

**Right to Land under the UN Declaration on the Rights of Indigenous Peoples: A Human Rights Focus**

**A stakeholder submission by the International Coalition for Papua (ICP) on the land rights situation of indigenous peoples in West Papua, Indonesia**

**15 January 2020**

1. **Introduction**

1. This stakeholder report is a submission of the International Coalition for Papua (ICP). The report highlights the situation of indigenous peoples in West Papua[[1]](#footnote-1) with particular focus on land rights and the right to determinate their communal development as well as the use of their ancestral forests and resources.

2. The ICP was created in March 2003[[2]](#footnote-2). The ICP works to address the human rights situation in West Papua and supports a peaceful solution to the long-lasting conflict in the region.

1. **Laws and regulations relating to the recognition and protection of indigenous peoples’ right to own, live and use their lands, territories and resources**

3. In 2012, the Indonesian Constitutional Court (Mahkamah Konstitusi) came to an important decision regarding customary land and resources. According to the constitutional court decision No. 35/PUU-X/2012 (MK35), indigenous forests are differentiated from state forests, but remain in control of the State. The decision underlines the recognition of indigenous peoples’ rights on forests and indigenous communal land in Indonesia. Before the decision, state institutions had entirely ignored the rights of indigenous peoples over communal forests, and legally justified utilisation of communal land by Law No. 41 of 1999 on Forestry. According to the constitutional court decision, the discriminative perception regarding indigenous peoples’ rights over their forests in the Forestry Act is considered as disregarding the rights of indigenous people.

4. In the particular case of West Papua, Law No. 21/2001 on special autonomy of Papua Province strengthened indigenous Papuan communities’ legal standing through provision of more legal recognition. The law provides a framework for acknowledging and strengthening Papuan indigenous peoples’ rights. Article 43 (4) of the law states that any party which intends to use customary land is required to reach an agreement with the indigenous community through a decision-making council (‘Musyawarah’) prior to the approval of a concession.

5. West Papua is extremely rich in resources such as minerals, timber and gas. Moreover, it is the most sparsely populated island in Indonesia which is still to a large extend covered with primary rain forests. As Indonesia’s population is quickly growing and space for large mega-projects with high revenues has become limited in most islands of Indonesia, West Papua has become a place of interest for extractive industries and plantations. Especially palm oil plantations are considered the biggest threat to the forest and livelihoods of indigenous Papuans. The procedures and requirements for plantation companies in Indonesia are regulated by Law 39/2014 on Plantations. Article 45 of the law lists various requirements, such as whether or not the plantation and its location is in line with the regional government spatial plan (rencana tata ruang wilayah).[[3]](#footnote-3)

6. In the context of West Papua, most companies receive concessions already before they get in contact with the indigenous land rights holders. This practice is not only contrary to the principles of free, prior, informed consent as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), but also violates government regulation No. 12/2012 on the involvement of local communities in the environmental impact assessment (EIA). The EIA is a mandatory requirement under the plantation law, which must be conducted prior to the implementation of any large-scale project.

7. Other legal instruments in support of indigenous peoples in West Papua can be found among provincial special regulations in the Provinces of Papua and Papua Barat. The Papuan Provincial Government adopted special regulation (Perdasus) No. 22/2008 on the Protection and Management of Indigenous Peoples Natural Resources, which positions indigenous communities in West Papua as legitimate owners over their natural resources. Accordingly, indigenous communities have the right to freely decide over its utilisation. In reality, the regulation could not be implemented because most companies in West Papua are being backed up by the police and military. Both government institutions have reportedly used intimidation and violence to force indigenous land rights owners to release customary lands to private companies or crack down on protests against investors.

