

**Mandates of the Special Rapporteur on the right to food; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Working Group on the rights of peasants and other people working in rural areas; the Special Rapporteur on violence against women and girls, its causes and consequences and the Special Rapporteur on the human rights to safe drinking water and sanitation**

Ref.: AL IDN 1/2025

(Please use this reference in your reply)

7 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of Indigenous Peoples; Working Group on the rights of peasants and other people working in rural areas; Special Rapporteur on violence against women and girls, its causes and consequences and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 49/13, 53/3, 55/5, 55/2, 50/17, 51/21, 52/4, 51/16, 54/9, 50/7 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding **alleged violations of the rights of Indigenous Peoples, particularly in the Merauke Regency of South Papua Province, Indonesia, linked to the implementation of National Strategic Projects (NSPs). We are also bringing these allegations to the concerned companies' attention. Two companies — PT Global Papua Abadi and PT Murni Nusantara Mandiri (part of the Global Papua Abadi Group) — have reportedly been granted Plantation Business Permits to clear land, covering vast areas that overlap with the customary territories of these Indigenous tribes.**

These projects have reportedly resulted in violations of the affected communities' rights to food, water, health, a clean, healthy and sustainable environment as well as cultural rights, with women and children being particularly vulnerable to the consequences. Additionally, the Indigenous communities are reportedly facing intimidation and criminalization, with a high presence of military personnel in the region supporting companies in clearing forest lands. Indigenous and community leaders, as well as environmental human rights defenders, continue to face threats and criminalization for advocating for their rights. We previously addressed a similar situation in Indonesia in our communication [IDN 4/2024](#), to which Your Excellency's Government provided a comprehensive response. We are grateful for the engagement and cooperation. However, we note with concern that similar issues continue to be reported in other regions of Indonesia.

According to the information received:

In 2023, the Coordinating Ministry for Economic Affairs designated the Merauke Food and Energy Development Zone as a Special Economic Zone (SEZ) and included it in the list of NSPs. This SEZ focuses on producing rice, sugarcane, and other flexible crops across approximately two million hectares. In November 2023, the Coordinating Ministry for Economic Affairs issued a regulation concerning amendments to the list of NSPs, which added the Merauke Food and Energy Development Area in South Papua Province to the list. The project is planned to cover more than two million hectares in the Food Production Centre Area (KSPP), consisting of five clusters spread across 13 districts. The entire location of the Merauke NSP food estate project falls within the customary territory of the Malind, Yeinan, Maklew, Khimaima, and Yei Indigenous peoples. It is estimated that more than 50,000 Indigenous people living in 40 villages around and within the project area will be directly affected by its implementation.<sup>1</sup>

Merauke Regency is home to the Yeinan, Malind, Maklew, Khimaima, and Yei tribes; these Indigenous communities are deeply connected to their ancestral lands which they depend on for managing food resources and preserving traditional practices. The ongoing project directly affects more than 40,000 Yeinan and Malind people – 80% of the Papuan Indigenous population in Merauke. The communities are alarmed by the encroachment on their customary lands, including sacred sites, hamlets, orchards, swamps, and forests, which are integral to their cultural and spiritual identity.

The Indonesian Constitution Safeguards Indigenous rights through articles 18B (2) and 28I (3). Article 18B (2) recognizes and respects customary law communities and their traditional rights, provided they align with national interests and legal regulations. Article 28I (3) emphasizes the protection of cultural identities and the rights of Indigenous communities in line with societal progress.

Despite these protections, in the case of the NSP in Merauke, the government has allegedly initiated projects and issued business permits for land and forest use without prior consultation, deliberation, or the free, prior, and informed consent of the Indigenous communities who own the land.

Since May 2024, land clearing has begun with over 6,000 hectares already being developed and cultivated without a Strategic Environmental Study or Environmental Feasibility Approval, in addition to the reported lack of environmental impact assessments for the project itself, Indigenous Peoples have been excluded from decision-making processes, and their customary lands have allegedly been seized without prior consultation.

In October 2023, the President of Indonesia launched the establishment of five infantry battalions across five regions to enhance food resilience in Papua.

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<sup>1</sup> <https://www.forestpeoples.org/en/national-strategic-project-confiscates-indigenous-papuan-land-and-endangers-social-cultural-identity-must-be-stopped>

Currently, five government-operated military companies, along with alleged private militias – who are armed but wear no uniforms – have been reportedly deployed in the region to oversee and enforce the project. Military forces are in charge of guarding land-clearing operations and have been allegedly intimidating and silencing any opposition. Residents have also reported manipulation of signatures and coercion by military personnel to suppress resistance. The companies in charge of implementation have employed state military personnel and utilized military facilities for project socialization, land acquisition, location surveys, and land measurements.

