

## I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to the human rights situation in West Papua in the following areas: *the Right to Health, The Right to Education, Cultural Rights, The Right to Food, Indigenous Peoples Rights, Landgrabbing and Demographic Change*. The term West Papua refers to the Indonesian provinces of Papua and Papua Barat. Each section contains recommendations to the Government of Indonesia.

2. The Papuan Peoples Network (JERAT PAPUA) is a Non-Governmental Organization (NGO) focus on economic, social, culture rights and natural resource management. It was founded in 2008.

3. The Teratai Hati Foundation (YAYASAN TERATAI HATI PAPUA), is a Non-Governmental Organization (NGO) which was established in 2010 with a work focus on human rights and economic empowerment monitoring in West Papua, as well as peace building and the preservation of Papuan culture;

4. The Harapan Ibu Foundation (YAYASAN HARAPAN IBU) was established in 2001 and is a civil society organization working particularly in the field of health with a focus on women's and children's right to health.

5. The Belantara Foundation (YAYASAN BELANTARA) stands for "Inter-Peoples Workshop on Education" and is a Non-Governmental Organization, which is located in the Municipality of Sorong, Papua Barat Province. The organization was first established in August 5, 2004 and focuses on the transformation Papuan culture.

## II. RIGHT TO HEALTH

6. The Indonesian government has issued Presidential Regulation No. 19 / 2016 regarding the Second Amendment to Presidential Regulation No. 12 / 2013 on the Establishment of Health Insurances. This policy constitutes the legal foundation for the government's health insurance program (BPJS) which ensures access to health services and is expected to improve the general quality of health services for all people in Indonesia. In addition, the Indonesian government has established cooperation with International NGOs, such as the Clinton Foundation, and bilateral donor organizations like USAID and AusAID, as well as multilateral agencies such as UNICEF and the Global Fund to Fight Against AIDS, Tuberculosis and Malaria, providing support to the Government of Indonesia to improve health services, especially in strengthening the technical capacities and provision of HIV prevention and treatment<sup>1</sup>. In addition, the provincial government of Papua province has issued the provincial decree No. 16 / 2013<sup>2</sup> on the establishment of the government body on health, named Papua Development Acceleration Unit (UP2KP), which should accelerate the development of the health sector particularly in Papua Province.

7. The Health care system in West Papua is supposed to provide services for the prevention and treatment of sicknesses at community level. However, such programs are still rare, particularly in rural areas, coastal areas, islands and the highlands of West Papua. Other problems are the shortage of medical personnel, mismanagement, poor accountability, and a culture of mistrust between indigenous people in West Papua and the government. So far the government has not come up with

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<sup>1</sup> International Coalition for Papua (2015): Human Rights In West Papua 2015, The fourth report of the International Coalition for Papua (ICP) covering events from April 2012 until December 2014, p. 58

<sup>2</sup> Electronic data source: <http://cgi.fisipol.ugm.ac.id/index.php/id/unfgi/kabar-inovasi/338-percepat-pembangunan-kesehatan-provinsi-papua-bentuk-up2kp>

effective strategies to address the health problems associated with maternal mortality, infant mortality, child mortality and malnutrition prevalence. Moreover, the prevalence of HIV and AIDS in the provinces Papua and Papua Barat are still amongst the highest in Indonesia<sup>3</sup>. In some rural areas of public health programs, health centers (Puskesmas), and hospitals have been entirely abandoned.

8. According to the data of the provincial government of Papua Province, there were 20 General Hospital, 314 health centers, 685 health care aid centers (Puskesmas Pembantu) and 497 midwife stations. In fact many health facilities such as health centers and midwife stations do not have health workers. Most doctors, nurses, and midwives work in urban areas, where the government is still able to process salaries and allowances. Considering the number of 20 General Hospitals in comparison with the 28 regencies and one municipality in the province of Papua, it becomes obvious that in average nine regencies in the province do not have a general hospital<sup>4</sup>. Regarding the shortage of hospitals the government is still not capable to provide the right to health to most Papuan communities in non-urban areas. Moreover, the government's health development programs in the provinces of Papua and Papua Barat prioritize the development of physical infrastructure alone instead of improving the quality of health services. As a result, in some regencies or cities one may find more than one general hospital but none of them do meet minimum health care standards. For example, in Jayapura alone one can find Dok II referral Hospital, Abepura General Hospital and Yowari General Hospital but the quality of services provided in these hospitals leaves a lot to be desired. The above mentioned hospitals do not meet the merits of the standard as public health providers.