8. Papua Province special regulation No. 21/2008 on Sustainable Forest Management in the Province of Papua (Perdasus No. 21/2008) stipulates that Papuan indigenous peoples have rights to natural forests, indicating that all forests in Papua are under indigenous peoples’ stewardship. Perdasus No. 21/2008 regulates that indigenous peoples’ forest refers to forest located within indigenous peoples’ territory[[4]](#footnote-4). Perdasus No. 21/2008 also regulates that the forest utilisation in conservation forests, protection forests and production forests must follow its provisions. For instance, forest timbers can be used to improve indigenous peoples’ prosperity, as long as customary communities use forest areas in accordance with the forestry concessions. The forest may be used for both commercial and non-commercial purposes. Accordingly, indigenous peoples may establish enterprises for commercial purposes and then apply for a forest utilisation permit to the provincial and regency governments.[[5]](#footnote-5)

1. **Positive examples of Government processes to recognise and adjudicate the rights of indigenous peoples and related challenges**

*Customary Forest Concession License (IUPHHK-MHA)*

9. The Customary Forest Concession License (IUPHHK-MHA) is one of the permits regulated under Article 38 of Perdasus No. 21/2008. The IUPHHK-MHA was designed as an instrument to deal with the negative effects of the former Timber Utilisation Permit for Indigenous Peoples (IPK-MA), which was revoked in 2005 because it was believed to have expanded unsustainable logging practices. The IUPHHK-MHA is given to Papuan indigenous communities holding a customary land title and allows them to harvest or log, process, plant, maintain and secure timber in their customary forests. The permit is approved through a gubernatorial decree, while the work plan (RKU) and the annual work plan (RKT) must be authorised by the Head of the Provincial Forestry Agency and Head of the Regency Forestry Agency. Cooperatives and local indigenous peoples-owned enterprises can apply for the IUPHHK-MHA permit with a maximum concession size of 5,000 ha and a validity period of 10 years, extendable for another 10 years. IUPHHK-MHA holders are prohibited to use heavy machinery for logging operations or transferring the IUPHHK-MHA permit to a third party.[[6]](#footnote-6)

10. There were 18 IUPHHKMHA permits issued by the Papua Provincial Government up to 2017. All IUPHHK-MHA permit holders shared similar stories about their long wait for the approval of their permits. Many described the increasingly massive illegal timber distribution around their IUPHHK-MHA concessions. The problem lies in the conflicting legal interpretations made by the central government that holds on to the Forestry Law, whereas the Papua Provincial Government persists on the Papua Special Autonomy Law. This conflict is the reason the provincial government was unable to give a green light to IUPHHK-MHA holders. The condition once again illustrates the central government’s inconsistent implementation of Papua’s special autonomy. Without the green light from the provincial government, IUPHHK-MHA holders were afraid that police could arrest IUPHHK-MHA holders on the allegation of illegal logging[[7]](#footnote-7).

11. Concerns that an IUPHHK-MHA designated area might be located on land with a concession or already allocated for other permits continues to be another reason why the Papuan Provincial Forestry Agency is still hesitant to approve the operational permits for IUPHHK-MHA holders[[8]](#footnote-8). An example is the local cooperative (Koperasi Serba Usaha, KSU) ‘Mo Make Unaf’. The IUPHHK-MHA that the communal cooperative proposed is located within the industrial forest concession area of company PT Selaras Inti Semesta. This situation will be increasingly difficult given the fact that since 2016, the central government has approved concessions with an area of more than 17 million hectares. Currently there are 18 IUPHHK-MHA concessions granted by the Papua Governor, which might end up having the same fate as ‘Mo Make Unaf’. If customary land owners want to apply for an IUPHHK-MHA concession and find out that their customary land is situated in an area with an existing concession, conflicts are likely to occur[[9]](#footnote-9).