Following the announcement of the NSP, opposition to the project emerged in Merauke. The Yeinan tribe firmly refused to relinquish their land and organized a demonstration in Kwell, a village in Merauke. On 22 August 2024, various tribes affected by plantation development in South Papua Province gathered to protest the project in front of the South Papua People's Assembly office.

In November 2024, representatives of Papuan Indigenous Peoples from Merauke travelled to Jakarta to formally report the issue to the National Human Rights Commission, the National Commission on Violence Against Women, the Indonesia Witness and Victim Protection Agency, and the Ombudsman. Additionally, Indigenous representatives from Merauke staged a peaceful demonstration outside the Ministry of Defence.

Indigenous representatives who travelled to Jakarta to report these violations faced alleged intimidation by the military upon their return.

The large-scale loss of land has severely disrupted the traditional way of life, cultural heritage, and food security of the Yeinan and Malind people. As stewards of the land, they face not only environmental destruction but also the erosion of their identity and sovereignty.

For the Malind people, the destruction of forests has been particularly devastating, stripping them of access to traditional forest foods and disrupting their cultural, social, and spiritual identities. Industrial plantations and widespread land clearance have replaced their diverse, nutrient-rich diets with nutritionally inadequate, market-based foods like rice, instant noodles, and biscuits. This shift has left them perpetually hungry, physically weakened, and increasingly disconnected from their ancestral lands, deepening the crisis of displacement and cultural loss.

The NSP in Merauke involves three key measures aimed at transforming the region's agricultural landscape. First, it includes the development of sugarcane plantations, along with the establishment of sugar processing facilities and bioethanol production, covering an extensive area of 637,420 hectares. Second, the project focuses on agricultural optimization through mechanization, the construction of irrigation canals, and the provision of farming machinery to support agricultural activities across six sub-regencies. Lastly, the NSP emphasizes new crop development, with plans to construct one million hectares of rice fields and adaptable crop plantations. These developments are reportedly expected to significantly alter the region's agricultural practices, land use, and

the livelihoods of its Indigenous populations. The population of Merauke Regency in South Papua Province, Indonesia, is facing severe levels of food insecurity, a situation that has progressively worsened over recent years.

The NSPs, presented as a food and energy security initiative, operates under a task force led by the Ministry of Investment and Downstream Industry of Indonesia. However, its implementation has allegedly prioritized private investment and corporate-driven agribusiness over Indigenous rights and environmental protections. Two companies – PT Global Papua Abadi and PT Murni Nusantara Mandiri (part of the Global Papua Abadi Group) have reportedly been granted Plantation Business Permits to clear over 637,420 hectares of land, much of which overlaps with the customary territories of these tribes.

The Strategic Environmental Assessment (SEA) of the Regional Spatial Plan (RTRW) for 2024–2030 highlights the immense environmental and cultural significance of the areas designated for the NSP. Spanning over 200,000 hectares, these regions are crucial not only to global ecological stability but also to the survival and well-being of Indigenous communities. Among the designated areas are at least 60,000 hectares of peatlands, which are essential for carbon storage and support unique ecosystems, and approximately 500,000 hectares of savannah that host diverse endemic species.<sup>2</sup>

The potential loss of these critical ecosystems poses a grave threat to biodiversity, jeopardizing the survival of local wildlife and endangering the cultural heritage of Indigenous communities that depend on them. Alarming, more than half of the land designated for food production under the NSP falls within these environmentally sensitive zones. This large-scale conversion of natural landscapes marginalizes Indigenous peoples, infringes on their rights, and erodes their ability to sustain their traditional livelihoods.

As of November 2024, approximately 109,317 hectares of land, including peatlands and forests, have already been cleared since the process started in 2010. This ongoing deforestation has triggered severe environmental consequences, including droughts, forest fires, and flooding. These disasters have become increasingly frequent, exacerbated by the opening of the Merauke Integrated Food and Energy Estate (MIFEE), a project established to facilitate the use of a large area of land spanning up to 2.5 million hectares for the manufacturing of palm oil and food crops in 2010, have become increasingly frequent. The destruction of these landscapes has been particularly devastating for areas rich in sago trees and various root crops.

### *Forest Foods: Beyond Sustenance*

For the Malind community, forest foods – such as vegetables, tubers, fruits, nuts, and fish – are far more than sources of sustenance. These foods embody the deep kinship between the Malind and the plants and animals they consider "grandparent" or "sibling" species, all believed to share a common ancestry

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<sup>2</sup> <https://www.wwf.id/en/blog/questioning-local-food-sources-malind-tribe-merauke-papua>

through ancestral spirits (*dema*). This worldview sees humans and nature as intrinsically interconnected in a reciprocal relationship: plants and animals provide food, while humans honour them through respect and rituals.

