



ASIA JUSTICE AND RIGHTS



FIAN  
INDONESIA



10 December 2024

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**To the**

Special Rapporteur on the Rights of Indigenous People

Working Group of Business and Human Rights

Special Rapporteur on Climate Change

Special Rapporteur on the Human Right to a Clean, Healthy, and Sustainable Environment,

Special Rapporteur on Right to Development

**For the consideration of the**

Special Rapporteur on the Right to Water and Sanitation

Special Rapporteur on the Right to Food,

Special Rapporteur on Human Rights Defenders

Special Rapporteur on Contemporary forms of Racism

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

**Merauke's National Strategic Project: Grabbing Customary Lands and Clearing Out the Source of Life of the Indigenous People**

*Issues: Indigenous peoples' rights, business and human rights, climate change, right to food, right to water, right to clean, healthy and sustainable environment*

Dear Sir/Madam,

Pusaka Bentala Rakyat Foundations, together with the Indigenous People of Kondo-Digoel Forum, Association of Petrus Vertenten, Papua Post Merauke Legal Aid Foundation (LBH Papua Pos Merauke), Papua Legal Aid Foundation (LBH Papua), West Papua Council of Churches (WPCCC), Secretariat of Justice for Peace and Integrity of Creation Franciscan Papua (SKPKC - FP), Indigenous West Papuan Catholic Pastors, Peace and Integrity of Creation of Evangelical Christian Church (KPKC GKI), Asia Justice and Rights (AJAR), FIAN Indonesia, Rettet den Regenwald, Dutch Cooperating Organizations for West Papua (SOWP), Pacific Network on Globalization (PANG), TAPOL, Human Rights Monitor, and Franciscans

International (FI), would like to formally submit information regarding deforestation activities currently occurring in Merauke Regency, West Papua. We respectfully request that the Special Rapporteurs urgently intervene to prevent further escalation of the rights violations.

#### I. Context: The Merauke Food and Energy Development Zone

In 2023, the Coordinating Ministry for Economic Affairs designated the Merauke Food and Energy Development Zone as a Special Economic Zone (SEZ) in South Papua Province, incorporating it into the National Strategic Projects (NSPs) list. The NSP framework, governed by Presidential Regulation No. 109 of 2020, prioritizes expedited licensing and administrative procedures, further weakening national social safeguards. This approach jeopardizes Indonesia's compliance with international commitments under UNDRIP, ICESCR, and CBD, which mandate participatory decision-making, equitable benefit-sharing, and the protection of indigenous rights and territories. The economic zone will focus on producing rice, sugarcane, and other flexible crops in a total area of around two million hectares<sup>1</sup>, almost equal to half the territory of Switzerland. The government subsequently established the Task Force for Accelerating Sugar and Bioethanol Self-Sufficiency in Merauke, led by the Minister of Investment. This positioning underscores the initiative's alignment with attracting private sector investment and advancing large-scale agribusiness projects. Framed as a measure to bolster food and energy security, the task force's mandate appears to prioritize facilitating business interests and expediting the implementation of corporate-driven ventures under the guise of national development goals. The implementation of the NSP in Merauke Regency involves three main measures: the establishment of sugarcane plantations, sugar processing facilities, and bioethanol production across 637,420 hectares; the optimization of agricultural land through mechanization, irrigation canal construction, and provision of farming machinery across six sub-regencies; and the development of new rice fields and other adaptable crops utilizing one million hectares, accompanied by the construction of food security infrastructure such as a 135.5 km road in four districts in the western part of Merauke Regency.

The Indonesian Government has held plans for large-scale agricultural development in Merauke since at least 2007, and UN human rights bodies have previously expressed their concerns about the negative human rights impacts associated with those plans.<sup>2</sup> Apart from a significant development in palm oil, sugarcane plantations, Industrial Plantation Forest and other flexible crops, the most ambitious plans were not realised in previous iterations of the food estate project. As of November 2024, approximately 109,317 hectares of land, including peatlands and forests, have been cleared and lost. Natural disasters such as drought, forest fires, and flooding, as well as evidence of the persistence of hunger,<sup>34</sup> have been occurring since the opening of the MIFFE area up to 2.5 millions hectares in 2010. This situation is expected to worsen with the large-scale development planned under the National Strategic Project (PSN) in Merauke.

