



Permanent Mission
of the Republic of Indonesia to the
UN, WTO, and Other International
Organizations
in Geneva

Geneva, 6 May 2025

No: 61/POL-II/V/2025

Dear Sirs and Mesdames,

I have the honor to convey, as enclosed, the Government of Indonesia's response to your Joint Communication Ref.: AL IDN 1/2025, dated 7 March 2025, concerning the allegations of human rights violations in relation to the National Strategic Project in Merauke Regency, South Papua Province, Indonesia.

I would like to reaffirm Indonesia's unwavering commitment to protect the rights of all Indonesian citizens, including the Customary Law Communities or "*Masyarakat Hukum Adat*", as mandated by the National Constitution.

This commitment is reflected in a broad range of regulations and policy initiatives to ensure that the rights of our Customary Law Communities are fully protected, including the right to customary land; the right to manage customary forest, plantation, and coastal areas; as well as the right to protect the environment.

With regard to the allegations raised in the Joint Communication, the Government maintains that the development of the Merauke National Strategic Project has been carried out in compliance with the prevailing regulations, especially related to the land use and spatial planning. The Project is situated within the designated Production Forest area in South Papua Province, and to date, no request has been submitted by any party for the area in question to be classified as customary land.

It is important to note that the landholdings of PT Global Abadi, one of the companies participating in the Project, has been legally supported by the Cultivation Rights Title (*Hak Guna Usaha* or HGU). The company has also secured a Plantation Business Permit from the Papua Provincial Government since 2018 and an Environmental Permit from the Merauke Regent since 2015. Furthermore, the company has entered into a partnership agreement with the local communities to jointly manage a sugarcane plantation in some village areas.

Meanwhile, other companies seeking to join the Project are still in consultation with the local communities to reach a mutual agreement on the recognition and future management of customary lands. Conducting meaningful consultations with local communities is a fundamental prerequisite for companies to obtain an HGU to ensure their concerns and rights are fully addressed and the land use aligns with local interests and legal standards.

In parallel, the Government has initiated inclusive dialogue with the local communities affected by the Project and encouraged them to report any alleged intimidation or violence, supported by verifiable data or evidence, for the relevant authorities to follow up with appropriate investigation and remedial measures.

It is the Government's firm commitment to upholding the rule of law and ensuring the rights of all its people, including the Customary Law Communities, are respected and protected without discrimination. Any violations of our national law will be held accountable.

In closing, I wish to reiterate that the Government of Indonesia will continue its utmost to promote and protect human rights for its people, and to advance human rights globally by maintaining its constructive engagement with the UN human rights mechanisms.

Please accept, Sirs and Mesdames, the assurances of my highest consideration.



Yours sincerely,

Achsanul Habib

Ambassador/Chargé d'affaires a.i./
Deputy Permanent Representative I

1. Michael Fakhri, ***Special Rapporteur on the right to food.***
2. Lyra Jakuvelevičienė, ***Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises.***
3. Alexandra Xanthaki, ***Special Rapporteur in the field of cultural rights.***
4. Astrid Puentes Riaño, ***Special Rapporteur on the human right to a clean, healthy and sustainable environment.***
5. Gina Romero, ***Special Rapporteur on the rights to freedom of peaceful assembly and of association.***
6. Mary Lawlor, ***Special Rapporteur on the situation of human rights defenders.***
7. Geneviève Savigny, ***Chair-Rapporteur of the Working Group on the rights of peasants and other people working in rural areas.***
8. Reem Alsalem, ***Special Rapporteur on violence against women and girls, its causes and consequences.***
9. Pedro Arrojo-Agudo, ***Special Rapporteur on the human rights to safe drinking water and sanitation.***

Reply of the Government of Indonesia to the Joint Communication of the Special Procedures Mandate Holders Ref. AL IDN 1/2025 of 7 March 2025

With reference to your letter No. AL IDN 1/2025 dated 7 March 2025, please find below information, explanation, and clarifications on points raised regarding the allegations of human rights violations in relation to the National Strategic Project (*Proyek Strategis Nasional* or PSN) in the Merauke Regency of South Papua Province, Indonesia.

