

Joint Press Release
**Coalition of Indigenous Peoples and Civil Society Organisations officially lodge a
complaint with the United Nations Committee on the Elimination of Racial
Discrimination (UNCERD) contesting threats to indigenous rights in Borneo**

15th July 2020

On 9th July 2020, 14 Indonesian indigenous and human rights organisations, and the Forest Peoples Programme, submitted a report to the United Nations Committee on the Elimination of Racial Discrimination (UNCERD) requesting its consideration of the situation of Dayak and other indigenous groups of Kalimantan under the Committee’s urgent action and early warning procedures (EW/UA procedures).

The submission specifically focuses on the encroachment on and takings of indigenous lands for roadbuilding, plantations and mining along the Indonesia-Malaysia border, all of which threatens to cause imminent, gross and irreparable harm to the Dayak and other indigenous peoples in an area which coincides with the ancestral territory of 1 – 1.4 million Dayak indigenous people. Some communities already have been forcibly relocated and it is estimated that another 300,000 indigenous individuals are threatened with displacement.



An aerial image of the first oil palm plantations entering the border District of Mahakam Ulu, East Kalimantan (Angus MacInnes, 2017)

The report builds on a previous submission by NGOs to UNCERD in 2007. In response to the evidence presented, UNCERD noted “with concern, the plan to establish oil plantations over some 850 kilometres along the Indonesia-Malaysia border in Kalimantan as part of the Kalimantan Border Oil Palm Mega-project [KBOP], and the threat it constitutes for the rights of indigenous peoples to own their lands and enjoy their culture”.

Yet, Indonesia not only persists with this plan, routinely ignoring indigenous peoples' rights in the process, it has also recently and dramatically increased its scope and intensity and begun construction of a substantial road network to facilitate the expansion of the monocrop across the borderlands.



Huvat Biseh surveys the destruction left by logging company, PT Kemakmurah Berkah Timber (Roda Mas Group). (Angus MacInnes, 2017)

The lack of any discernible change in policy or practice with respect to the expansion of oil palm across Kalimantan's borderlands, and the continued disregard for the internationally guaranteed rights of Dayak indigenous peoples, as set out by UN and other treaty bodies, has again led NGOs to challenge the re-formulation of the KBOP Mega-Project.

The coalition of NGOs - all of whom work with indigenous communities across Kalimantan's borderlands - have found the government of Indonesia's failure to take corrective action since the 2007 submission has caused the situation to deteriorate, whereby the State is supporting the imminent taking of massive areas of indigenous lands for additional plantations and concessions along the borderlands.

The KBOP Mega Project was originally conceived to comprise of some 18 separate oil palm plantations, each with an average size of 100,000 hectares (ha) along the international border. Though the 1.8 million hectares project was neither formally approved - the Ministry of Agriculture itself acknowledging that over 90% of the immediate border area was unsuitable for oil palm - plantation companies continued to enter the borderlands with approval from District Governments and supported by regional police and the military.



The company operated on the community of Long Isun's ancestral territory without their consent, destroying *jalan nenek moyang* and the community's hunting grounds. (Angus MacInnes, 2017)

In West Kalimantan, for example, between 2012 and 2016, the amount of land dedicated to oil palm rose by 36%, while the number of recorded land conflicts also skyrocketed. The submission highlights a number of cases from affected communities across the Kalimantan border region to underline this point.

One such example is that of the ongoing conflict between an oil palm company, PT Ledo Lestari, and the Dayak Iban community of Semunying in Bengkayang District where tens of families have been relocated, placed in 'company camps', and their customary land and livelihoods taken away from them.

Abulipah, Village Secretary, member of Subdistrict's Dayak Customary Council, and spokesperson for the Semunying community, noted the following:

"We have suffered unimaginably from the longstanding conflicts with PT Ledo Lestari, which began in 2004. Approximately 8,000 ha - including 1,420 ha of customary forest, 30 ha of farmlands, and 117 ha of community orchards - of a total of 10,419 ha of our entire indigenous territory has been destroyed and converted into oil palm plantation by PT Ledo Lestari. We are demanding the full and effective remedy of our indigenous territory and customary forest that have been taken, cultivated and occupied by PT Ledo Lestari without any consultation or Free Prior Informed Consent (FPIC) as reported and confirmed by the State through its National Inquiry by the Human Rights Commission (Komnas HAM)."

The submission notes that the situation in East Kalimantan is equally dire where 71% of the province's forests are already in the hands of forestry companies, some 5.9 million hectares of land. An area that encompasses 642 indigenous villages. A situation that is perpetuated by discriminatory Indonesian law and practice that "denies [indigenous peoples] rights to their lands in favour of an ownership right vested by the State" in private companies.