9. In consideration of the five major referral hospitals in Papua Province in the regencies Merauke, Wamena, Biak, Nabire, and Jayapura, has duplication of services, thus reduces the quality of Health care services provided<sup>5</sup>: ie a) A lot of health care facilities are constructed but they do not meet the standard of good quality care; b). The above mentioned hospitals provide basic health care services but lack the equipment as per standard of merits e.g the Dok II Referral Hospital in Jayapura.

#### **a. HIV and AIDS in West Papua**

10. Indonesia is amongst the six countries which have not been capable to ensure access to anti-retro-viral therapy (ARV) for the affected citizens. Indonesia, together with the Central African Republic, the Democratic Republic of Congo, Nigeria, Russia, and South Sudan, faces a triple threat, namely a high HIV disease burden, low treatment coverage, and no or little decline in number of new HIV infections. National strategies and action plans on HIV and AIDS for 2010-2014 states that the Provinces Papua and Papua Barat are areas of priority for prevention. The reality in the field shows that the government action plan and its implementation fails to take in account cultural realities, development, and socio-economic development in West Papua, especially in the highlands.

11. AIDS death rates in Indonesia increased by 427 percent during the period from 2005 to 2013. UNAIDS noted that in Indonesia only 8 percent of the people living with HIV have access to ARV therapy. By October 2014, the government recorded 26.235 cases of HIV / AIDS in the province

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<sup>3</sup> Electronic data source: <http://mutupelayanankesehatan.net/index.php/berita/65-derajat-kesehatan-warga-papua-di-bawah-rata-rata>

<sup>4</sup> The reality is even worse, since 3 General hospitals are already located in the regency and municipality of Jayapura

<sup>5</sup> Electronic data source: <http://cgi.fisipol.ugm.ac.id/index.php/id/unfngi/kabar-inovasi/338-percepat-pembangunan-kesehatan-provinsi-papua-bentuk-up2kp>

Papua. The average prevalence of AIDS patients in the province reached 359,43 per 100.000 residents - this figure is 15 times higher than the national average. In 2008 the Ministry of Health launched a program named 'Save Papua'. Health teams were formed on the district level to implement a HIV Counseling and Testing (HCT) program in remote areas. In 2012 the program conducted surveys in Mimika regency showing that 78 % of infections were found amongst indigenous Papuans - in 98.7 % of the cases the infection was transmitted through sexual relations. For instance, on 31 December 2011, the district AIDS commission (KPA) reported that the accumulated number of people living with HIV and AIDS was 1.351 cases in the regency of Jayawijaya. As of 1 July 2014, this number had risen to over 5.000 cases<sup>6</sup>.

12. In Papua the epidemic has, in the highlands at least, most likely become generalized (> 5 % prevalence of infections in the adult population) amongst the indigenous population. The only general HIV prevalence survey was conducted in 2006 and registered an average prevalence of 2.4 % in West Papua<sup>7</sup>. An updated figure is hence not available. Moreover, if one breaks down this prevalence rate only for indigenous Papuans with an age between 15 and 25 years, one will conclude an approximately HIV infection rate of 9% - this figure is extraordinarily high in comparison to other regions in the world. The situation of HIV transmission illustrates two important points in the health care system in West Papua. First, the quality and coverage of health services is obviously still low and limited, and secondly, the efforts to raise awareness towards health related issues amongst indigenous Papuans is still very limited. A majority of HIV patients amongst indigenous Papuans originate from the highlands of West Papua, mostly adults from the regencies Yahukimo, Tolikara, Puncak Jaya, Nduga, Wamena, Intan Jaya and Lani Jaya. Although ARVs are given for free, additional drugs (which is often obtained through private pharmacies) and treatment are not provided for free.