I. Overview of Indonesia's Domestic Policy on *Masyarakat Hukum Adat's* Customary Land

Indonesia's 1945 Constitution under Article 18B paragraph (2) has acknowledged *Masyarakat Hukum Adat* (MHA) societies and their traditional rights within the framework of Indonesia's unity and sovereignty. The rights of MHA that have been further regulated through various laws and regulations include among others: the right to customary land; the right to manage customary forest, plantation, and coastal areas; and the right to protect the environment.

The Government of Indonesia (GoI) has put in place a range of regulations and mechanisms to improve the registration of MHA's lands and forests, as well as to ensure the proper management and resolution of land disputes. These regulations are critical for overseeing the administration of land rights and ensuring that conflicts, including in the context of large-scale agricultural activities, are effectively handled. Additionally, the GoI also focuses on ensuring that the use of these lands are in compliance with regulations through monitoring processes and that the interests of local communities, the environment, and businesses are all balanced and considered in land management practices.

In practice, three Ministries have been actively involved in registering MHA's customary areas:

- Between 2016 to 2023, the Ministry of Environment and Forestry verified and designated 224.195 hectares of customary forest areas, spreading over 18 provinces and covering 76.079 MHA families.
- The Ministry of Marine Affairs and Fisheries since 2016 has facilitated the recognition and protection of 26 MHA communities in coastal areas, and support the allocation of around 400 thousand hectares of customary management area in provincial coastal zoning plan, spread across 5 provinces in Indonesia.
- The Ministry of Agrarian Affairs and Spatial Planning since 2021 has identified and built an inventory of MHA's land; consisting of around 3.8 million hectares of indicative *ulayat* (customary) land and around 147 thousand hectares of indicative communal land; spread across 16 provinces in Indonesia.

More recently, the GoI has enacted the Presidential Regulation No. 62/2023 on the Acceleration of the Implementation of Agrarian Reform to resolve agrarian conflicts and empower the economy of agrarian reform subjects. Article 19 paragraph (1(c)) of the Presidential Regulation has explicitly recognized MHA as one of the subjects of the agrarian reform measures. The Article 33 and Article 38 of the Regulation further mandated the improvement of MHA's customary land administration. For this purpose, the Ministry of Agrarian Affairs and Spatial Planning is tasked to measure, map out, and register *ulayat* lands, as well as provide land registry numbers for the registered *ulayat* lands. In line with this mandate, the Ministry of Agrarian Affairs and Spatial Planning have enacted Ministerial Regulation No. 14/2024 on the Administration and Registration of MHA Customary Land.

However, in implementing customary land registration goals, challenges remain due to the lack of comprehensive data on the existing subjects and objects of *ulayat* lands. Moreover, not all local governments as well as MHA societies are aware of the urgency to formally recognize MHA societies and customary lands within their regions through provincial/municipal regulations, in line with the Ministry of Home Affairs Regulation No. 52/2014 on the Guidelines for Recognition and Protection of MHA.

Despite the existing obstacles related to the registration of *ulayat* lands, Indonesia remains committed to requiring the consent of MHA that might be impacted by public infrastructure projects in land acquisition procedures. As stipulated under Article 41 of the Government Regulation No. 19 of 2021 on the Implementation of Land Acquisition for Development in Public Interest, in the event that the land procurement object is *ulayat* land, the agency requiring the land shall coordinate with the local government by involving MHA leaders to reach an agreement and settlement with the concerned community, which shall be documented in a memorandum of understanding.