The destruction of forests has not only caused widespread hunger but also severed the Malind community's spiritual and cultural ties to their land. Sago, known as *dakh* – a term synonymous with "food" in Malind culture – is central to their identity. A "true Malind" according to popular belief, is someone who eats sago. Beyond its nutritional value, sago represents strength and vitality, enabling men to hunt and women to bear healthy children. Its preparation is a collective activity involving all members of the community, reinforcing social bonds and transferring ecological knowledge across generations. This traditional food system is deeply embedded in the fabric of Malind society and is essential to their cultural pride.

The clearing of forests since 2010 – which as of November 2024 has amounted to the destruction of over 109,317 hectares of peatlands and forests – has drastically limited access to sago forests, forcing the Malind to rely on processed foods that fail to meet their nutritional needs. Foods like instant noodles and rice are described as "tasteless" and "unsatiating," and many Malind report that they exacerbate hunger rather than alleviating it. Processed foods lack the moral, cultural, and emotional significance of forest foods and are seen to weaken bodies and diminish vitality.

The implementation of the NSP poses an existential threat to the Malind's cultural identity and way of life. By prioritizing market-based food systems over traditional practices, the NSP disrupts access to sago forests and undermines the cultural pride and ecological knowledge that have sustained the Malind for generations. The project risks eroding not only physical sustenance but also the spiritual and cultural foundations of the Malind, Yeinan and other tribes.

### *Women, Children, and Hunger*

Women and children are particularly affected by the loss of forest access and the shift to a market-based food system. Women have traditionally played a central role in managing sago forests, extracting starch, and preparing staple dishes like *sago sep*, which is made with sago, ground rat meat, or fish from rivers and swamps. This dish, central to ceremonies and daily meals, is a cultural symbol that embodies the Malind's identity and their connection to the forest.

Without access to sago, women report significant physical changes to their bodies, such as dry skin, diminished vitality, and reduced ability to breastfeed. These changes are a stark reflection of the hunger and malnutrition gripping their communities. Children, deprived of the nutritional benefits of sago and other forest foods and from breastfeeding, are particularly vulnerable. Many have become frail, small, and undernourished, with some dying from malnutrition-related conditions before reaching their first birthdays.

The preparation of sago, once a collective activity, also served as a means of teaching children vital ecological knowledge. Children learned to enhance the

environment by supporting the growth of sago palms, clearing pathways for forest animals, and avoiding disturbances during the mating seasons of birds. These activities were part of their enculturation into Malind society and were crucial for sustaining the abundance of forest foods. The loss of this way of life has disrupted intergenerational knowledge transfer, leaving younger generations disconnected from their cultural roots.

### *Potential Threats to Biodiversity*

The deforestation associated with the NSP has significantly disrupted the habitats of local wildlife, including the tuban (a local term for vole), wallabies, and protected migratory birds, which are vital protein sources for Indigenous communities. Papua's rainforests, renowned as some of the most biodiverse in the world, are home to 20,000 plant species, 602 bird species, 125 mammal species, and 223 reptile species. These ecosystems not only sustain local communities by providing traditional foods, medicines, and livelihoods but also play a crucial global role in carbon storage and oxygen production.

However, the NSPs risk irreversibly destroying these vital ecosystems, endangering local wildlife and undermining global efforts to combat climate change. The clearing of forests has resulted in the collapse of bamboo clusters and sago groves, as nutrient-rich soil becomes depleted, and rivers are polluted with runoff. Wildlife such as pigs, cassowaries, and other forest-dwelling species has been displaced or has starved due to the destruction of their natural habitats. This ecological devastation has not only exacerbated hunger among the Malind Indigenous people but has also eroded their spiritual and ecological heritage, further disconnecting them from their ancestral lands.

### *Effects on Water and Aquatic Ecosystems*

The NSP projects have had a catastrophic impact on water resources and aquatic ecosystems, further compounding the challenges faced by Indigenous communities. Rivers and streams, once central to the lives of the Malind people, have been polluted with chemical runoff from plantations, making water unsafe for consumption and irrigation.<sup>3</sup>

Wetlands and swamp areas, crucial for water regulation and biodiversity, have been drained or degraded, disrupting the natural flow of water and leading to increased flooding during rainy seasons and droughts during dry periods. These changes in water availability and quality have had far-reaching effects, including the loss of traditional fishing practices and reduced agricultural productivity.

The destruction of water ecosystems also impacts the spiritual and cultural lives of the Malind people, for whom rivers and swamps are sacred spaces intertwined with their cosmology.