*Conservation Province Papua Barat*

12. On 20 March 2019, the local parliament of Papua Barat Province approved legislation to make West Papua Indonesia’s first-ever conservation province. The establishment of the conservation province sets the legal framework for the protection of intact ecosystems as well as the promotion of sustainable livelihood concepts and recognition of indigenous peoples’ rights. A key part of the new policy includes the empowerment of indigenous Papuans through the protection of their natural resource rights.[[10]](#footnote-10)

13. The legal framework for the conservation province was approved 10 months ago. While this decision might allow for more consistent and enforceable laws, there is the risk that the rights of local indigenous peoples might be ignored. It needs to be seen whether the local Government initiative will meet the expectations of all stakeholders, particularly those of indigenous communities. It is also likely that the local Government will support the development of ecotourism in conservation areas. The area with the largest potential for eco-tourism in the province is the Raja Ampat Regency, which has become known as one of the world’s last intact top spots for snorkelling and diving. Such steps forward may lead to conflicts if conservation areas overlap with hunting and fishing grounds of indigenous communities. In the Papuan regency of Nabire, the indigenous Yerisiam Gua tribe have been facing decreasing access to their customary fishing grounds, after the local Government began to develop eco-tourism in Nabire. The Government set up a conservation area for whale sharks, which reside in the coastal waters of Nabire all year round. The Yerisiam Gua claim that the conservation area was established without prior consultation and participation of the indigenous community and prevents them from accessing their fishing grounds. This is particularly concerning given the fact that the Yerisiam Gua have been subjected to severe land grabs by palm oil company PT. Nabire Baru (see section 4)[[11]](#footnote-11).

*Government Social Forestry Program*

14. In 2007, the Government launched the Social Forestry Program. The program was hardly implemented until 2014. After 2014, the Government significantly accelerated the implementation of the program with the objective to increase prosperity of Indonesian citizens living in forest areas and to prevent land tenure conflicts. The program uses six legal models in which local communities can manage their forests and its resources for the communal welfare, namely Village Forest (Hutan Desa, HD), Community Forest (Hutan Kemasyarakatan, HKm), Community Forest Plantation (Hutan Tanaman Rakyat, HTR), Forestry Partnership (Kemitraan Kehutanan, KULIN KK) and Customary Forest (Hutan Adat, HA).[[12]](#footnote-12)

15. Between 30 December 2016 and 19 April 2019, the Indonesian President, Joko Widodo approved 49 customary forests with a total area of ± 22,193 hectares and customary forest reserves with a total area of ± 5,172 ha by decree. In 2019, the Indonesian Ministry of Environment and Forestry issued ministerial regulation No. P.21/Menlhk/Setjen/Kum.1/4/2019 on Customary Forest and Private Forest and ministerial decree No. 312/MenLHK/Setjen/PSKL.1/4/2019 on Indigenous Forest Maps and indicative customary forests territories of Phase I. The regulations reaffirm constitutional court decision No. 35/PUU-X/2012 (MK35), elaborating that customary forests are not part of state forests. Ministerial decree No. 312/MenLHK/Setjen/PSKL.1/4/2019 provides the legal foundation for the mapping of customary forest areas in Indonesia.[[13]](#footnote-13)

16. Following the decree, the Indonesian government launched an official map of customary forests in April 2019. The map identified 22,193 ha of community-occupied untitled land in Indonesia as customary forests. The map is an attempt to prevent the untitled areas from grabs by to agribusiness, miners and loggers. However, the figure is still far from the total area of customary land registered by the Customary Area Registration Body (Badan Registrasi Wilayah Adat, BRWA), covering 10.24 million hectares. BRWA was found in 2010 by multiple NGOs advocating environmental conservation and the rights of indigenous peoples. The BRWA documents the results of all participatory mapping processes in customary land all over Indonesia.[[14]](#footnote-14)

17. A major problem preventing many indigenous communities from registering and certifying their customary land are current legal and procedural requirements. Their customary land is only safe from land grabs and exploitation through other parties if the community holds a certified land title providing legal certainty regarding the ownership status of the land. Article 5 of ministerial regulation No. P.21/Menlhk/Setjen/Kum.1/4/2019 on Customary Forest and Private Forest requires indigenous communities to receive legal recognition from local councils and politicians through a by-law (Peraturan Daerah, Perda) or a decree (Surat Keputusan, SK) directly issued by the regent. [[15]](#footnote-15)