Indonesia has also enacted the Regulation No. 21 of 2020 of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency on procedures for handling and resolving land disputes, which emphasizes the role of Customary Institutions in resolving conflicts, providing a platform for traditional practices in modern land management (Article 45). When a resolution is reached through the assistance of Customary Institutions, it can be formalized through a Court Deed, and subsequently processed by the National Land Agency for official recognition.

In addition, the Bill on MHA has been included in the 2025 National Legislation Program, as one of the 41 priority bills to be concluded this year. The bill was initially tabled at the House of Representatives in 2020 and went through a series of discussions, including with civil society organizations advocating MHA affairs. The Bill is currently at the harmonisation stage, pending further deliberation by the House of Representatives to finalise. The July 2020 version of the Bill reaffirms the recognition and protection of MHA rights, including by regulating criminal sanctions for violations of MHA's land rights and right to access natural resources (Articles 53-54).

II. Update on Customary Land Administration in the Papua region

Data from the Ministry of Agrarian Affairs and Spatial Planning

The Ministry of Agrarian Affairs and Spatial Planning has started a pilot project in two provinces, including in Papua Province, to issue land management right certificates to ensure better protection for MHA's customary land. The pilot project in Papua Province issued a land management rights certificate for the *Sawoi Hnya* community in Jayapura Regency for 3 plots of customary land, covering an area of 699.77 hectares. The land management right certificate provides an administrative tool to ascertain clearer demarcation of customary land and prevent the utilization of customary land by other entities without the consent of MHA.

In 2021, the Ministry of Agrarian Affairs and Spatial Planning had also collaborated with Cendrawasih University in developing an inventory and identifying *ulayat* land in Papua Province and West Papua Province. In this regard, a survey had been conducted in Semangga and Merauke Districts of Merauke Regency in the Papua Province. The survey recorded the following results:

- a. 3 coordinate points of indicative *ulayat* lands in Muram Sari Village, Semangga District, belonging to the Marind Anim tribe, consisting of sub-clans Gebze, Kaize, Mahuze, Balagaize, Samkakai, Ndiken, and Basik-basik.
- b. 14 coordinate points of indicative *ulayat* lands, spread throughout Bokem Village, Nasem Village, and Wasur Village in the Merauke District, belonging to the Marori Mengge and Marind Anim tribes, consisting of sub-clans Gebze, Kaize, Mahuze, Balagaize, Samkakai, Ndiken, and Basik-basik.

Data from the Ministry of Forestry

In addition, the GoI has also maintained the database on the presence of Customary Forest Areas across Indonesia, further illustrating the efforts to recognize and respect MHA's territories and rights within the broader land management framework. The database of Customary Forest Areas in the Papua region as of March 2025 is as follows:

Progress of Customary Forest Designation in the Papua Region up to March 2025

No	Name of MHA	Province / District / City	Designated Area (ha)	Households	Ministerial Decree (SK)
1.	Marga Ogoney Moskona	West Papua / Teluk Bintuni	16,299	221	SK. 8031/MENLHK-PSKL/PKTHA/PSL.1/10/2022
2.	Kusang Syuglue Woi Yansu	Papua / Jayapura	16,493	358	SK.8032/MENLHK-PSKL/PKTHA/PSL.1/10/2022
3.	Ku Defeng Meyu	Papua / Jayapura	501	50	SK.8033/MENLHK-PSKL/PKTHA/PSL.1/10/2022
4.	Ku Defeng Akrua	Papua / Jayapura	2,226	104	SK.8034/MENLHK-PSKL/PKTHA/PSL.1/10/2022
5.	Ku Defeng Wai	Papua / Jayapura	594	54	SK.8030/MENLHK-PSKL/PKTHA/PSL.1/10/2022
6.	Ku Defeng Takwobleng	Papua / Jayapura	405	59	SK.8035/MENLHK-PSKL/PKTHA/PSL.1/10/2022
7.	Melra Kelrasena	Papua / Jayapura	3,394	90	SK.8036/MENLHK-PSKL/PKTHA/PSL.1/10/2022