13. Even though exact number of current prevalence rates are not available, health facilities in urban areas observed an increase of patients who come to receive HCT and treatment. Many indigenous Papuans still lack trust in Non-Papuan health workers as well as government hospitals, and prefer care provided by church-related organization such as the Walihole Clinic of the Evangelical Christian Church in Tanah Papua (GKI-TP). Overall, the availability of anti-retro-viral drugs is still limited on a broader scale where in most cases second line treatment is required. The government continues programs for Prevention from Mother to Child Transmission (PMCT), but such programs are mainly limited to the cities of the coastal areas.

14. Another observation is that the government service providers in West Papua are increasingly attempting to increase the number of patients registered at their facilities in order to get medical payment claims per patient from the government. This practice has resulted in the reduction of quality of services provided to HIV and AIDS patients – there is a tendency of institutionalized discrimination towards HIV patients in West Papua. In reference to WHO Guidelines It is illegal to commercialize HIV treatment. Examples of such practices were documented in Dok II Referral Hospital, Abepura general Hospital and Yowari General Hospital in Jayapura. ARV supplies are readily available but the same providers demand payment from HIV and AIDS Patients privately, whereas the drugs have been subsidized by the government and should be for free.

## **b. Mother and Child Health**

15. The UN Committee on Economic Social and Cultural Rights (CESCR) reviewed Indonesia's implementation of the International Covenant on Economic Social and Cultural Rights (ICESCR) in

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<sup>6</sup> International Coalition for Papua (2015): Human Rights In West Papua 2015, The fourth report of the International Coalition for Papua (ICP) covering events from April 2012 until December 2014, p. 55

<sup>7</sup> Electronic data source: <http://health.liputan6.com/read/2167520/mengapa-kasus-hiv-aids-masih-tinggi-di-papua>

2014 and called on Indonesia “to address disparities in the availability and quality of maternal health care services, including by putting into place pre-service training, in-service training, supervision and accreditation of facilities”. Skilled attendance during pregnancy and birth is about 30% lower than in the rest of the country. A program instigated by the Indonesian government and supported by the World Bank (2001-2003) to train and deploy village midwives in remote areas has not shown a long term impact. Most of the midwives left the villages after the program was ended and incentives were no longer paid.

16. A key obstacle Indonesia faces in tackling both, child mortality and maternal mortality, is inequality in the delivery of health services, especially in its provinces in Eastern Indonesia. Officially in Papua, 40% of babies were delivered by a skilled provider: in Jakarta, the rate was 99%. These services do exist to an extent in health centers in the urban areas, but are mainly visited by migrants and urban residents. The Indonesian demographic health survey 2012 has indicated that the under-five mortality rate is almost three times higher (115 vs 43 per 1000 live births) in the two Papuan provinces than in the rest of the country. However, in the highlands of West Papua maternal mortality rates as high as 500 per 100.000 live births are still existent.

### **17. We urge the Government of Indonesia to**

- a) Monitor, evaluate and directly engage in the implementation of health care services in the highlands of West Papua. The improvement of health services should not only be supported through increase of funds and health workers but national health agencies should demand accountability of local governments in the provision of basic health services. The governments indifferent attitude has resulted in poor conditions of current health care services.
- b) Demand legal accountability of local health institutions in relation to the misuse of health funds provided under the Special Autonomy Law.
- c) Establish close cooperation between the provincial governments of Papua and Papua Barat to improve the quality of health care services. Furthermore, the government should build specialized hospitals, particularly with a professional focus on communicable diseases such as HIV and AIDS, tuberculosis and leprosy, as well as mother and child health.

### **III. Right to Education**

18. There are multiple reasons for the education crisis in West Papua. Major issues are the lack of a specific curriculum which has been adapted to the culture in West Papua, inadequate academic competences, lack of understanding towards Papuan culture amongst teachers, and the uneven distribution of teachers between the cities, where most teachers are employed, the coastal regions, the interior and particular isolated areas. Local governments have not yet adopted any regulations to tackle particular problems in the region and effectively administrate the education system in West Papua. Furthermore, many skilled teachers change their occupation and take structural government positions, so the number of qualified teachers is declining. In addition, the quality and availability of adequate educational facilities and infrastructure strongly varies between different locations across all levels and types of education. The special autonomy funds, regulated by Law No. 21 /

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<sup>8</sup> International Coalition for Papua (2015): Human Rights In West Papua 2015, The fourth report of the International Coalition for Papua (ICP) covering events from April 2012 until December 2014, p.56 f

2001 about the Special Autonomy for Papua and Papua Barat, which are allocated for educational development have not been used in accordance with goals and objectives. The percentage of allocated funds for education are below the percentage required by the state constitution and the Special Autonomy Law. The utilization of funds lacks transparency and is not monitored on a regular basis.