18. For a by-law to be issued, indigenous communities need to lobby their local council to draft and legislate such a by-law. Independent experts of the Ethnographic Study Center for the Rights of Indigenous Peoples (PUSTAKA) estimated that the process of securing the by-law can take between two and five years or even longer, if local governments have already granted concessions on the land. Moreover, the entire registration process costs between € 32,000 and €131,000 (500 million and 2 billion rupiahs), as the procedure typically involves the drafting of technical reports and the arrangement of legal documents. Indigenous communities entirely rely on support from NGOs or legal consultants, as they often lack the understanding and financial resources to face the complex procedure. Even if indigenous communities succeed in mobilising support and sufficient funding, they may still face resistance by local law makers and district chiefs, who tend to be reluctant to adopt by-laws or issue decrees that don’t offer them an immediate political or electoral advantage.[[16]](#footnote-16)

|  |
| --- |
|  |
| *Estimated total area of customary forest in Indonesia due April 2019, segregated [Source: Betahita (15.07.2019):*  *Dari 814 Wilayah Adat, Baru 65 Diakui Pemerintah, available at:* [*http://betahita.id/2019/07/15/dari-814-wilayah-adat-baru-65-yang-mendapat-pengakuan-dari-pemerintah/*](http://betahita.id/2019/07/15/dari-814-wilayah-adat-baru-65-yang-mendapat-pengakuan-dari-pemerintah/)*]* |

19. Due April 2019, only 14 percent of the Indonesia’s indigenous communities registered with the BRWA had received fully recognition through the enactment of a Perda or SK, with a total customary forest area of 1,397,017.04 ha in 13 Provinces of Indonesia. Twenty-three percent of the registered indigenous communities were in the process of gaining full recognition through a Perda or SK, claiming a total of customary forest area of 2,366,905.28 ha. The vast majority of the indigenous communities, equalling 63 percent of the BRWA registrants, did not have any forms of legal recognition for their ancestral land with a total area of 6,483,868.34 ha (see graphic on the left). The figures reflect the difficulties that indigenous communities face in the process of arranging the legal customary forest title.[[17]](#footnote-17)

20. The total area of mapped customary area which the BRWA documented is 20 times bigger than what the environment ministry’s new map identifies. The results of participatory mapping documented by BRWA is not recognised by the Ministry of Environment and Forestry. According to the Director General of Social Forestry and Environmental Partnership at the Ministry of Environment and Forestry, Mr Bambang Supriyanto, a large part of the BRWA mapped data is administratively incomplete, as only 3,660,000 ha of the mapped area had been recognised through local by-laws or decrees, while the majority of the area lacked clear identification of the indigenous communities claiming the land.

21. In fact, the indigenous communities registered with the BRWA represent only the peak of an Iceberg. In the Provinces of Papua and Papua Barat alone, almost 50 percent of the entire population are indigenous Papuans. Based on linguistic research, 276 languages are found in West Papua. If one uses language as a benchmark for the distinction of indigenous ethnic groups, there are 274 different indigenous tribes in West Papua[[18]](#footnote-18). Only eleven indigenous groups have so far registered the results of their participatory mapping process to the BRWA (see Table below). Only one of the groups in the regency of Merauke had gone through the BRWA verification process. However, none of the eleven West Papuan registrants have a fully recognised customary forest title. The vast majority of West Papuan indigenous tribes has not even gone through a process of participatory mapping with the help of NGOs or private mapping contractors.[[19]](#footnote-19)



*Table with 11 indigenous communities in the provinces of Papua and Papua Barat who have registered the results of participatory mapping to the Customary Area Registration Body (Badan Registrasi Wilayah Adat, BRWA). None of the indigenous communities have been certified through a local by-law or decree to be legally recognised [Source: BRWA website (12.01.2020): Wilayah Adat, Data WA, available at:* [*https://brwa.or.id/wa/*](https://brwa.or.id/wa/)*].*