Local Government Regulations

In November 2022, the administrative region in Papua was officially expanded from only two provinces: Papua and West Papua, into six provinces: Papua, West Papua, South Papua, Southwest Papua, Central Papua, and Highland Papua. The delineation of these new provinces in the Papua region was also adapted from the customary areas of MHA in Papua. Article 9 paragraph (3) of the Regional Regulation of Papua Province No. 5 of 2022 on the Recognition and Protection of *Masyarakat Hukum Adat* in Papua Province, acknowledges five customary areas, namely Tabi, Saireri, Ha Anim, La Pago, and Me Pago. In that connection, Article 3 paragraph (1) of Law No. 14 of 2022 on the Establishment of South Papua Province stipulates that South Papua Province was established from parts of Papua Province, consisting of the Merauke Regency, Asmat Regency, Mappi Regency, and Boven Digoel Regency, all of which belong to the Ha Anim customary area.

Furthermore, the local government of Merauke Regency, South Papua Province, has also recently enacted the Merauke Regent Decree No. 100.3.3.2/1413/Year 2024 on the Recognition, Protection, and Respect for the Customary Rights and Area of the Yei Tribe in Merauke Regency. The Yei Tribe's customary area covers 445,255.55 hectares of land adjacent to the Indonesia – Papua New Guinea land border line.

III. Overview on Spatial Planning Process in the Papua Region and the Merauke Regency, South Papua Province

The spatial planning process in the Papua region, both before and after the administrative region expansion, has always considered the views and unique circumstances of MHA in Papua. The drafting of Regional Spatial Planning Document (*Rencana Tata Ruang Wilayah* or 'RTRW') in the Papua region always involves the Papuan Council of *Masyarakat Adat* (*Lembaga Masyarakat Adat Papua*) and prioritises the accommodation of customary areas in Papua as well as the unique needs of the Papuan people.¹ Therefore, the designation of areas in Papua for commercial/agricultural activities – such as Production Forest and landholdings covered by the Cultivation Rights Title – that are in line with the Regional Spatial Planning Document, has actually accommodated the views and needs of Papua's MHA.

While Indonesia's legal and institutional frameworks have laid a pathway to recognize and respect MHA's customary lands and traditional rights, as well as to accommodate MHA's input and needs in spatial planning processes, challenges still exist on the ground. In the Papua region, in particular, despite having formal channel of representation for government policy planning through *Lembaga Masyarakat Adat*, the plethora of MHA tribes, clans, and sub-clans as well as their complex interlinkages may result in differing views and opinions on commercial zoning decisions amidst the vast land and forest of Papua.

The landholdings of PT Global Papua Abadi in the Merauke Regency, in particular, are already covered by the Cultivation Rights Title (*Hak Guna Usaha* or HGU), a key legal document for land use under Indonesian law. Furthermore, prior to administrative area expansion in the Papua region, the company has also obtained Plantation Business Permit number 03/SK.IUP/Tebu/2018 from the Papua Provincial Government since 2018, and environmental permit from the Merauke Regent since 2015 (Merauke Regent Decree number 660/446 of 2015).

The process for obtaining HGU involves several stages, including meaningful consultations with local communities to ensure their concerns and rights are addressed. This process is a form of due diligence, aiming to ensure that land use does not conflict with local interests or legal standards. For lands that are still in dispute or have unresolved conflicts, the GoI will withhold issuing the HGU until the issues are resolved. This highlights the importance of ensuring that the land is "clean and clear" before legal permits can be issued, to avoid potential conflicts arising out of overlapping claims.