19. A study conducted in 2014 in 40 villages in the regencies of **Wamena, Yahukimo** and **Yalimo** has shown that in these areas where it is difficult to access, schools have been closed and teachers absent for several years. Many teachers do not live in their designated workplaces but in urban areas continue to receive wages, including bonuses for service in remote areas. Some teachers only attend their place of work once or twice a year for exams. Some headmasters employ under-qualified assistant teachers who receive low and irregular salaries to cover up their absences. The study covers an area of about 100.000 inhabitants, but is likely representative of most of the highland regencies<sup>9</sup>. In 2012, the Papuan Provincial Department for Education and the media highlighted the situation of basic education in the highland region of Papua Province. The department identified 14 regencies, many of them in the central highlands, where the illiteracy rates are extraordinarily high e.g. the regencies **Pegunungan Bintang, Tolikara, Puncak Jaya, Lanny Jaya, Nduga, Puncak, and Intan Jaya**<sup>10</sup>. This means that a higher percentage of the 1,2 million Papuas living in those highland regencies are affected by the described situation. In some of these areas there has been a complete withdrawal of public services.

20. In 2013, the government has developed a special program for accelerated eradication of illiteracy in West Papua. According to the government, the program was successful in reducing the problem of illiteracy by 34.38%. However, this rate is still considerably high<sup>11</sup>. A population census in 2010 revealed that the literacy rate in remote regencies like Nduga, Papua Province, was just as much as 7 percent. Comparable conditions may be found in many regencies in West Papua, although they may not be as extreme as in Nduga regency. The numbers reflect that many indigenous Papuans, who mainly reside in the non-urban areas only have very limited access to education. The low educational standard amongst the indigenous Papuans has triggered the unemployment situation in these areas, where most labor may be provided by extractive industries. Companies tend to prefer to recruit migrants instead of local indigenous Papuans due to low level of education.

## 21. We urge the Government of Indonesia to

- a) Monitor and evaluate the situation of education in every regency and municipality in West Papua on annual basis.
- b) Develop an educational system for West Papua, which is oriented towards Papuan culture and support its implementation amongst all 7 customary regions of West Papua
- c) Take firm action against officials who misuse education funds;

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<sup>9</sup> International Coalition for Papua (2015): Human Rights In West Papua 2015, The fourth report of the International Coalition for Papua (ICP) covering events from April 2012 until December 2014, p 61.

<sup>10</sup> Electronic data source: <http://tabloidjubi.com/arch/2012/09/04/angka-buta-aksara-di-papua-cukup-tinggi/>

<sup>11</sup> The program was implemented in 14 regencies of Papua province, namely Jayawijaya, Lanny Jaya, Yahukimo, Puncak Jaya, Tolikara, Paniai, Nduga, Mountain Star, Deiyai, Yalimo, Asmat, Dogiyai, Intan Jaya, and Memberamo Central. In Papua Barat province the same program was carried out in the regencies Manokwari, Teluk Bintuni, Sorong, South Sorong and the municipality of Sorong. Electronic data source: <http://www.jeratpapua.org/2015/03/21/tinggi-buta-aksara-pr-besar-pemerintah/>

#### IV. RIGHT TO FOOD

22. Article 33 of the Indonesian Constitution, states that the state has obligations to ensure economic, social and cultural rights, in particular the right to food. Accordingly, food production must be controlled by the state. Production branches are important for the state and influence the welfare of many people. Paragraph 2 of the same article elaborates that "The production is done by all, for all, under the leadership or ownership of the community members. Prosperity of communities must be prioritized, over individual welfare. Therefore, the economy should be developed jointly based on family-like principles."