1. **The role of national courts in land rights conflicts**

22. Land conflict between indigenous peoples are mostly resolved though indigenous conflict resolution mechanisms outside the law. These mechanisms depend on the political and social organisation of an indigenous group. They strongly differ between indigenous groups in West Papua. Land tenure conflicts between private investors and indigenous land rights holders in West Papua are rarely resolved in legal court proceedings. In the past five years, there have been only few such cases which were filed to courts, after ongoing disputes between companies and indigenous land rights holders remained unresolved. The verdicts in such cases are purely based on considerations following the national law. The ICP is not aware of any verdict in the context of West Papua which referred to the UNDRIP or other international law documents elaborating the rights of indigenous peoples. Land tenure trials produce verdicts that usually support the position of private companies.

23. There are multiple reasons why lawsuits against private companies remain unattractive for indigenous communities. Most indigenous communities do not have land certificates, maps or other written evidence of land ownership. Although companies in West Papua often lack environmental impact analysis and other mandatory documents, they usually hold business permits and licenses supporting their claims to the land. Furthermore, the majority of companies are subsidiaries of large business conglomerates, which have considerable resources. They have the financial capacities to hire high profile lawyers and use their relations and influence to strengthen their legal claims. If indigenous communities file lawsuits against a company the judges usually rule in favour of the companies.

*Case Studies*

24. In late 2015, Yakomina Gue, representing the Gue clan, filed a lawsuit (No. 68/Pdt.G/2015/PN.Son) against the company PT Permata Putera Mandiri (PPM), a subsidiary of the ANJ Group. Mrs Gue initiated the law suit because she was not involved in the negotiations regarding the release of her ancestral land, although she was a rights holder. On 25 July 2016, the court rejected the case on a technical point, making the dubious claim that the case should also have been brought against other Papuan land rights holders who had received small compensation payments in 2013. With limited funds and little faith in the Indonesian legal system, the Gue clan decided not to appeal against the verdict.[[20]](#footnote-20)

25. On 23 September 2015, representatives of the indigenous Yerisiam Gua tribe filed a lawsuit (No. 22/G/2015/PTUN.JPR) against the Governor of Papua Province and the palm oil company PT Nabire Baru to the State Administrative Court in Jayapura. PT Nabire Baru is a subsidiary of the Goodhope Asia Holdings Ltd which is owned by Carson Cumberbatch PLC from Sri Lanka. Goodhope Asia Holdings Ltd has been a Roundtable of Sustainable Palm Oil (RSPO) member since December 2014. The Yerisiam Gua claimed that the company had manipulated the process of securing the tribal chief’s signature. According to the Yerisiam Gua, they had never signed any document approving the release of customary land to the company. The Governor had issued a business permit by decree to PT Nabire Baru without prior consultation of the Yerisiam Gua. The administrative court ruled in favour of PT Nabire Baru and the Papuan Governor. Later attempts to appeal against the verdict again failed. The Supreme Court argued that the lawsuit had passed the grace period for filing the claim.[[21]](#footnote-21)

1. **FPIC Principles and indigenous peoples’ right to determine and develop priorities and strategies for the development or use of their lands and resources**

26. According to the Papuan Special Autonomy Law, companies seeking to access land which is claimed as indigenous communal land (tanah ulayat), an agreement needs to be reached through a decision-making council, called ‘Musyawarah’. Although plantation companies in general do reach some arrangement with communities or individuals, the procedure often falls far short of standards of Free, Prior and Informed Consent (FPIC). These arrangements are often not in accordance with FPIC principles as upheld by the United Nations Declaration on the Rights of Indigenous People and industry bodies such as the Roundtable on Sustainable Palm Oil.