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<sup>3</sup> A J Silubun and S G A Putri 2019 IOP Conf. Ser.: Earth Environ. Sci. 235 012086

### *Global and Local Implications*

The environmental and cultural devastation wrought by NSP projects represents a crisis not only for Indigenous communities but also for global ecological stability. By destroying critical ecosystems that store carbon, regulate the climate, and sustain biodiversity and what once were healthy ecosystems, these projects undermine efforts to combat climate change, address biodiversity loss, and protect the planet's ecological balance.

### *Community Leaders and Environmental Defenders*

There have been reports of alleged intimidation and threats against community leaders and environmental defenders who participated in protests, including allegations of army and militia led harassment targeting members of the Makleuw and Malind tribes. The deployment of a significant number of armed forces in the region is particularly troubling given the ongoing context of deforestation. Indigenous representatives who traveled to Jakarta to report these violations faced alleged intimidation by the military upon their return. Additionally, there are allegations of criminalization, intimidation and excessive use of force against those who oppose the project or its implementation by state authorities, including by participating in peaceful demonstrations.

While we do not wish to prejudge the accuracy of the above allegations, the information provided raises serious concerns regarding the potential impacts of the NSP on the rights and livelihoods of Indigenous Peoples. These concerns include the threat of severe food scarcity, loss of biodiversity, and the erosion of cultural practices, water resources, identity, and traditions. Moreover, it is alleged that the Strategic Environmental Study or Environmental Feasibility Approval process have not taken place, effectively excluding Indigenous People from meaningful participation. The Malind's struggle with hunger and the loss of their forest underscores the profound consequences of deforestation, where the destruction of ancestral lands jeopardizes the survival of Indigenous communities and their deeply rooted cultural identities. For the Malind people, this environmental destruction represents a profound loss – not just of food, water, and wildlife, but of their cultural identity, spiritual heritage, and ability to sustain their traditional way of life. The NSP projects risk displacing a way of life that has harmonized with nature for generations, replacing it with a model that neither sustains the environment nor respects the rights of Indigenous communities nor the right to a healthy environment as The degradation of these ecosystems represents not only an environmental crisis but also a profound cultural loss, as it severs the connection between the Malind and their ancestral spirits, who are believed to inhabit these waters.

We are deeply concerned about reports of intimidation, criminalization and threats against community leaders and environmental defenders that voiced concerns about the NSP projects. These appear to be linked to the exercise of their right to freedom of expression and freedom of peaceful assembly and their calls for the protection of the communities' rights to food, water, health and a healthy environment. Such actions not only undermine the rights of the affected communities but also create a harmful "chilling effect" on civil society, deterring individuals and groups from exercising their rights to freedom of peaceful assembly and freedom of expression, and advocating for justice. Community leaders and environmental defenders must, in line

with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) and the UN Guiding Principles on Business and Human Rights, be enabled to exercise their right to promote and defend the rights of their communities and environment without fear of reprisal, criminalization or violence from both State and non-State actors.

We note with concern the reported lack of consultation with the Indigenous communities affected by the development of the project. Furthermore, the NSP reportedly has a disproportionate and adverse impact on vulnerable groups within Indigenous communities, particularly women and children.

While we acknowledge that Your Excellency's Government has stated that the NSP is intended to enhance Indonesia's food security, we emphasize that such initiatives must align with both international and national legal frameworks. Destroying Indigenous lands, which are deeply tied to their identity, and causing the loss of biodiversity – both of which have significant local and global consequences – cannot be justified under this rationale.

We also express our concern that Your Excellency's Government may be failing to uphold its duty to protect against human rights abuses within its territory and/or jurisdiction, particularly those perpetrated by third parties, including business enterprises. This duty requires the Government to take appropriate steps to prevent, investigate, punish, and redress such abuses through effective policies, legislation, regulations, and adjudication, as outlined in the United Nations Guiding Principles on Business and Human Rights.

The fact that ten companies have already been granted licenses, with at least two already allegedly beginning forest-clearing activities, underscores the need for Your Excellency's Government to exercise robust oversight and scrutiny of these companies. It is imperative to ensure that all activities fully respect human rights and that those responsible for violations are held accountable.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on how Your Excellency's government ensures that the implementation of the Merauke Food and Energy Development Zone aligns with the Indonesian Constitution and international human rights standards. This includes measures that have been taken to involve Indigenous communities in meaningful consultations about the potential impacts of the project on their ancestral



lands and ability to uphold the rights, including their rights to maintain and transmit their ways of life and to free, prior, and informed consent for all development projects on their customary lands.