23. The government of Indonesia has ratified the International Covenant on Economic, Social and Cultural Rights through Law No 11 / 2005, but is still not able to guarantee the adequate fulfillment of these rights as demanded by the covenant. This applies particularly to the right to food. The crucial factors for the fulfillment of the right to food are mainly regulated by Law No. 7 / 1996 on Food. The regulation states that food is a basic human need and its fulfillment is the right of every Indonesian citizen. The law declares that food safety, quality, nutrition, and sufficient availability are main prerequisites that must be met in the establishment of a food system which protects the national health interests and improves peoples' quality of life.

24. The Indonesian government has introduced a national longterm and large scale economic development policy named "the master plan for the acceleration and expansion of Indonesian economic development" (MP3EI). The MP3EI document suggests a partition of Indonesia into six economic corridors - one of them is the economic corridor Papua-Maluku. The area is suggested to become production center for food, fishery, energy and national mining. One of the programs under the framework of MP3EI is the Merauke Integrated Food and Energy Estate (MIFEE) Project. The Papua Province should be developed for the production of a national food buffer<sup>12</sup>. The energy and food security program has led to the utilization of 1.2 million ha customary land which belongs to the Malind tribe. The Malind people are hunters and gatherers - they exploit wild sago stocks and therefore highly depend on the forests. The program has resulted in the clearing of large forest areas, which has led to the expulsion of wild animals and the destruction of wild sago stocks<sup>13</sup>. Many affected tribal lands have been cleared by logging companies and became wasteland for accumulation of timber logs. The government has planned to use the land for production of palm oil, rice, corn, soybeans.

25. In many areas of Merauke regency the implementation of the MIFEE project has resulted in violations of indigenous peoples' right to food. The clearing of land caused the destruction of sago stocks, local indigenous Papuans' staple food sources. Instead of protecting the traditional staple food sources of local communities, the government's ambitious program aims to establish rice fields in the area. So far, the government did not introduce any policy regarding the diversification of local foods in West Papua. This situation illustrates that through the implementation of the MIFEE project, the Government of Indonesia – either deliberately or unintentionally – creates dependencies amongst indigenous Papuan people to eat rice instead of the sago as staple food. In Keerom regency for instance, PT Perkebunan Nusantara II company has cleared primary rain forests for palm oil

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<sup>12</sup> MP3EI dan Ketahanan Pangan, Electronic data source: <http://setkab.go.id/mp3ei-dan-ketahanan-pangan-2/>

<sup>13</sup> Such a case has been reported from occurred in Zanegi Village, Animha District, Merauke, where deer, wild pigs, kangaroo, and cassowary. Now the forests have been depleted and wild animals have been displaced. PT Selaras Inti Semesta which is a subsidiary of the Medco Group has obtained concessions for an area of more than 169 400 ha. The company has cleared large areas of land including sago stocks, which are the staple food of local indigenous communities, Electronic data source: <http://pembebasan.org/mifee-adalah-bencana-untuk-masyarakat-adat-merauke-pangan-dan-energi.html>

plantations. The land was already cleared 36 years ago (1980) and caused the destruction of sago stocks, hunting grounds and the contamination of fresh water sources. Nowadays, many indigenous communities in Keerom regency highly dependent on low quality rice which is subsidized and distributed by the government<sup>14</sup>.

26. The uniformly designed food strategy promoted by the Indonesian Government has significant impact on the cultural habits in West Papua. Today a growing number of indigenous people in West Papua are consuming rice instead of traditional staple foods like sago and sweet potato<sup>15</sup>. This phenomenon is aggravated by the government's food aid program named Raskin: Since the government has started to distribute subsidized low quality rice in villages, many indigenous Papuans have abandoned their gardens<sup>16</sup>.

## **27. We urge the Government of Indonesia to**

- a) Develop programs for the diversification of local foods as part of the national food security strategy to stop the increasing destruction of local staple food sources in West Papua.
- b) Develop respective local food potentials in each of the different customary areas of West Papua in accordance with the culture and lifestyle of indigenous Papuans;
- c) Introduce and enforce strict legal punishment for companies which destroy or contaminate any sources of local food of indigenous Papuans including, fresh water resources.

