

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 OTH 22/2025
(Please use this reference in your reply)

7 March 2025

Mr. Joko Herman Pramulyo,

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 situation of human rights defenders; 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.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on the information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to draw the attention of your company to information we have received concerning alleged violations of the rights of Indigenous Peoples, particularly in the Merauke Regency of South Papua Province in Indonesia,

Global Papua Abadi

arising from the implementation of National Strategic Projects (NSPs). These projects have reportedly resulted in violations of affected communities' rights to food, water, health, nutrition, culture, and tradition, and a clean, healthy and sustainable environment, 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.

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.¹

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.

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

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. 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 Defense.

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.²

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. Alarmingly, 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 (MIFFE), a project established to facilitate the use of a large area of land spanning up to 2.5 million hectares for the

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

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 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.³

Wetlands and swamp areas, crucial for water regulation and biodiversity, have been drained or degraded, disrupting the natural flow of water and leading to

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

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.

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 culture, 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.

In addition, we would like to express our serious concern about the allegations of land grabbing of Indigenous Peoples ancestral lands and farmers' lands, ecosystem degradation and destruction, considering that these lands, healthy environment, water

and ecosystems are essential for their livelihoods and well-being, without the free, prior, and informed consent of Indigenous Peoples and good faith consultation of affected farmers communities. According to the allegations, the right to access information, vital for granting informed consent, would have been breached. Therefore, it is with regret that we note that your company may be failing to implement adequate human rights due diligence measures to guarantee that its actions do not lead to human rights abuses, as set out by the United Nations Guiding Principles on Business and Human Rights.

In addition, we are seriously concerned about the alleged intimidation and criminalisation of environmental human rights defenders and Indigenous and community leaders. These practices are prone to have a grave chilling effect on their rights to freedom of expression and peaceful assembly. In this regard, we urge your company to halt the reported intimidation of those defending their land and 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 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 are also deeply concerned about the allegations of deforestation, and the pollution of water resources deriving from commercial oil palm plantations. If they were to be verified, they could amount to a violation of the rights to housing, land and property, adequate food, safe drinking water and the human right to a clean healthy and sustainable environment of affected farmers communities and Indigenous Peoples.

We are, furthermore, concerned that the Indigenous Peoples whose ancestral lands have allegedly been grabbed without any kind of prior consultations, may increasingly suffer from the loss of their land undermining their right to their own culture, whose exercise is linked to their ancestral land, as well as their right to participate in economic, political, social and cultural development, including self-determination over their natural wealth and resources. Moreover, it is of deep concern the impact that these situations would have on the right to a clean, healthy and sustainable environment of Indigenous Peoples.

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 what human rights due diligence policies and processes have been implemented by your company to identify, prevent, mitigate and remedy adverse human rights impact of the activities of your company, in particular, with respect to the human rights of farming communities and Indigenous Peoples and of other rights holders affected by the land conflicts and land grabbing, in line with the United Nations Guiding Principles on Business and Human Rights.
3. Please provide information on the measures taken by your company to ensure meaningful and good faith consultations with the affected communities to assess the impacts of the land acquisition by your company, with due consideration for their rights. Furthermore, where the land acquisition affects Indigenous Peoples, please inform on the measures taken by your company to ensure the respect of their right to free, prior and informed consent.
4. Please provide information on the measures taken so far by your company to ensure that adequate compensation has or will be provided to all affected rights-holders in accordance with international human rights standards.
5. Please provide information on the steps taken by your company to establish, implement and/or enforce an operational-level grievance mechanism, in line with the UN Guiding Principles on Business and Human Rights, in order to address actual and potential adverse human rights impacts. Please also inform on possible actions taken by your company to ensure that, if in place, such grievance mechanism is truly accessible to affected communities and Indigenous Peoples.
6. Please describe the guidance, if any, that your company has received from the Government of Indonesia on how to respect human rights, the environment and environmental human rights defenders throughout its operations in line with the UN Guiding Principles. This guidance may include measures, such as conducting human rights due diligence, meaningfully consulting potentially affected stakeholders, and providing effective remedies, including guarantees of non-repetition of the alleged allegations.
7. Please provide information regarding the efforts and measures by your company regarding the protection, conservation and restoration when needed, of peatlands and other wetlands and ecosystems that might have been deteriorated or destroyed due to the development of palm oil plantations.
8. Please describe any other measures that your company has taken, or plans to take, to prevent the recurrence of such situations in the future. We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your company will

be made public via the communications reporting website. 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 you to use your influence so that all necessary interim measures be taken to halt the alleged violations, prevent their re- occurrence and ensure collaboration with any investigation regarding them.