3. Please indicate what steps Your Excellency's government is taking to prevent and mitigate the environmental degradation resulting from large-scale land clearing, particularly the destruction of peatlands, forests, and wetlands. Additionally, how will the Government protect the biodiversity of Merauke, including the habitats of endangered species, and safeguard the traditional ways of life that are closely tied to these ecosystems?
4. Has your Excellency's Government analyzed the possibility of suspending all related activities, including the sugarcane plantation, sugar factory, bioethanol development, and the one-million-hectare rice field project, based on national and international legal obligations and in line with the preventive principle, until adequate comprehensive evaluations and measures to prevent, mitigate, and restore potential harms are in place?
5. Please explain how Your Excellency's Government is addressing the food security, water safety, and health concerns of Indigenous communities like the Malind, ensuring their access to culturally appropriate food while protecting their right to a healthy environment, including sustainable food systems and biodiversity.
6. Please provide information on what actions Your Excellency's government is taking to prevent the reported intimidation and coercion of Indigenous communities who oppose the NSP. How does the Your Excellency's government plan to protect the rights of these communities, particularly in relation to the military presence in the region and alleged violations of their constitutional rights? What steps are being taken to ensure that Indigenous Papuans, environmental human rights defenders, and other disproportionately affected groups can freely exercise their rights to freedom of opinion and expression, and freedom of peaceful assembly regarding the Merauke NSP, without fear of harassment, intimidation, or violence?
7. Please indicate how the steps that your Excellency's Government has taken to implement its National Strategy on Business and Human Rights are in line with the UN Guiding Principles on Business and Human Rights.
8. Please indicate what measures your Excellency's Government has taken or is considering to take to ensure that victims of violence, including gender-based violence are able to receive immediate assistance, protection, as well as be able to effectively seek justice and reparation?

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be

presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has been also sent to Global Papua Abadi Group.

Please accept, Excellency, the assurances of our highest consideration.

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## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw your attention to the obligations under article 25 of the Universal Declaration of Human Rights (UDHR), which recognizes that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Although not legally binding, the provisions under the UDHR enjoys undisputed international recognition as to be considered part of customary international law. Indonesia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2006, demonstrates its commitment to upholding the right to adequate food as articulated in article 11(1) of the Covenant. This Article explicitly recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions." To ensure this right is realized, article 2(2) of the Covenant obliges states to guarantee that the rights enunciated are exercised without discrimination of any kind, including on the basis of race, colour, sex, or socioeconomic status. In interpreting the former, the Committee on Economic Social and Cultural Rights stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing, and market systems (para. 12). It entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7).

The ICESCR further requires States to "take appropriate steps to ensure the realization of this right" (article 11(1)), and the Committee has defined the corresponding obligations of States to respect, protect and fulfil the right to food in its general comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security. The right to be free from hunger and malnutrition is not subjected to the progressive realization, as it must be fulfilled in a more urgent manner (para 1). The Committee also recalled that the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food may constitute a violation of this right. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people. In this regard, the CESCRC states that the formulation and implementation of national strategies for the right to food requires full compliance with the principles of

accountability, transparency, people's participation, decentralization, legislative capacity and the independence of the judiciary (para. 23). Furthermore, States must guarantee that food is available, which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand. Access to food must be sustainable, i.e., food must be accessible for both present and future generations. Accessibility implies physical accessibility for everyone, including children, the elderly, persons with disabilities and displaced populations. Economic accessibility means that food must be affordable to all; expenses for food must not be so high as to compromise the enjoyment of other human rights, such as housing, water, health or education.

Moreover, article 11(2) requires the States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, to take, individually and through international co-operation, the measures, including specific programmes, which are needed to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources. Furthermore, article 1.2 of the International Covenant on Civil and Political Rights (ICCPR), states that all people may freely dispose of their natural wealth and resources.

Additionally, we would also like to draw the attention of your Excellency's Government to general comment No. 36 on the right to life adopted by the Human Rights Committee, which states that measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health-care, electricity and sanitation. The Human Rights Committee recognized that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on States (e.g. to not kill), but also positive obligations (e.g. to protect life), to ensure access to the basic conditions necessary to sustain life. It has affirmed that measures that restrict access to basic and life-saving services, such as food, health, electricity and water and sanitation are contrary to article 6 of the ICCPR that protects the right to life.

In addition to recognizing the right to an adequate standard of living, article 12 of the ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Committee on Economic, Social and Cultural Rights' general comment No. 14 states that, this is "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information" (para. 11). It further indicates that States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (general comment 14, para. 34).