27. Numerous testimonies of victims and reports by NGOs working on plantations in West Papua have revealed that companies in West Papua often do not follow the procedural requirements. Despite violations against administrative procedures and legal requirements, local government agencies in West Papua still approve permits to private companies before the companies have come to an agreement with the indigenous land rights holders. This practice violates article 6 (1) of ministerial decree No. 2/1999 by the Minister of Agrarian Affairs and Spatial Planning / Head of National Land Agency. According to the decree, government officials have the obligation to consult the land rights holders to clarify land tenure and make a physical assessment of the area and obtain community responses in the framework of granting Location Permits. In West Papua, permits were even granted if the area of the cultivation permit (Izin Hak Guna Usaha) by a single company exceeded the limit of 20,000 ha per province or 100,000 ha in Indonesia.[[22]](#footnote-22)

28. In fact, many companies already receive plantation business licences before they informed the affected indigenous community about the project. In the Boven Digoel Regency, the companies PT. Indoagro Persada Lestari, PT. Indoagro Surya Alam, PT. Indoagro Daya Adimulia and PT. Indoagro Alam Sejahtera used a recommendation letter from the local indigenous peoples ‘organisation (Lembaga Masyarakat Adat, LMA) to avoid negotiations with the actual land rights holders.[[23]](#footnote-23)

29. Indigenous land rights are frequently ignored during the establishment of new plantations. Instead of allowing communities time and space to collectively decide whether or not a plantation would be in their best interests, most companies in West Papua use fraudulent or manipulative techniques to persuade local communities into releasing ancestral lands to the companies. Major issues in relation to private companies are broken promises, fraud, as well as inadequate compensation payments for land. The NGO Pusaka has documented a number of cases where palm oil companies tricked indigenous communities with fast cash payments to accept highly unfair compensation payments for their land. Indigenous land rights holders in the Kais Darat District of Sorong Selatan Regency received a compensation of € 5.00 (IDR 77,175) per hectare of land by a subsidiary of the ANJ Group. A similar case was reported from the indigenous village of Bopol, Elikobal District in the Merauke Regency, where the PT Agrinusa Persada Mulia company payed a compensation of only € 1.10 (IDR 17,000) per hectare.[[24]](#footnote-24)

30. Some indigenous groups have successfully resisted estate plans. However, the majority of indigenous communities which come to an agreement with investors have collected multiple bitter experiences. They 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. Once land clearance has started, many indigenous communities begin to realise that they can no longer live their traditional way of life. As a result, most indigenous communities become “bystanders” on their ancestral lands, facing an uncertain future characterised by poverty and loss of cultural roots.[[25]](#footnote-25)

31. Members of the police and military are often present when a company presents its plans to local people. This practice, coupled with a lack of information about their rights, can lead indigenous people to believe that they have no choice but to accept the company. In some cases, military or police personnel work for the companies as security guards and use their authority to support the company’s interests. Local activists in various areas have reported acts of intimidation or direct physical violence by security force members who protected companies’ private property or prevented labourers and local residents from peaceful protest. Cases of intimidation and physical violence by security force members against indigenous land rights holders were documented in land rights disputes with PT Bio Inti Agrindo in 2016 (Merauke Regency)[[26]](#footnote-26), PT Permata Putera Mandiri in 2017 (Sorong Selatan Regency)[[27]](#footnote-27), PT Indo Asiana Lestari (Boven Digoel Regency) and PT Megakarya Jaya Raya (Boven Digoel Regency)[[28]](#footnote-28).