## **V. CULTURAL RIGHTS**

28. The recognition of the customary law over cultures in Indonesia, is closely related to article 18 B, paragraph (2) of the Indonesian constitution of 1945 (UUD 1945), which states that “The State recognizes and respects indigenous communities and their traditional rights as long as they live, and in accordance with the development of society and the principles of the Republic of Indonesia, as regulated by law”. The provision places customary communities in a constitutional relation with the state and its administration. As part of the constitution, the provision is a legally binding foundation for state officials, who should recognize and respect customary communities. Ever since the implementation of Law No. 21 / 2001 on Special Autonomy for Papua and West Papua, Papuan customary communities and their cultures have been politically influenced.

29. Approximately, for the past 10 years (from 2005-2016), the situation of cultural rights in West Papua is characterized by the following shortcomings: (a) Negligence of indigenous Papuans cultural rights in the development process, (b) there is no government initiative to facilitate development of the customary system as an integral part of the lives of Papuans, (c) customs and norms of indigenous Papuans are still regarded as obstructions to development process and are rather ignored or even eradicated instead of being integrated (d) customs of indigenous Papuans are commonly regarded as uncivilized and primitive and therefore considered as less “good” with

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<sup>14</sup> Electronic data source: <http://www.kabarindonesia.com/beritaprint.php?id=20080724192706>

<sup>15</sup> People in West Papua have various traditional staple foods, such as sweet potato, taro, cassava, and sago which are supplemented with banana and cassava. Sago is the major staple food in the lowland areas whereas sweet potatoes are the most important staple food in the highlands of West Papua

<sup>16</sup> The rice for the RASKIN food aid program is imported from outside of Indonesia. The central and provincial governments freely distribute the low quality rice to all regencies in West Papua

regard to development (ethnocentrism), and (e) the absence of affirmative regulations / policies protecting and strengthening the culture of indigenous Papuans, (f) prejudices promoting the superiority of other cultures in Indonesia over Papuan culture, and (g) the loss of Papuan cultural identity due to processes of acculturation and cultural assimilation, which have proven to cause negative impacts on the lives of indigenous Papuans.

### **30. We urge the Government of Indonesia to**

- a) Recognize, respect and appreciate indigenous Papuans' culture, including customs and customary law in the implementation of development policies and public life in West Papua;
- b) Immediately follow a development approach in West Papua which should be based on indigenous territories;
- c) Acknowledge the importance of local culture by integrating all elements of Papuan culture as an inherent part into the education system of the provinces Papua and Papua Barat.

## **VI. INDIGENOUS PEOPLES' RIGHTS**

31. According to the Constitutional Court Decision No. 35 / PUU-X / 2012 (MK35), indigenous forests are excluded from state forests, but remain in control of the State. The constitutional court's decision, underlines the recognition of indigenous peoples on forests and indigenous communal land in Indonesia. Before the decision, the state institutions have ignored the rights of indigenous peoples over communal forests, and legally justified utilization of communal land by Law No. 41 of 1999 on Forestry. According to the the constitutional court, the discriminative perception regarding indigenous peoples' rights over their forests in the Forestry Act is considered as disregard for the rights of indigenous people, that has led to arbitrary acts by government and also companies which had obtained permission from the government to deprive communal land for development or investment interests. The constitutional court's decision demands the government and companies to recognize the rights of indigenous people in Indonesia.

32. The provinces of Papua and West Papua, where the Special Autonomy Law provides more "legal space" for the position of indigenous peoples in law and development. The Papuan Provincial Government has adopted a specific local regulation (perdasus) No. 22 / 2008 on the Protection and Management of Indigenous Peoples Natural Resources, which positions indigenous communities in Papua as legitimate owners of natural resources, who have the right to freely decide which type of development they want. In reality, the policy could not be implemented in most parts of Papua because most companies are being backed up by police and military, which commonly work with methods of intimidation and violence to force indigenous communities in accepting the presence of companies on their territories.