Please be informed that a letter on this subject matter has been also sent to the Government of Indonesia.

Please accept, Mr. Joko Herman Pramulyo, the assurances of our highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

Lyra Jakulevičienė
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Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to 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 an 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.

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – ratified by Indonesia in 2006 – recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. article 11(2) provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application. Article 11(1) of the ICESCR further requires States to “take appropriate steps to ensure the realization of this right”. The Committee on Economic Social and Cultural Rights (Committee) 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). According to the Committee, the obligation 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 the State to take measures to ensure that enterprises or individuals do not deprive other 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 to ensure their food security (para. 15). The right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1).

As stated by the Committee in its general comment No. 12, States are required to respect existing access to adequate food and to take no action to prevent such access. 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. Paragraph 54 of general comment No. 12 also emphasizes that “[t]he denial of access to food to particular individuals or groups” constitutes a violation of the right to food.

We also wish to draw the attention of Indonesia’s 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).

In its general comment No. 4, the Committee on Economic, Social and Cultural Rights clarified that the right to housing should be seen as the right to live in security, peace and dignity, including access to land as an entitlement. The general comment indicates that the right to housing includes, among others, legal security of tenure guaranteeing legal protection against forced evictions, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection in genuine consultation with affected persons and groups. Additionally, in its general comment No. 7, the Committee clarified that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid.

The Guidelines on development-based evictions and displacement set out the international human rights standards that should be upheld in such contexts. Among other things, these Guidelines underscore that States must give priority to exploring strategies that minimize harm. Comprehensive impact assessments should be carried out prior to the initiation of any project that could result in development-based evictions and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. Furthermore, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State must take all appropriate measures, to ensure that resettlement, including adequate alternative housing and access to productive land, is available.

Upon her visit to Indonesia, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, specifically recommended that "Land policy should protect the interests of low-income households, indigenous communities and communities occupying land based on customary (adat) law" (A/HRC/25/54/Add 1, para. 81). We also wish to draw attention to the report of the previous Special Rapporteur on the right to adequate housing (A/74/183) in which she stated that, for Indigenous Peoples, the concept of home is not just about a built structure where one lives, but is about one's place on the planet, defined through one's lands, resources, identity and culture, which in turn requires that the right to housing must be interpreted and applied in a manner that is responsive to Indigenous Peoples' experiences of housing and home.

We also wish to draw your attention to CESCR's general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can

be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Additionally, the Committee underlines that agrarian reform is an important measure to fulfil such rights, as more equitable distribution of land through agrarian reform can have a significant impact on poverty reduction and improve food security, since it makes food more available and affordable, providing a buffer against external shocks (para. 36). Such redistribution of land and agrarian reforms should focus particularly on the access to land of young people, women, communities facing racial and descent-based discrimination and others belonging to marginalized groups and should respect and protect the collective and customary tenure of land. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).

We would also like to refer to general comment 24 on States' obligations under the Covenant on Economic, Social and Cultural Rights (E/C.12/GC/24) in the context of business activities. The Covenant establishes specific obligations of States parties at three levels – to respect, to protect and to fulfil. These obligations apply both with respect to situations on the State's national territory, and outside the national territory in situations over which States parties may exercise control. "The obligation to respect economic, social and cultural rights is violated when States parties prioritize the interests of business entities over Covenant rights without adequate justification, or when they pursue policies that negatively affect such rights. This may occur for instance when forced evictions are ordered in the context of investment projects. Indigenous Peoples' cultural values and rights associated with their ancestral lands are particularly at risk. States parties and businesses should respect the principle of free, prior and informed consent of Indigenous Peoples in relation to all matters that could affect their rights, including their lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired".

We recall the explicit recognition of the human rights to safe drinking water 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. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified 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.

Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition 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".

In this regard, we would like to refer to the Special Rapporteur on the human rights to water and sanitation report, [A/HRC/54/32](#), in which he states that land grabbing, often involving water grabbing, entails misappropriations of resources from communities, and undermines freshwater quantity and quality, affecting the human right to water of the communities directly affected and downstream populations and recommended members states to avoid the overexploitation of aquifers, the overallocation of water rights and the hoarding of land and water, and avoid unfounded expectations of current or future water availability, guaranteeing the supply to populations and communities in situations of vulnerability and poverty, above any productive use, however profitable it may be. Furthermore, the Special Rapporteur on the human rights to water and sanitation in this report [A/HRC/51/24](#) recommended member states recognise in national legislation the existence of Indigenous Peoples within their borders and their collective rights to lands, territories and natural resources, including aquatic ecosystems, with legal communal ownership of the lands, resources and water rights in their territories.