Records of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency showed that PT Global Papua Abadi holds HGU Decree in Tanah Miring District and Jagebob District, Merauke Regency, South Papua Province, for a land area covering 22,905 ha. On 8 November 2023, the company has concluded a Memorandum of Understanding (MoU) for Cooperation on the Development of Sugarcane Plantation in Partnership Scheme between PT Global Papua Abadi with Communities of Salor, Baad, Wapeko, and Soa Villages. Under the MoU, the said communities agree to establish a cooperative that will jointly manage the sugarcane plantation with PT Global Papua Abadi, while the company agrees to prioritise local workforce in the plantation's operations.

Regarding the HGU application process for other companies intending to operate in the Merauke region as part of the National Strategic Project, negotiations have been underway between the companies and the local MHA communities. The MHA communities have proposed a temporary lease arrangement, in which their customary land would first be formally

¹ <https://www.rmolphpaua.id/penyusunan-revisi-tata-ruang-wilayah-provinsi-papua-libatkan-masyarakat-adat>;
<https://www.beritapapua.co/papua/2022/11/9-poin-hasil-kesepakatan-penataan-ruang-di-wilayah-papua/>

certified before being leased to the companies for investment purposes over a defined period. After this period, the land would be returned to the MHA communities.

IV. Discussions on Issues of Concern

Regarding allegation of intimidation by the Indonesian Armed Forces (*Tentara Nasional Indonesia* or TNI) towards MHA and environmental activists in relation to the development of PSN Merauke, the Gol has also paid its close attention to the similar concerns and recommendations, provided by the Indonesian National Commission on Human Rights (KOMNAS HAM) in its letter No. 189/PM.00/R/III/2025 dated 17 March 2025 addressed to the Governor of South Papua and the Regent of Merauke. Apart from the reports conveyed through the KOMNAS HAM, the TNI has not received any direct report concerning allegations of intimidations committed by their personnel.

The KOMNAS HAM has highlighted a sense of discomfort expressed by the MHA in the Merauke region due to the increased presence of TNI personnel in the area. It is important to note that under Indonesian law, the TNI also carries non-military functions, such as supporting humanitarian and search and rescue missions, as well as assisting the local governments, where appropriate. The addition or expansion of regional military commands generally considers the expansion of new administrative regions and the potential economic growth resulting from increased financial resources to the region. In 2024, the Indonesian Army established five new infantry battalions in the Papua region, including Yonif 801/Ksatria Yuddha Kentswuri, based in Keerom Regency, Papua Province; Yonif 802/Wimane Mambe Jaya, based in Sarmi Regency, Papua Province; Yonif 803/Nduka Adyatma Yuddha, based in Boven Digoel Regency, South Papua Province; Yonif 804/Dharma Bhakti Asasta Yudha, based in Merauke Regency, South Papua Province; and Yonif 805/Ksatria Satya Waninggap, based in Sorong, Southwest Papua.

Moreover, on 14 March 2025, the Vice Minister for Human Rights attended the National Conference for Merauke Solidarity to engage in a dialogue with the local communities affected by the PSN Merauke. During the discussion, the affected communities expressed its view that all land in Papua constitute customary land. This perspective highlights the Gol's ongoing responsibility to continue enhancing the identification, inventory, and certification of customary land for MHA across Indonesia. The Vice Minister also encouraged the affected communities to submit report of alleged intimidation or violence with supporting data/evidence to enable the Ministry of Human Rights to follow up with appropriate investigation and remedial measures.

Regarding the allegation of misuse of forest areas for the development of PSN Merauke, records from the Ministry of Forestry indicated that the PSN Merauke is located within production forest area. As of March 2025, the Ministry of Forestry has not received any request to designate customary forest area in the South Papua Province (see section II above). The data on forest areas in South Papua Province is as follows:

Forest Area Function	Area (±ha)	Percentage (%)
Conservation Forest	1.693.774,28	14,47
Protection Forest	1.689.388,85	14,43
Limited Production Forest	2.419.905,22	20,68
Production Forest	2.951.213,80	25,22
Conversion Production Forest	1.936.662,36	16,55
Other Uses	1.012.536,59	8,65
Total Forest Area	10.690.944,51	91,35
Total Area of South Papua Province	11.703.481,10	100,00