### **33. We urge the Government of Indonesia to**

- a) Invite the UN Special Rapporteur on the rights of indigenous peoples and the UN Special Rapporteur on the right to food to assess the situation in West Papua and conduct a comprehensive study on the impact of large-scale development projects on the enjoyment of

indigenous peoples' rights

- b) Urge all companies to respect the decision of the Constitutional Court Number 35 / PUU-X / 2012 on the Recognition of Customary Forest; the government should reinforce and increase protection and recognition of all Indigenous Peoples in Indonesia
- c) Urge all companies operating in West Papua to respect the principles of Free, Prior and Informed Consent (FPIC) and to comply with the UN guiding principles on business and human rights. [L]  
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- d) Uphold the principles enshrined in the UN Declaration on the Rights of Indigenous Peoples. [L]  
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## VII. DEMOGRAPHIC CHALLENGES

34. The total population in Papua Province in 2014 was 3.082.648 residents<sup>17</sup>, distributed over 28 regencies and one municipality. In 2015, the 871.510 residents<sup>18</sup> of Papua Barat Province lived in eleven regencies and one municipality so the total number of residents in West Papua is 3.905.941. The government's official data indicates that Papuans have become a minority in many regencies of Papua Province and Papua Barat Province – currently there are eleven regencies and two municipalities in West Papua, where indigenous Papuans have become a minority<sup>19</sup>.

35. The extreme changes in the population is influenced by several factors and has its roots in the transmigration program, which was introduced under president Soekarno in the 1960s, but has been continued by past governments until now. Other factors which are pushing uncontrolled migration to West Papua is the governments administrative partition policy, availability of jobs and new business opportunities<sup>20</sup>. While the total number of residents rapidly grow due to migration, the growth rate of the indigenous Papuan population is comparably slow. This is caused by multiple factors including the high mortality rate of mothers and infants, as well as a general low life expectancy. The migration has led to an increase in economic competition and horizontal conflicts in West Papua.

36. One definitive example for the described developments is the situation in Keerom regency<sup>21</sup>. The regency has a total population 48.536 inhabitants consisting of 40,44% indigenous Papuans and 59,56% Non-Papuan residents. The change in the demographic composition is the result of (1) the government's transmigration program which has started the 1980s, (2) oil palm plantation companies who need skilled labor from outside of West Papua, (3) spontaneous migration linked to economic opportunities, and (4) migration by officials and civil servants from other Indonesian islands after Keerom became a regency.

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<sup>17</sup> Electronic data source: <http://papua.bps.go.id/linkTabelStatis/view/id/37>

<sup>18</sup> Electronic data source: <http://irjabar.bps.go.id/linkTabelStatis/view/id/117>

<sup>19</sup> Regencies where indigenous Papuans had become a minority in the Province Papua were Jayapura, Merauke, Mimika, Keerom, Nabire and the Municipality of Jayapura. Meanwhile, in Papua Barat Province indigenous Papuans were a minority in the regencies Manokwari, Sorong, Pegunungan Arfak, Manokwari Selatan, Fak-Fak, Teluk Bintuni and the Municipality of Sorong (Profil Penduduk Menurut Suku hasil Sensus Penduduk Tahun 2010 Propinsi Papua, BPS Propinsi Papua, 2012. p. 16).

<sup>20</sup> One example are palm oil plantations and other agro-business projects that need workers who mainly come from outside of West Papua, such as Java, Sulawesi and Sumatra.

<sup>21</sup> Ketidakadilan Sosial, Pelanggaran Hak Atas Pembangunan, dan Kegagalan Kebijakan Afirmatif di Papua: Studi Kasus Kabupaten Keerom, Cypri J. P. Dale dan John Djonga. 2011. p 14.

### 37. We urge the Government of Indonesia to

- a) Collect accurate population data in West Papua which must be disaggregated by ethnic origin (indigenous Papuans and Non-Papuan residents). The data will assist stakeholders in the empowering process of indigenous Papuans through adoption of affirmative Special Autonomy Policies;
- b) Adopt policies on population control which may help local governments in regulating the migration to the provinces Papua and Papua Barat

## IX. LANDGRABBING

38. Large-scale investment projects in West Papua had multiple adverse impacts on the environment and the land right situation of indigenous Papuans. The conversion of forest areas into palm oil plantations or logging areas have lead to numerous cases of eviction, poverty, and malnutrition. Land seizures in West Papua occur systematically and are carried out by the government and private companies through national programs, which have been designed and implemented by the Government of Indonesia. Kalimantan and Sumatra are both areas where the government has implemented large scale mining and agricultural projects. Both islands are strongly affected by land rights issues because local governments approved concessions in residential areas, which has resulted in an increasing annual number of land conflicts.