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right.

We would also like to bring to your attention the Framework Principles on Human Rights and the Environment as detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The principles state that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States should ensure that they comply with their obligations to Indigenous Peoples and members of traditional communities, including by:

- a) Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used.
- b) Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources.
- c) Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources.
- d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources (principle 15).

We refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia in 2006, in particular, its article 9 enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. The right to security of a person refers to protection against physical or psychological injury, or physical and moral integrity, and obliges States

parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or private actor. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. Furthermore, in its general comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the ICCPR is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the right to access information as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Article 21 of the ICCPR guarantees the right to peaceful assembly. This article also states that “no restrictions may be placed on the exercise of this right other than those which are prescribed by 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”. Moreover, Human Rights Council resolution 24/5 of 2013 which reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, as well as to ensure that any restrictions on these are in accordance with their obligations under international human rights law.

The Human Rights Committee has confirmed 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). Restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government,

challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. (CCPR/C/MDG/CO/4, para. 51). They should not be used to prohibit insults to the honour and reputation of officials or State organs” (CCPR/C/GC/37, para. 49).

We would also like to highlight the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Article 5(b) of this Declaration, establishes the right to form, join, or participate in non-governmental organizations, associations, or groups; article 6(a) and (c), which establishes the right to know, obtain, and possess information about human rights, and to study and discuss whether human rights are being observed, both in law and in practice; and article 12, which provides that the State must ensure the protection of everyone against any threat, reprisal, or pressure resulting from the exercise of the rights authorized by the Declaration, as well as the right to effective protection of the laws when reacting to or opposing, by peaceful means, activities that cause violations of human rights and fundamental freedoms.

In addition, we would like to refer to Human Rights Council resolution 22/6 which urges States to publicly recognize the important and legitimate role played by human rights defenders in the promotion of human rights, democracy and the rule of law, as well as resolution 13/13 of the same Council which urges States to take concrete steps to end threats, harassment, violence and attacks by States and non-State entities against those engaged in the promotion and protection of human rights and fundamental freedoms for all.

As the Human Rights Committee has underlined in its general comment 35, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders (CCPR/C/GC/35 para. 9). Similarly, in its general comment 36 on the right to life set out in article 6 of the ICCPR, the Human Rights Committee notes that the duty to protect the right to life requires States Parties to adopt special measures of protection for persons in vulnerable situations whose lives are at particular risk due to pre-existing patterns of violence. This includes human rights defenders (CCPR/G/GC/36, paras. 23 and 53). In his report to the Human Rights Council, the Special Rapporteur on the rights to freedom of peaceful assembly and of association reaffirmed that given their interdependence and interrelatedness with other rights, freedom of peaceful assembly and of association constitute a valuable indicator of the extent to which States respect the enjoyment of many other human rights" (A/HRC/20/27 para. 12).

We would like to refer you to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which Indonesia voted in favour of at the General Assembly in 2007. The UNDRIP sets out international human rights standards relating to Indigenous

Peoples' rights. article 26 asserts the right of Indigenous Peoples to "the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired". Article 32 affirms that Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources and that "States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources". Furthermore, article 28 of the UNDRIP states that Indigenous Peoples have the right to just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned, occupied or used and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. UNDRIP additionally underlines that States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact. Importantly, article 10 specifically prohibits forcible removal of Indigenous Peoples from their lands or territories without their free, prior and informed consent, and provides that relocation could take place only after agreement on just and fair compensation and, where possible, with the option of return.

We wish to refer to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), adopted by the General Assembly in December 2018. Article 5 of UNDROP states that peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities, required to enjoy adequate living conditions. States are required to take measures to ensure that any exploitation affecting the natural resources that they traditionally hold or use is permitted based, among others, on: a) duly conducted social and environmental impact assessment; b) consultations in good faith; c) modalities for the fair and equitable sharing of the benefits of such exploitation, established on mutually agreed terms between those exploiting the natural resources and peasants and other people working in rural areas.

Article 15 of UNDROP states that peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized 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. 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. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the UNDROP.

Article 17 of UNDROP affirms that peasants and other people living in rural areas have the right to land, individually and/or collectively, including the right to have access to, sustainably use and manage land and pastures, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures. States are obliged to take appropriate measures to provide legal

recognition for land tenure rights, including customary land tenure rights not currently protected by law. States should recognize and protect the natural commons and their related systems of collective use and management. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate the broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Furthermore, article 24 of UNDROP affirms that peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.