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<sup>1</sup> [The total area of Merauke regency is 4,5 million hectares](#)

<sup>2</sup> See, <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CERD/EarlyWarning/Indonesia02092011.pdf>

<sup>3</sup> [Gastro-colonialism in Merauke](#)

<sup>4</sup> [Food insecurity in Merauke](#)

The Indonesian Government, under both the previous Joko Widodo (popularly known as “Jokowi”) and current Prabowo Subianto regimes, has given clear indications that they are determined to make this project succeed this time round. There were a succession of high-level visits to the plantation projects in the closing months of Jokowi’s presidency (investment minister Bahlil Lahadalia in May 2024, vice president Ma’aruf Amin in June 2024 and Joko Widodo himself in July 2024), and one of Prabowo’s first visits after assuming the presidency, in November 2024 was also to Merauke.

Before the formation of the Task Force, the regional and national government issued permits to 10 sugarcane plantation companies in 2023 and 2024 spread across 8 districts in the central and eastern part of Merauke Regency. Two of the companies, PT Global Papua Abadi and PT Murni Nusantara Mandiri, part of the Global Papua Abadi Group currently doing the land clearing, obtained a Plantation Business Permit from the government to build sugarcane plantations and infrastructure in an area of more than 637,420 hectares. Based on an analysis most of the company's permits are located in the customary land of Yeinan and Malind Tribes. More than 40.000 indigenous people (80% of the total Papuan Indigenous population in Merauke) who live in 40 villages around and within the project location will be directly affected by the project.

There are strong indications that an Australian company Sugar Research Australia, funded by the Australian government through a levy on sugar producers in Australia, has played a key role in the project working with the companies and the Indonesian Sugar Plantation Research Center (P3GI) to supply plant varieties suitable for Merauke, which has climatic and biological similarities to sugar-growing regions in Queensland.<sup>5</sup>

## II. There is a lack of transparency around the companies responsible for implementing the Merauke food estate project

There is little transparency surrounding the agribusiness corporations which are pioneering the sugarcane and bioethanol project, and it may be considered likely that the legal owners of shares in the companies which have been linked to the project are not in fact the ultimate beneficial owners of the project. Nevertheless there are strong signs that two family groups are the driving force behind the project: the Fangiono group and the KPN group. Key family members Martias Fangiono and Martua Sitorus were visible in photographs published by the Indonesian government when former President Joko Widodo visited PT Global Papua Abadi’s plantation in July 2024.<sup>6</sup> PT Global Papua Abadi was formerly owned by Sulaidy, an individual whose name has allegedly been used as a nominee shareholder of ‘shadow companies’ linked to the Fangiono Group.<sup>7</sup>

Both family groups are prominent in the palm oil industry. The Fangiono Group controls listed palm oil companies First Resources and FAP Agri and, through the Ciliandry Anky Abadi Group also controls six palm plantation companies in Sorong and South Sorong Regency in Papua. The KPN Group includes KPN Plantation and KPN Downstream, non-listed palm oil

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<sup>5</sup> [The Involvement of Sugar Research Australia](#)

<sup>6</sup> [First seed planting](#)

<sup>7</sup> [The Fangiono Group](#)

businesses which include two large existing plantations in Merauke, near the proposed sugarcane location. Both family groups have businesses in other sectors, such as property.

The companies also utilized State military personnel and military facilities in the socialization of the project, land acquisition process, location surveys, and land measurements. Last October, the new president initiated the creation of five infantry battalions in five regions to support food resilience in Papua<sup>89</sup>.

The other area reserved for the Land Optimization and One Million Hectare Rice Field Creation Project was initiated and operated by the Ministry of Agriculture, Ministry of Defense, and local government, which included high indigenous authorities from Merauke, including the at-the-time incumbent and former regents of Merauke. The governments are also collaborating with a wealthy businessman from South Kalimantan, Andi Syamsuddin Arsyad, known as Haji Isam the owner of the Jhonlin Group company.<sup>10</sup>

Since June 2024, a megayacht belonging to Haji Isam has been anchored in Wobikel Sea waters, Ilwayab District. At the end of July 2024, the barge owned by Haji Isam loaded and unloaded dozens of heavy equipment, including Sany brand excavators and bulldozers. As of today, more than 200 excavators have been operating in Wanam. The heavy equipment cleared out the land, hamlets, orchards, swamps, sacred places, and customary forests belonging to the Marind-Makleuw Indigenous people in Wanam.