1. **Recommendations**

*The ICP recommends to the Government of Indonesia to:*

* Introduce Free, Prior and Informed consent (FPIC) principles into national laws and regulations, including legal prosecution of companies disrespecting FPIC principles.
* Immediately stop the expansion of plantations to protect air and water quality, biodiversity and indigenous peoples in West Papua.
* Review and if necessary revoke the licenses of companies which contradict the constitutional legislation and regulations and harm the rights of the indigenous Papua people.
* improve the procedures for granting permits for agricultural, timber and mining companies in order to guarantee West Papuan indigenous minorities’ right to food and self-determination over their ancestral land and resources. The improvements should ensure greater transparency in the issuance of permits, allowing indigenous communities the full and timely access to the information they need to make decisions.
* Improve the Customary Forest Concession Licencing (IUPHHK-MHA) scheme, allowing indigenous communities to trade timber on their ancestral land for the welfare of their communities. If IUPHHK-MHA licenses are approved, the license holders should be required to participate in capacity building trainings for sustainable forest management.
* Issue a specific law on the rights of indigenous peoples to speed up the legal recognition of customary lands.
* Instruct local authorities to accelerate the issuance of by-laws, decrees and other necessary paperwork for the legal recognition of indigenous communities
* Review development policies and large-scale agriculture, mining and logging projects leading to the destruction of indigenous community forests and culture
* Issue a standing invitation to the UN Special Rapporteur on the rights of indigenous peoples to assess the situation in West Papua and conduct a comprehensive study on the enjoyment of indigenous peoples’ rights.

*The ICP urges companies operating in West Papua 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.
* Consider the principles of Free, Prior and Informed Consent (FPIC), comply with the UN guiding principles on business and human rights and uphold the principles enshrined in the UN Declaration on the Rights of Indigenous Peoples.

*The ICP urges producers and consumers to:*

* Do not consume products which have been produced under poor and unfair social conditions, violating human rights, and contributing to the exploitation of natural resources and destruction of the environment in Papua.