We also wish to draw the attention of your Excellency's Government to its obligations under article 27 of the International Covenant on Civil and Political Rights, and article 15 of the International Covenant on Economic, Social and Cultural Rights, concerning, respectively, the right of everyone to enjoy his or her own culture and to take part in cultural life. As the UN Committee on Economic, Social and Cultural Rights makes clear in its general comment No. 21, States must adopt appropriate measures or programmes to support minorities or other groups in their efforts to preserve their culture (para. 52 f), and must obtain their free, prior and informed consent when the preservation of their cultural resources is at risk (para. 55). In the case of indigenous peoples, cultural life has a strong communal dimension that is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. The Committee has stressed that "indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature must be respected and protected, in order to avoid the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity". States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources (para. 36). Furthermore, States parties must also respect the rights of indigenous peoples to their culture and heritage and to maintain and strengthen their spiritual relationship with their ancestral lands and other natural resources traditionally owned, occupied or used by them, and indispensable to their cultural life (para. 49 d).

Article 21 of the ICCPR recognizes the right to freedom of peaceful assembly and provides that "No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." The Human Rights Committee highlighted that article 21 'protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs' (CCPR/C/GC/37, para. 6). The Human Rights Committee also affirmed that States "should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety" (CCPR/C/THA/CO/2, para. 40).

We also wish to draw the attention of your Excellency's Government to its obligations under the Convention on the Rights of the Child, having signed and ratified the convention in 1990. Under article 24(2), "States Parties shall pursue full implementation of the right to health and, in particular, shall take appropriate measures to combat disease and malnutrition, including within the framework of primary health care, through: (c) the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution and (e) to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition,

the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents”.

We would like to refer to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by your Excellency’s Government in 1984, which protects women’s equal access to work, land, credit, income, and social security – essential elements to ensure women’s equal enjoyment of the right to food. Furthermore, articles 11 and 12 of CEDAW address women’s right to protection of health and safety, including safeguarding reproductive functions, and call for special protections to be accorded to mothers before and after childbirth, including adequate nutrition. Additionally, article 14 of the Convention confirms that States must “take all appropriate measures to eliminate discrimination against women in rural areas (...) to ensure (...) the right (...) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.” The preamble of CEDAW further underscores that in situations of poverty, women have the least access to food, health, education, training, employment opportunities, and other essential needs.

We also refer to general recommendation No. 34 on the rights of rural women, particularly paragraph 12, in which CEDAW urges States to address, alleviate, and mitigate “specific threats posed to rural women by climate change, natural disasters, land and soil degradation, water pollution, droughts, floods, desertification, pesticides and agrochemicals, extractive industries, monocultures, bio-piracy and the loss of biodiversity, in particular agro-biodiversity.” The Committee further emphasizes the importance of ensuring that rural women enjoy a safe, clean, and healthy environment.

As mentioned by the Special Rapporteur on Violence Against Women and Girls in her report A/HRC/50/26, indigenous women and girls have been particularly exposed to serious forms of gender-based violence because of conflict related to land, territories or natural resources. Perpetrators of this violence often enjoy impunity. They also bear disproportionately the consequences of violence against themselves. The Special Rapporteur highlighted how many States fail to recognize the specific particularities that characterize the violence that indigenous women and girls face, which can result in barriers to access justice. She called for ensuring that the victims have access to effective justice. Survivors must have adequate access to protection and support services including culturally appropriate medical treatment, psychosocial counselling and professional training.

Moreover, we refer to the report on agricultural workers (A/73/164) by the former Special Rapporteur on the right to food, which highlights that even States that have adopted CEDAW often fail to provide adequate legal protections for women workers, especially those who are pregnant or have recently given birth. These women remain vulnerable to hazardous working conditions and societal biases, further undermining their rights and well-being. These interconnected issues emphasize the urgent need for comprehensive action to address the systemic challenges facing women in achieving their full rights and potential.

We also would like to recall the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, which applies to indigenous peoples and local communities working on the land (article 1), recognizes at article 15

the right of these people to adequate food and the fundamental right to be free from hunger. This includes the “right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development”. We also recall article 15(2) and article 15(3) of the aforementioned declaration which prescribes that States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably. Moreover, “States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation.”

Lastly, according to the declaration, Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures. Hence, States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional, and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present declaration.

We would also like to refer to The United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007, to which your excellency government has voted in favour, also affirms that indigenous peoples have the right to use and develop the lands that they possess by reason of traditional ownership (art. 26) and that States should give due recognition to indigenous land tenure systems (art. 27). The realization of indigenous peoples’ right to food depends crucially on their access to and control over the natural resources on their ancestral lands, as they often feed themselves by cultivating these lands or by collecting food, fishing, hunting or raising animals on them.

We would like to refer to the United Nations Declaration on the Rights of Indigenous Peoples, which reflects existing legal obligations sourced in international human rights treaties. In particular, article 24.2 of the declaration provides that indigenous peoples have an equal right to the enjoyment of the highest attainable standard of physical and mental health. The UN declaration, in article 31, indicates that “indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, [and] knowledge of the properties of fauna and flora.