Furthermore, PUSAKA found out that the Minister of Environment and Forestry also issued a permit<sup>11</sup> for infrastructure development regarding the Approval of the Use of Forest Areas for Food Security Facilities and Infrastructure Development Activities in the Context of Defense and Security on Behalf of Indonesian Ministry of Defense in an area of 13,540 hectares in Protected Forest Areas, Permanent Production Forest Areas and Convertible Production Forest Areas in Merauke Regency, South Papua Province.

PUSAKA conducted an analysis of the maps attached to that letter, and it found that the locations are within the customary forest area and places of significance for Indigenous Peoples, such as sacred places and ancestral routes, food hamlets, hunting grounds, and traditional conservation areas, which are located in Ilwayab, Ngguti, Kaptel, and Muting District in Merauke Regency.

### III. The Merauke food estate project is proceeding without respecting indigenous people's rights to FPIC and with accompanying and severe human rights violations

This Merauke National Strategic Project has cleared out, damaged, and eliminated customary forests and sources of life for Indigenous Peoples. The project lacks the Strategic Environmental Study and Environmental Feasibility Approval permits to prevent social and environmental impacts. Without the involvement of the community that owned the land, the

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<sup>8</sup> [Military Involvement Violate National Military law: Tapol Report \(page 16\)](#)

<sup>9</sup> [Military involvement](#)

<sup>10</sup> [Haji Isam Involvement in National Strategic Project](#)

<sup>11</sup> Decision Letter of the Minister of Environment and Forestry of Republic of Indonesia. Number 835. 12 of July 2024

government makes decisions and grants business permits that grab customary land and allow companies to use military forces to intimidate and safeguard the project. Until today, the community has not received the Strategic Environmental Assessment documents, which tend to be hard to access. The government planned the project in November 2023, the land clearing started in May 2024, and the companies have already opened more than 6000 hectares of land today.

#### IV. Seek Justice to Defend Indigenous Territories

When the NSP was announced, the voices rejecting the project emerged in Merauke. The Yeinan tribe refused to give up their land and did a demonstration in Kwell, a village in Merauke. On the 22nd of August, different tribes affected by a plantation in the South Papua Province in Merauke gathered together and did a demonstration to reject the project in front of the South Papua People's Assembly office. The protest proceeded at the national level, where representatives of Papuan Indigenous People from Merauke came to Jakarta to report the case to the National Human Rights Commission, National Commission on the Violence Against Women, Indonesia Witness and Victim Protection Agency, and the Ombudsman. Furthermore, the representatives of Indigenous People from Merauke did a determined but peaceful demonstration in front of the office of the Ministry of Defense. When they came back to Merauke, three of the representatives were intimidated by the military.

We consider there is no human rights due diligence carried out by the government of Indonesia for the NSP in Merauke Regency. The above-mentioned facts demonstrate how the State has implemented policies and conducted actions, that violate the rights of indigenous peoples, to land, to development, to a clean, healthy, and sustainable environment, to adequate food, cultural rights of Indigenous Peoples, to personal liberty and other freedoms, to integrity of the person, to private and family life, and to security and peace. Furthermore, Merauke's NSP violates the 1945 Constitution of Indonesia, local laws and regulations. The State has also failed to prevent actions of private actors (including companies, operators and project intermediaries) that also abuse these rights, failing to comply with their responsibilities under the UN Guiding Principles on Business and Human Rights and other relevant standards on the matter.

#### **Our Appeal**

Based on above, we request that, at the earliest possible opportunity, you send a communication to the Indonesian government and request the government to:

1. Immediately suspend the Merauke National Strategic Project, comprising - the sugarcane plantation, the sugar factory, the bioethanol development project, and the one million hectare new rice field creation project - pending the complete re-evaluation of the project to ensure its compliance with Indonesia's international obligations.
2. Recognize the rights of Indigenous people in Merauke Regency under the United Nations Declaration on The Rights of Indigenous People (UNDRIP), including their right to free, prior informed consent for all development projects occurring on customary or traditional lands.
3. Conduct thorough environmental and human rights impact assessments involving the National Human Rights Commission (Komnas HAM) and publish their findings.