Timber companies operate throughout the border districts. The company camp of PT Kemakmuran Berkah Timber (Roda Mas Group). (Angus MacInnes, 2017)

In Mahakam Ulu, for example, already 20 huge logging concessions pepper the border District, including one that incorporates some 13,000 hectares of the ancestral lands of the Dayak Bahau Busaang indigenous community of Long Isun. Here, community members were not made aware of this until forestry operations commenced in one area of their lands. The resulting criminalisation of community activists continue to haunt them, all the while the company continues to operate with impunity. The expansion of the Trans-Kalimantan road network, which is planned to cut through Long Isun's ancestral territory could equally have catastrophic consequences if land rights are not secured in advance.

Long Isun's current Customary Head, Lusang Aran, noted the following:

"Our community rejects the presence of any 'investors' entering and profiting from our customary lands, whether they be logging or oil palm companies. We forbid any exploitation of our natural resources, including any exploratory mining activities. While, we continue to struggle for the recognition of our customary law community by the Mahakam Ulu District Government through the enactment of a regional regulation (PERDA), exploitative companies continue to operate in the District with absolute impunity. This has to change."



Processed wood makes its way downriver to the timber mills situated in Samarinda, East Kalimantan. (Angus MacInnes, 2018)

The same process is now occurring in the newly created North Kalimantan Province. Oil palm plantations and other concessions are already a prominent feature and follow the ever-expanding border area road network. Academic research published in 2019 has highlighted how “these planned roads will shred much of what remains of the largest remaining forest blocks” including the unregularized indigenous territories that comprise a substantial percentage of these areas.

It is for this reason that the coalition of NGOs have submitted a report to UNCERD. Indonesia’s disregard for its international obligations, to recognise the rights of indigenous peoples to own their lands and enjoy their culture, cannot go unchecked and compels international scrutiny and action. Especially in the wake of the ongoing COVID-19 crisis, which is being used by the State to implement a sweeping deregulation process which includes the erosion of environmental and social safeguards for various kinds of projects, from infrastructure projects to agricultural development.

Thus, the signatories to the submission call on the Committee to urge Indonesia to immediately suspend the expansion of palm oil and logging operations, and associated infrastructure in the border region, until such time as it has secured indigenous peoples’ possession and ownership rights over the lands encompassed by their customary tenure systems and obtained their free, prior and informed consent. The submission also urges Indonesia to expediate the enactment of the Bill on the Recognition and Protection of the Rights of Indigenous Peoples (RUU PPHMA) and remedy the massive and ongoing rights violations occurring in existing oil palm plantations.



Foto: Christina Lawing Yeq, spiritual leader of Long Isun (Angus, 2018)

In 2007, the UNCERD found that Indonesia's laws failed to provide effective protection to indigenous peoples, a conclusion since echoed by various other UN treaty bodies. It specifically addressed the original KBOP Mega-Project, recommending that the State "secure the possession and ownership rights of local communities before proceeding further with this Plan". There has been no apparent attempt to comply with these recommendations, instead significantly expanding and intensifying the scope and extent of the original project, further weakening existing (already inadequate) legal protections.

It is time for the UNCERD to adopt a formal decision and recommend that Indonesia adopts the measures required to ensure respect for and the protection of the rights of the country's indigenous peoples.

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3. Aliansi Masyarakat Adat Nusantara Pengurus Daerah Bengkayang, Singkawang dan Sambas, Bengkayang, Kalimantan Barat
4. Institut Dayakologi (ID), Pontianak, Kalimantan Barat

5. Lembaga Bela Banau Talino (LBBT), Pontianak, Kalimantan Barat
6. Lembaga Bentang Alam Hijau (LemBAH), Pontianak, Kalimantan Barat
7. Lembaga Studi dan Advokasi Masyarakat/ELSAM, DKI Jakarta
8. Perkumpulan Nurani Perempuan (PNP), Samarinda, Kalimantan Timur
9. Perkumpulan Sawit Watch, Bogor, Jawa Barat
10. Perkumpulan Untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis/HuMA (Association for Community and Ecologically based Legal Reform), DKI Jakarta
11. Transformasi untuk Keadilan Indonesia (TuK INDONESIA), DKI Jakarta
12. Wahana Lingkungan Hidup Indonesia, WALHI Eksekutif Nasional, DKI Jakarta
13. Wahana Lingkungan Hidup Indonesia Kalimantan Barat (WALHI Kalbar), Pontianak, Kalimantan Barat
14. Yayasan Padi Indonesia, Kalimantan Timur
15. Forest Peoples Programme, United Kingdom and the Netherlands