We also draw your attention to the UN Declaration on Human Rights Defenders, which recognizes the right of each person to promote the realization of human rights and calls for the protection “of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise

of’ their rights as human rights defenders (article 12.2). The Declaration also guarantees the right of everyone to participate in the conduct of public affairs, and that “This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms” (article 8.2).

We would like to recall that Business enterprises providing work opportunities are required to comply with all applicable laws and to respect human rights, pursuant to the UN Guiding Principles on Business and Human Rights (A/HRC/17/31). Unanimously adopted by the Human Rights Council in June 2011, the Guiding Principles are relevant to the impact of business activities on all human rights, including the rights to adequate housing, health and food, as well as on human rights defenders. The Guiding Principles clarify not only the corporate responsibility to respect human rights but confirm that “States must protect against human rights violations committed in their territory and / or their jurisdiction by third parties, including business enterprises.” (principle 1). This requires States to “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (guiding principle 3).

We would like to draw the attention to the obligations set forth in the Guiding Principles also require that a State take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.” Thus, States have a duty to ensure that any person or group who is a victim of a violation of the right to adequate food has access to effective judicial or other appropriate remedies, and that all victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-prepetition (E/C/12/1999/5, para. 32; guiding principles, para. 25). The right to an effective remedy is incompatible with judicial procedures that incur undue delays, as would appear to be the case in the information received.

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While states generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures. Business enterprises, in turn, are expected to carry out human rights due diligence in order to identify, prevent, mitigate and account for how they address their impacts on human rights. Where a business enterprise causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. Similarly, where a business enterprise contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible (guiding principle 19).

We also recall to your Excellency the explicit recognition of the human rights to safe drinking water and sanitation by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR.



We would like to refer to the United Nations General Assembly in its resolution 70/169 of 2015 that recognized that “the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use”, and that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

We would like to emphasize that the human rights to water and sanitation require that water is continuously available, in sufficient quantity for drinking, personal hygiene and domestic uses. In its general comment No. 15, the CESCR highlights that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic uses and that “the right to water is also inextricably related to the right to the highest attainable standard of health (article 12.1) and the rights to adequate housing and adequate food (article 11.1). For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health)”.

We would like to recall to your Excellency’s Government the duty of all States to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the UN General Assembly (A/74/480). This obligation derives implicitly, but clearly, from any number of rights and duties enshrined within the global human rights framework, under which States are obligated to respect and fulfil recognized human rights, and to protect those rights, including from the implications of exposure to toxics. Those rights include the human rights to life, health, safe food and water, adequate housing, and safe and healthy working conditions.

General comment 36 of the Human Rights Committee stresses that the protection of the rights to life and a life with dignity requires that States ensure that individuals and communities are protected from exposure to hazardous substances, such as pollution and toxic chemicals in products and occupational settings. The Committee indicates that States may be in violation of the rights to life and a life with dignity when they take insufficient measures or otherwise fail to take measures to prevent chronic exposure to hazardous substances, whether from the environment, workplace, consumer products or other sources. In the landmark decision by the Human Rights Committee in *Cáceres et al. v. Paraguay*, the Committee found that Paraguay had violated the rights to life and a life with dignity of over 20 people who were exposed to toxic pesticides (CCPR/C/126/D/2751/2016, paras. 7.3 and 7.5). The contamination was found to have caused the death of one person and poisoned 22 other inhabitants of a community. The finding reinforced that the State’s failure to prevent exposure can be a violation of the right to life and a life with dignity, even in absence of premature death.

The CESCR, in its general comment 14, found that toxic exposure can violate the right to the highest attainable standard of health, which requires the prevention of exposure to hazardous substances, as the right to the prevention of diseases is a

fundamental aspect of the right to health (para 16). The prevention of toxic exposure is also related to the right to private and family life enshrined in article 17 of the ICCPR, according to general comment 36 of the Human Rights Committee. It noted that a violation may exist when pollution has a direct, serious impact on the right to private and family life and the home. Pollution and environmental degradation can affect the well-being of an individual (*ibid.*, paras. 7.3, 7.5 and 7.8). The duty to prevent exposure is also related to the national and regional recognition of the right to a safe, clean, healthy and sustainable environment, including clean air (A/74/480).

In its report on human rights of workers and exposure to toxic substances, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances stresses that the toxification of our planet and bodies constitutes what is arguably one of the most underappreciated threats to the ability of present and future generations to enjoy their human rights to life, health and a life with dignity (see A/HRC/39/48). The Rapporteur stresses that the rights to life, health and a life with dignity, among others, require that States prevent exposure to toxic and otherwise hazardous substances and wastes. Every State must have in place comprehensive laws and effective enforcement mechanisms to prevent exposure to all forms of pollution, toxic chemicals and other hazardous substances that can be a reasonably foreseeable threat to the health, life and dignity of the individual, including exposure caused by private actors.

