

## **Declaration of Opposition to the Draft Land Law and its Adverse Implications for Indigenous Land Rights and Sovereignty**

Having read and analyzed the process and substance of the draft Land Law (RUUP) initiated by the People's Representative Council (DPR), we, representatives of indigenous peoples and leaders of civil society organizations supporting indigenous peoples' rights, justice, and environment in Papua, present our views as follows.

First; the draft Land Law does not align with, or further, the aspirations of communities on the ground for equitable and pro-poor land control, ownership, and utilization. Rather, the draft law prioritizes and protects the interests of investors, notably in relation to the area and extension of Business Use Permits (Hak Guna Usaha) and to the whitewashing of companies that violate legal provisions (Article 154, RUUP).

Second; the draft Land Law has the potential to enable the seizure of people's lands. For instance, private or customary lands to which rights cannot be demonstrated legally and within a specific time period (5 years) are classified as state land (Article 153, RUUP). This provision may result in the extinguishment of customary lands and neglects the customary laws that formed the basis of the 1960 Basic Agrarian Law (Article 5).

Third; the draft Land Law negates the social function and importance of environmental protection, as stipulated in the Basic Agrarian Law (Articles 6 and 15); the draft Land Law may enable the violation of indigenous peoples rights and the destruction of the forest towards the implementation of the "20 per cent" community plantation scheme that corporations must implement (Article 150); the policy pertaining to this program will exacerbate deforestation and undermine indigenous peoples' sociocultural life and socioeconomic wellbeing in ways that run counter to indigenous peoples' own aspirations.

Fourth; the draft Land Law still contains provisions that exclude and undermine local communities and agrarian management planning in favor of vested interests. These include Article 18 that excludes restrictions on land ownership for the benefit of economies of scale and national strategic interests, and Article 62 that excludes certain types of data from being available to the public.

Fifth: the draft Land Law contains provisions that may lead to the criminalization of citizens and activists working to support agrarian rights (Articles 141 and 145).

We also note that the design and drafting process of the draft Land Law has been limited, particularly in terms of the involvement of communities and civil society organizations.

Based on the above, we declare and request that the members of the People's Representative Council and the government immediately terminate discussions pertaining to the draft Land Law, as this law has the potential to extinguish our sovereignty and rights to both customary rights and wellbeing.

The draft Land Law is inconsistent with the constitution, with wellbeing and justice, and risks provoking and aggravating land conflicts, with deleterious effects on both the state and on communities.

Thank you

Jayapura, 24 September 2019

Signatories:

Perwakilan Masyarakat Adat Moi; Masyarakat Adat Yerisiam Gua; Masyarakat Adat Marind; Walhi Papua; Yayasan Pusaka; Foker LSM Papua; Greenpeace Indonesia; Perkumpulan Belantara Papua; LBH Papua; AMAN Sorong Raya; SKPKC Fransiskan Papua, KPKC GKI di Tanah Papua; SKP Keuskupan Agung Merauke; Yayasan Anak Dusun Papua; PTPPMA Papua; YALI Papua; Papuan Voices; JERAT Papua; LP3BH; Perkumpulan Panah Papua; Jaringan Advokasi Perampasan Tanah – Papua; Yayasan Teratai Hati Papua; ELSAM; Protection International; Papua Forest Watch; LAPEMAWIL.

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