4. Conduct a thorough audit assessing the compliance of business owners and business activities with existing legal requirements and the environmental viability of projects. In cases of non-compliance, revoke business permits and the use of forest areas.
5. Withdraw all involvement of the Indonesian National Army (TNI) in National Strategic Projects involving Indigenous peoples in Merauke.
6. Ensure all Indigenous Papuan and other groups are able to exercise their rights to Freedom of Opinion and Expression, particularly with regard to the Merauke NSP, and ensure they are protected against harassment, intimidation and attack.
7. Provide reparations to communities who have been affected by the Merauke's NSP.
8. Return customary and traditional lands to the Indigenous People in Merauke and restore the forest, peatland, swamp and river.



## Annexes

### 1. Deforestation by Global Papua Abadi Inc (Pic by PUSAKA)



### 2. Deforestation by Murni Nusantara Mandiri Inc, one of the companies from Global Papua Abadi Group (Pic by PUSAKA)





3. Excavator bought by Haji Isam in Wanam District (Pic by [ANTARA News](#))



4. Peaceful demonstration to reject the project by Yeinan Tribe in Kweel Village, Merauke.



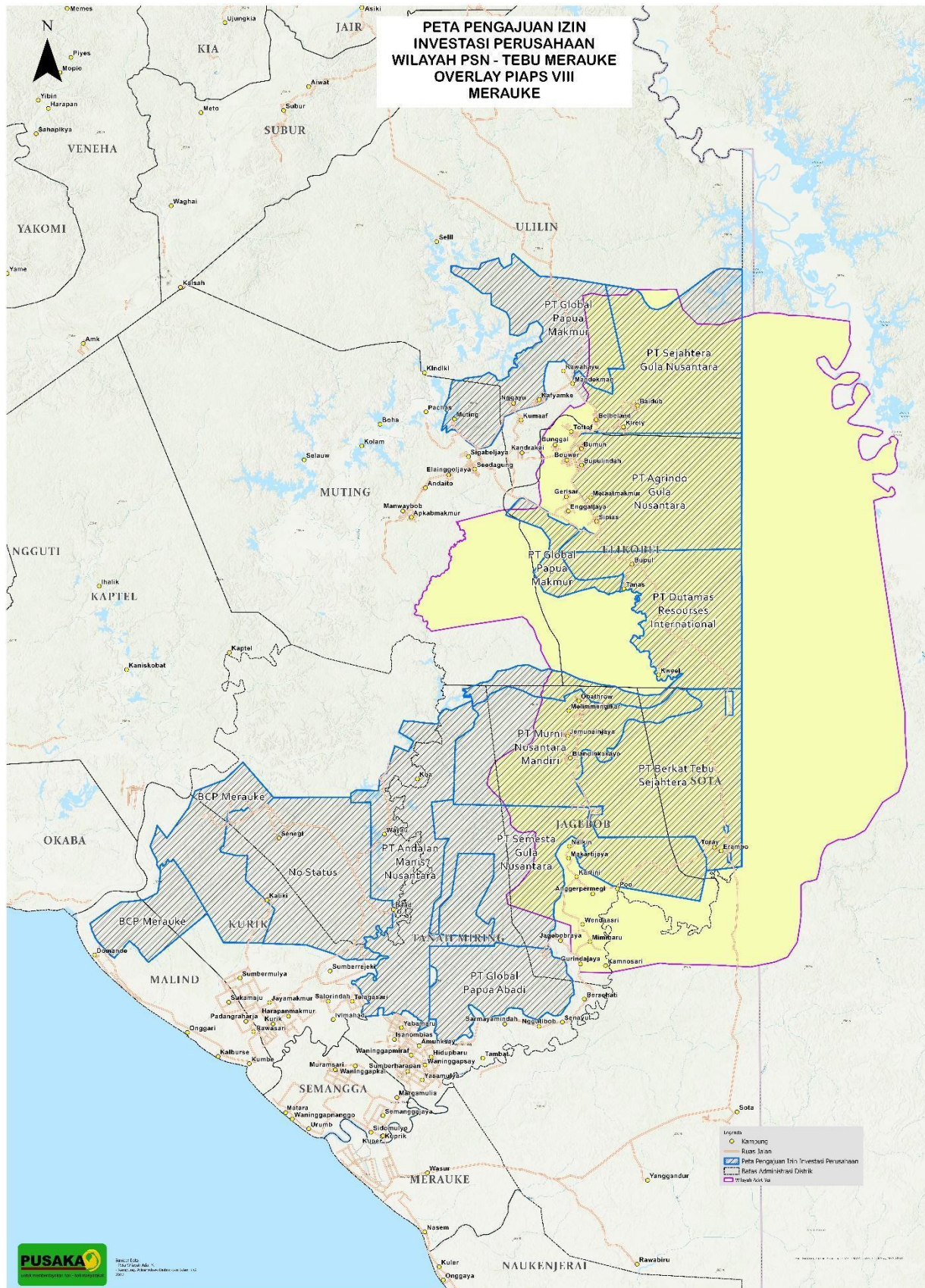


5. Peaceful demonstration to reject the project from tribes who lives in South Papua Province in front of the South Papua People's Assembly Office (Pic by PUSAKA)