We would like to furthermore draw your attention to the UN Guiding Principles on Business and Human Rights (A/HRC/17/31) which are the authoritative global standard of conduct to prevent, mitigate and remedy adverse human rights impacts of business activities. They were unanimously endorsed by the Human Rights Council in June 2011. The Guiding Principles clarify that, in accordance with international human rights obligations, 'States must protect against human rights abuses committed within their territory and/or jurisdiction by third parties, including business enterprises' (guiding principle 1). This requires States to 'clearly state that all companies domiciled in their territory and/or jurisdiction are expected to respect human rights in all their activities' (guiding principle 2). In fulfilling their duty to protect, States should:

- a) Enforce laws that have the purpose or effect of enforcing respect for human rights by companies, businesses and other business enterprises.
- b) Ensure that other laws and regulations governing the creation and activities of companies, such as commercial law, do not restrict but rather promote respect for human rights by companies.
- c) Effectively advise companies on how to respect human rights in their activities.
- d) Encourage and if necessary, require companies to explain how they take into account the human rights impact of their activities (guiding principle 3).

The Guiding Principles have identified two main components of the corporate responsibility to respect human rights, which require that enterprises: (a) avoid causing or contributing to adverse human rights impacts through their own activities and address

those impacts when they occur; and (b) seek to prevent or mitigate adverse human rights impacts directly related to their operations, products or services provided through their business relationships, even where they have not contributed to them (guiding principle 13). States should also take appropriate measures to ensure, through appropriate judicial, administrative, legislative, or other appropriate means, that when such abuses occur within their territory and/or jurisdiction, those affected have access to effective remedy" (guiding principle 25). The Guiding Principles also emphasize that "States should ensure [...] that the legitimate and peaceful activities of human rights defenders are not hindered" (comment to guiding principle 26).

The Guiding Principles also recognise the important and valuable role played by independent civil society organisations and human rights defenders. In particular, principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The commentary to principle 26 underlines how States, in order to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed.

Regarding the possible adverse effects on the environment, we would like to cite that, on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment, confirmed by the General Assembly in July 2022 with resolution A/RES/76/300.

In relation to this, we wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, Framework principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that "States should provide a safe and enabling environment in which individuals, groups, and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation, and violence." Accordingly, "the requirements for such an environment include that States: adopt and implement laws that protect human rights defenders in accordance with international human rights standards; publicly recognize the contributions of human rights defenders to society and ensure that their work is not criminalized or stigmatized; develop, in consultation with human rights defenders, effective programmes for protection and early warning; provide appropriate training for security and law enforcement officials; ensure the prompt and impartial investigation of threats and violations and the prosecution of alleged perpetrators; and provide for effective remedies for violations, including appropriate compensation (see also A/71/281, A/66/203 and A/HRC/25/55, paras. 54-133)."

With regard to the protection of the human rights of climate activists as environmental human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct

thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain from issuing official and unofficial statements stigmatizing climate defenders. The Special Rapporteur on climate change and human rights has called on States to: protect climate activists as environmental human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children. She also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone's human right to a healthy environment, including a safe climate.

Furthermore, principle 8 of the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public, done in a manner that does not discriminate anyone. Principle 14 require States to ensure that they take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities.

In addition, we recall that The Committee on the Rights of the Child, in its general comment No. 26(2023), emphasized that to protect children's right to a healthy environment, which is implicit in the Convention on the Rights of the Child, States must take immediate action to equitably phase out the use of coal, oil and gas; and States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions. Furthermore, several Special Rapporteurs have pointed out the tremendous negative impacts on human rights of fossil fuels throughout their life cycle, from exploration and extraction to combustion and contamination, noting that fossil fuels exploitation affects the rights to life, health, food, water and sanitation, education, an adequate standard of living, cultural rights, and a clean, healthy and sustainable environment with marginalised and vulnerable communities bearing the brunt of the consequences.

We further recall that under the Convention on Biological Diversity, States have obligations to: manage biological resources important for the conservation of biodiversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8); and introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biodiversity with a view to avoiding or minimizing such effects and allow for public participation in such procedures (art. 14). CBD Parties committed to: include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in the

energy sector, through strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments; apply best practices on environmental impact assessments; review and, as appropriate, update legal frameworks, policies and practices to promote the mainstreaming of biodiversity in the energy sector, including through safeguard, monitoring and oversight measures; and promote the full and effective participation of Indigenous peoples and local communities, academia, women, and youth, through consultations with Indigenous peoples and local communities with a view to obtaining free, prior and informed consent, consistent with international agreements (decision XIV/3, 2018).