1. In this report, the term ‘West Papua’ refers to the Indonesian provinces of Papua and Papua Barat [↑](#footnote-ref-1)
2. The coalition was called Faith Based Network on West Papua (FBN) until December 2012. The members of the coalition are: Asian Human Rights Commission, Christian Solidarity Worldwide, Dominicans for Justice and Peace, Franciscans International, Geneva for Human Rights, Lutheran World Federation, Medicins du Monde, Mission 21, Mission EineWelt, Pazifik Netzwerk e.V., Pax Romana, Tapol, United Evangelical Mission, Uniting World, Vivat International, Westpapua-Netzwerk, West Papua Project, and Word Council of Churches. [↑](#footnote-ref-2)
3. John Gobai (08.02.2016): Aspek Hukum Kelemahan IUP PT Nabire Baru, e-document: <http://www.jeratpapua.org/2016/02/08/aspekhukum-kelemahan-iup-pt-nabire-baru/> [↑](#footnote-ref-3)
4. Auriga Nusantara, Jerat Papua, Elsam (2018): Half-Hearted Recognition: A Study on Customary Forest Concession License in Papua, p. 7f, available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiE5fqf9s7gAhUysaQKHTTXBeAQFjAAegQIAxAC&url=https%3A%2F%2Fauriga.or.id%2Fwp-content%2Fuploads%2F2019%2F01%2Fhalf-hearted-recognition-on-customary-forest-concession-license-papua.pdf&usg=AOvVaw3jhMifQm7U-YaXamJR7_aU> [↑](#footnote-ref-4)
5. Ibid. p. 9f [↑](#footnote-ref-5)
6. Ibid. p.14 [↑](#footnote-ref-6)
7. Ibid. p. 17f [↑](#footnote-ref-7)
8. Ibid, p. 30f [↑](#footnote-ref-8)
9. Ibid, p. 35f [↑](#footnote-ref-9)
10. Conservation International (22.03.2019): Conservation International Applauds West Papua on Becoming First-Ever Conservation Province, available at: <https://www.conservation.org/press-releases/2019/03/22/conservation-international-applauds-west-papua-on-becoming-first-ever-conservation-province> [↑](#footnote-ref-10)
11. Suara Papua (05.07.2019): Suku Yerisiam Gua – hutan kami dihabisi laut pun dibatasi, available at: <https://suarapapua.com/2019/07/05/suku-yerisiam-gua-hutan-kami-dihabisi-laut-pun-dibatasi/> [↑](#footnote-ref-11)
12. Ministry for communication and Informatics of the Republic of Indonesia (08.09.2017): Perhutanan Sosial, Kini Masyarakat Legal Mengelola Hutan, available at: <https://kominfo.go.id/index.php/content/detail/10564/perhutanan-sosial-kini-masyarakat-legal-mengelola-hutan/0/artikel_gpr> [↑](#footnote-ref-12)
13. Indopos (14.06.2019): Program Perhutanan Sosial merupakan Program Prioritas Pemerintah, Ini Tujuannya, available at: <https://indopos.co.id/read/2019/06/14/177944/program-perhutanan-sosial-merupakan-program-prioritas-pemerintah-ini-tujuannya/> [↑](#footnote-ref-13)
14. Pusaka (28.05.20919): Percepatan Pengakuan Hutan Adat, available at: <https://pusaka.or.id/2019/05/percepatan-pengakuan-hutan-adat/> [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)
17. Betahita (15.07.2019): Dari 814 Wilayah Adat, Baru 65 Diakui Pemerintah, available at: <http://betahita.id/2019/07/15/dari-814-wilayah-adat-baru-65-yang-mendapat-pengakuan-dari-pemerintah/> [↑](#footnote-ref-17)
18. Ethnologue, Languages of the World: Languages of Indonesia (Papua), available at: <https://www.ethnologue.com/16/show_country/IDP/> [↑](#footnote-ref-18)
19. BRWA website, Wilayah Adat, Data WA, available at: <https://brwa.or.id/wa/> [↑](#footnote-ref-19)
20. ANJ Group (25.07.2016): Putusan PN Sorong Tentang Perkara Ganti Rugi PPM dan Yakomina Gue, available at: <https://anj-group.com/id/news-events-1/index/putusan-pn-sorong-tentang-perkara-ganti-rugi-ppm-dan-yakomina-gue-1> [↑](#footnote-ref-20)
21. Indonesian Supreme Court (12.03.2017): Putusan MA PTUN Tergugat PT Nabire Baru, available at: <https://de.slideshare.net/nabirebaru/putusan-ma-ptun-tergugat-pt-nabire-baru> [↑](#footnote-ref-21)
22. Pusaka (September 2019): Setahun Moratorium, Mendesak negara memulihkan hak masyarakat, p. 5, available at: <https://pusaka.or.id/assets//2019/09/Laporan-Satu-Tahun-Moratorium-Sept-2019-Final-dikompresi.pdf> [↑](#footnote-ref-22)
23. Ibid., p. 5 [↑](#footnote-ref-23)
24. Ibid., p. 7 [↑](#footnote-ref-24)
25. ICP (September 2017): Human Rights in West Papua 2017, The fifth report of the International Coalition for Papua (ICP) covering events from January 2015 until December 2016 p. 136 & 138f, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf> [↑](#footnote-ref-25)
26. Pusaka, Kronologis Kasus Kekerasan dan Penembakan Anggota TNI AD terhadap Masyarakat di Areal Perkebunan Kelapa Sawit PT. Bio Inti Agrindo, Blok I [↑](#footnote-ref-26)
27. Pusaka (19.11.2017): Kronologis Kasus Kekerasan Aparat BRIMOB PT. PPM terhadap Masyarakat Pemilik Tanah Adat di Sorong Selatan, e-document available at: <https://awasmifee.potager.org/?p=1577> [↑](#footnote-ref-27)
28. Pusaka (September 2019): Setahun Moratorium, Mendesak negara memulihkan hak masyarakat, p. 7, available at: <https://pusaka.or.id/assets//2019/09/Laporan-Satu-Tahun-Moratorium-Sept-2019-Final-dikompresi.pdf> [↑](#footnote-ref-28)