001. SKP KAME established as cooperation between the Archdiocese of Merauke and MSC congregation in Papua Regio. It works on contextual situations of local/regional, national and international. The core issues and scope of works are human rights, natural harmony, freedom, gender equality, justice and peace. **Address:** Jalan Kimaam Nomor 2, Merauke – Papua
- **Forum Kerjasama Lembaga Swadaya Masyarakat (FOKER LSM) Papua/Papua NGOs Forum** was found August 31st, 1991 and focuses on: facilitating communication among NGOs in Papua, it purposes to give inputs towards development concept in Papua; and b) participants' empowerment for being able giving a contribution towards development ideas for Papua community. FOKER LSM Papua envisages "The existence of fair, peaceful and democratic life order on socio-cultural, politic, law, economy and nature for indigenous people, both men and women, in Papua." **Contact person:** Septer Manufandu.
- **Lembaga Studi dan Advokasi Masyarakat/ELSAM (The Institute for Policy Research and Advocacy)**, established in August 1993, works to encourage and promote effective mechanisms of accountability for gross human rights violations; and to promote resolution of past human rights violations through revealing the truth, usage of sanction, and reparation, and; to establish acknowledgeable, democratic and sustainable association. **Address:** Jl. Siaga

II No 31, Pasar Minggu, Jakarta 12510, tel: +62 (21) 7972662/fax: +62 (21) 79192519, e-mail: office@elsam.or.id, web: www.elsam.or.id

- **Wahana Lingkungan Hidup Indonesia/WALHI (Friends of The Earth Indonesia)** is the largest forum of non-governmental and community-based organisations in Indonesia. It is represented in 25 provinces and has over 438 member organisations (as of June 2004). It stands for social transformation, peoples sovereignty, and sustainability of life and livelihoods. WALHI works to defend Indonesia's natural world and local communities from injustice carried out in the name of economic development. **Address:** Jl. Tegalarif Parang Utara No.14 Jakarta 12790, Indonesia, tel +62 21 7919 33 63-88 [fax] +62 21 794 1673, e-mail: info@walhi.or.id
- **Perkumpulan Untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis/HuMA (Association for Community and Ecologically-based Legal Reform)**, founded in 2001, was established by individuals who have long experience and a clear position regarding the importance of community and ecological-based law reform on issues related to land and other natural resources. **Address:** Jl. Jati Agung No. 8, Jati Padang – Pasar Minggu, Jakarta 12540, Indonesia, tel: +62(21)78845871, fax: +62(21)7806959, e-mail: huma@huma.or.id and huma@cbn.net.id
- **Yayasan Padi Indonesia** is a non-governmental organisation concerned with the process of development (agriculture, forestry, fishery, and plantation) based on the principles of sustainability of natural resources and environment. **Address:** Jl. Komplek Perumahan Dokter Balikpapan Tengah BPP, Belakang Puskip Rt.24 No.87 Mekarsari Balikpapan Tengah 76122, tel/fax: +62 542-443284/542- 426118, e-mail: padi_ind@indo.net.id
- **Lembaga Gemawan (Lembaga Pengembangan Masyarakat Swandiri/The Institution of Swandiri Society Empowerment)** is the result of a long going process of reflection of some students' activists to contribute to the immediate needs toward social transformation. Lembaga Gemawan was founded to transform the idea of social transformation into actual social movements. It is also developed to empower the local community as the silent majority of social-political-economical society. **Address:** Jl. Dr. Wahidin, Gg. Batas Pandang Komp. Kelapa Hijau No. 18 Pontianak, tel/fax: +62 561 586891, e-mail: gemawan_borneo@yahoo.com.
- **Lembaga Bela Banua Talino** (the Institute for Community Legal Resources Empowerment) was established in 1993 and aims to address various issues and problems of local regulations and policies towards effective recognition and protections of the rights of local communities and indigenous peoples have been proved could not guaranty better conditions of economic, social and politics aspects. **Address:** Jl Budi Utomo, Komplek Bumi Indah Khatulistiwa, Blok A/3, Siantan Hulu, Pontianak 78241, Kalimantan Barat – Indonesia, tel. +62 561 885623 fax. +62 561 884566, e-mail: lbbt@ptk.centrin.net.id
- **Yayasan Rumpun Bambu Indonesia (YRBI)** is a local NGO in Aceh, founded in 1995, which support indigenous communities in aceh to protect and develop the customary right through research, community mapping, training, and community assistance. **Address:** Jl. Mesjid Al Qurban, Lr. Keuchik Syam Ujung Mibo - Banda Aceh. Email rumbaiaceh@yahoo.com tel:0651-44331, hp +62 82160506023.
- **PUSAKA.** Pusaka is a human rights group that provides training and support to indigenous communities and CBO's in Free, Prior and Informed Consent and in understanding REDD+. It has been working closely with communities affected by the MIFEE project over the last three years. Pusaka works to promote: Policy changes that recognize and protect the

existence and rights of indigenous peoples and the poor with justice, democracy, gender perspective and attention to environmental sustainability. It works to increase capacity and service policy information and advocacy knowledge of people's organizations to fight for the fulfillment of human rights and development policies. **Address:** www.pusaka.or.id

- **Epistema** supports research and advocacy on human rights, indigenous peoples and natural resource conflicts in Indonesia. **Address:** www.epistema.or.id/
- **Institut Dayakologi** is an active community-based organization which primarily aims to revitalize and restore the cultural identity of the Dayak communities in Kalimantan through research, advocacy, publication and other activities. The Institute promotes the awareness of the Dayak people on their cultural integrity, land rights, intellectual property rights, etc. **Address:** Jl. Budi Utomo Blok A 3 No. 3-4, Pontianak 78241, +62 561- 884 567/+62 561-8831 735, e-mail: i.dayakologi@ptk.centrin.net.id
- **Forest Peoples Programme (UK)** is an international NGO, founded in 1990, which supports the rights of forest peoples. It aims to secure the rights of indigenous and other peoples, who live in the forests and depend on them for their livelihoods, to control their lands and destinies. **Address:** 1c Fosseyway Business Centre, Stratford Road, Moreton-in-Marsh GL56 9NQ, UK. Tel: (44) 01608 652893, Fax: (44) 01608 652878, e-mail: info@forespeoples.org