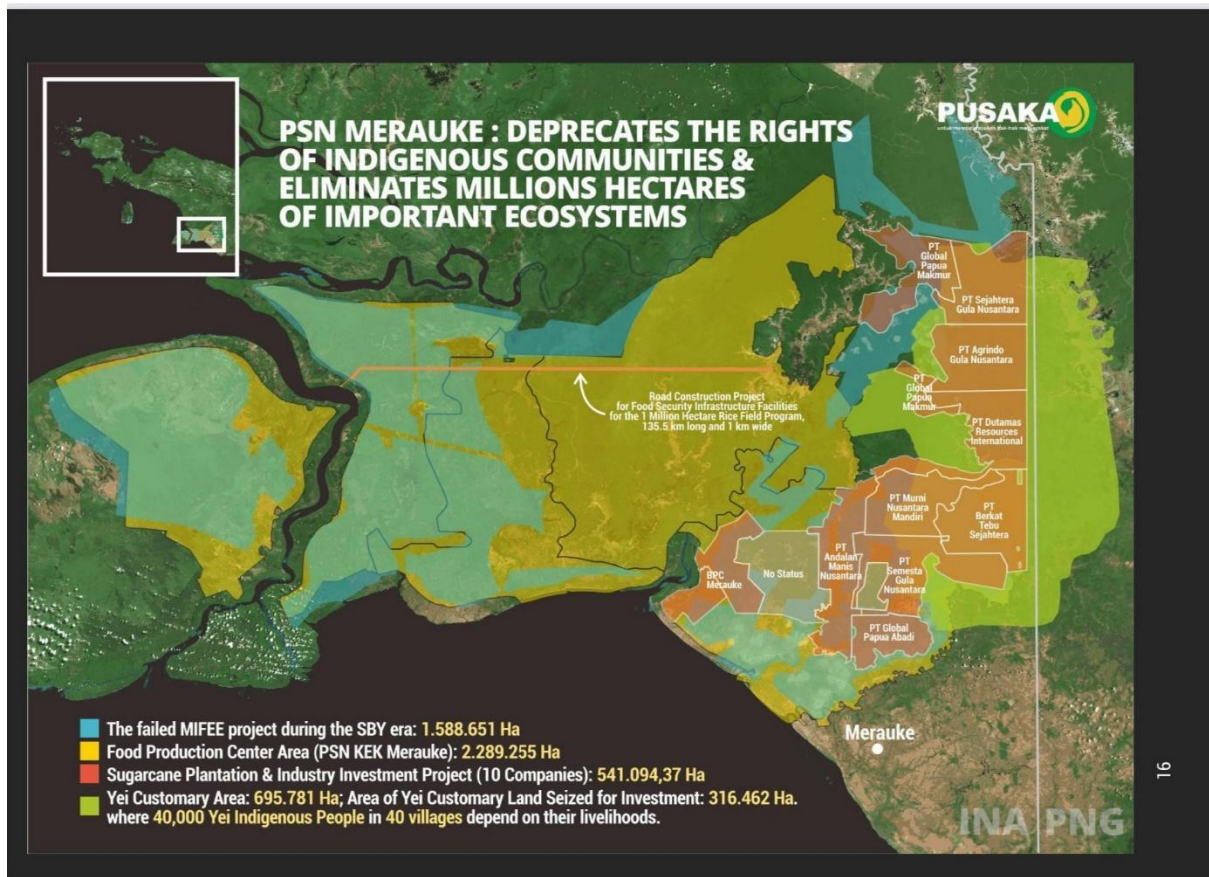


6. Overlapped of Yeinan Customary Area and the location for sugarcane companies in Merauke





## 7. Merauke National Strategic Project



- Additional resources regarding information for the project could be accessed through this [link](#).