39. One of the most ambitious government programs is the “Master Plan for the Acceleration and Expansion of Indonesian Economic Development” (MP3EI). According to the MP3EI, West Papua is supposed to become Indonesia's center of production for food, fishery, energy and national mining. The program should also speed up the construction of roads, ports and open up remote regions. The recent past has shown that the program has caused lots of damage in West Papua. Once remote areas get access to roads, they become a center of interest for plantations and mining companies, whose presence frequently result in negative consequences for the environment and local indigenous communities. One of the negative impacts caused by agricultural projects and palm oil plantations are floods as an effect of large scale logging operations. The Merauke Integrated Food and Energy Estate (MIFEE) is one of the fast growing government projects and is a definitive example for disregarding of indigenous peoples' rights and environmental degradation. Similar projects have been planned in West Papua in the near future.

40. There are a number of issues related to the development of industrial estates and agricultural projects in West Papua. One of the most important stakeholders in terms of land grabbing is the police and military<sup>22</sup>. Both state institutions often play an additional role as security personnel for private companies. Other stakeholders are private companies, which lack respect for the principles of Free, Prior and Informed Consent (FPIC). Other issues in relation to private companies are

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<sup>22</sup> International Coalition for Papua (2015): Human Rights In West Papua 2015, The fourth report of the International Coalition for Papua (ICP) covering events from April 2012 until December 2014, p. 78; Case study on the involvement of security forces for the protection of Palm Oil company PT Nabire Baru in Nabire Regency, Papua province. At the PT Nabire Baru plantation, the company engaged the Police Mobile Brigade (Brimob) from Nabire police headquarters to provide its security. Over the last two years, local activists have alleged that a string of violent incidents involving these Brimob guards have taken place. One example took place on 26th June 2013. Titus Money, who was both a customary landowner and was also working for PT Nabire Baru, was handcuffed and beaten with rifle butts after he protested that his wages were late. According to his brother, Imanuel Money, ‘The delay in the payment of the wages of the workers, including my brother, was a common practice of the plantation, however no one dared to protest because armed police personnel were employed by the plantation to pacify the situation to their benefit’

broken promises<sup>23</sup>, fraud, as well as the inadequate compensation payments for land. Indigenous land rights are frequently ignored during the establishment of new plantations. Although some indigenous groups have successfully resisted estate plans, the majority of indigenous communities have been intimidated, manipulated by fast cash payments and other strategies, or have become victims of fraud due to lack of legal understanding and professional assistance by lawyers. Companies frequently do not keep their promises to provide jobs, health care, and education facilities. When the first land areas are cleared, many indigenous communities begin to realize that they can no longer live their traditional way of life. As a result, most indigenous communities become “bystanders” on their ancestral land, facing an uncertain future characterized by poverty and loss of cultural roots.

#### **41. We urge the Government of Indonesia to**

- a) Immediately stop the expansion of plantations to prevent air and water pollution, biodiversity and indigenous peoples who depend on natural resources and the remaining forests in West. Papua.
- b) Reevaluate the concessions approved to large-scale plantations, responsible for violations of human rights and destruction of the environment

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<sup>23</sup> International Coalition for Papua (2015): Human Rights In West Papua 2015, The fourth report of the International Coalition for Papua (ICP) covering events from April 2012 until December 2014, p 81; Case study of companies breaking promises in Sorong regency, Papua Barat province. Case Example from Klawatom Village: PT Inti Kebun Sejahtera has been operating in Sorong since 2008, but many of the promises it made to local communities regarding housing, education, health care and a small holder program (which is a legal obligation) have yet to be realized. In May 2014, the community planted stakes tied with red cloth in the ground by the plantation, which is a customary practice intended to stop the company expanding further before meeting its commitments to the community.