V. Information on Indonesia's Domestic Policy Progress on Business and Human Rights

The Gol has enacted the Presidential Regulation No. 60/2023 on National Strategy on Business and Human Rights. The instrument strengthens the regulatory and institutional framework for the state to protect various human rights aspects in business activities; to ensure corporate responsibility in respecting human rights; as well as to provide access to remedies. The National Strategy further specifies the “to-do list” that the Gol aims to carry out until 2025, including capacity building measures, developing regulations, and strengthening remedy mechanisms.

The Gol also continues to expand the implementation of PRISMA (*Aplikasi Penilaian Resiko Bisnis dan HAM* / Business and Human Rights Risk Assessment Application), a web-based application to help business enterprises identify and mitigate potential human rights impacts arising out of their business activities.² The application poses questions that business enterprises need to answer on 13 topics: company profile, potential human rights impact, internal human rights policy, complaint mechanism, supply chain, labour, working condition, trade union, discrimination, privacy, environment, land and MHA, as well as corporate social responsibility. Since its inception in 2021, there have been 275 business actors utilizing the PRISMA with 36 companies obtaining green score. In January 2023, Pertamina Group became the first company to receive the PRISMA Certificate after completing the application's self-assessment tool in 2020.

VI. Overview of National Strategic Projects in Indonesia

As an archipelagic country with a large population, Indonesia's geographical situation poses a unique challenge. Infrastructure development plays a very important role in driving economic growth at both national and local levels. In addition, infrastructure development across various sectors has a significant effect on local economies, providing added value to industry, reducing unemployment through new job opportunities, as well as alleviating poverty and improving public welfare. Therefore, the Gol is firmly committed to continuously improving infrastructure development through the development of PSN.

Between 2015 to 2023), a total of 173 PSN projects had been completed with a value of IDR 1.442 trillion. These projects have significantly strengthened national connectivity, enabling the flow of the economy from central to regional areas and generating equitable development across the country. This is evident from a study by the University of Indonesia's Institute for Economic and Social Research (LPEM FEB UI) and Prospera on 137 PSN projects, showing that PSNs have contributed to the national economy with an output of IDR 1.670 trillion and created 4.5 million jobs.

The realized infrastructure projects had also positive impact on the national economy and increased competitiveness. According to the International Institute for Management Development, Indonesia's competitiveness ranking improved from 44th to 34th in 2022.

Nonetheless, we noted that the implementation of PSNs also encounter various challenges, including in the area of land acquisition. To address these issues, the Gol has undertaken legal reforms, including the issuance of Presidential Decree No. 27 of 2023, which amends Presidential Decree No. 52 of 2022. It provided more legal certainty for the citizens or legal entities with regard to the land loss by clearly defining eligibility criteria for receiving the government's compensation. The amendment aims to mitigate potential negative social

² Ministry of Human Rights of the Republic of Indonesia, *Aplikasi PRISMA / PRISMA App*
<https://prisma.kemenkumham.go.id/>.

impacts, such as horizontal agrarian conflicts or unlawful entitlement of government compensation.

VII. Concluding Note

We acknowledge that as a developing country, the post-colonial agrarian reform in Indonesia has been an unfinished business for decades. From 2019 to 2023, the Gol has made significant effort in sorting out overlapping land claims and digitizing land registration, and has certified around 9,1 million acres of land. Considering that Indonesia is the largest archipelagic country in the world, with more than seventeen thousand islands and around two million square of land territory, the land reform effort must continue to protect the rights of all Indonesian citizens.

To conclude, we would like to reiterate the Gol's commitment to constructively work together with all relevant stakeholders in the protection and promotion of human rights, to ensure that the benefit of development can reach and be mutually enjoyed by all people. We also appreciate your commitment to maintaining dialogue with the Gol.
