



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I write to inform you that in the course of its 83rd session, under its early warning and urgent action procedure, and in light of further information submitted by non-governmental organizations, the Committee on the Elimination of Racial Discrimination continued the consideration of the situation of the Malind and other indigenous people of the District of Marueke, Papua Province, and the alleged on-going negative effects on their livelihoods due to the reportedly massive and non-consensual alienation of their traditional lands by the Marueke Integrated Food and Energy Estate project (MIFEE).

According to the information received, the MIFEE project continues to inflict irreparable harm on the Malind and other affected indigenous peoples in the District of Marueke due to the reported massive seizures of traditional indigenous lands, use of forced labour, and the alleged failure of the State party to implement the Papua Special Autonomy Law (PSAL).

In addition, according to reports, the Committee notes that the Indonesian Supreme court has ruled on 16 May 2013 that certain provisions of the Forestry Act No. 41/1999 are unconstitutional due to the classification of 'customary forest' as being part of 'state forests'. As a result of the law as currently drafted, indigenous peoples, such as those affected by the MIFEE project, have been denied rights to their lands in favour of an ownership right vested by the State. The Committee also welcomes reports that the President of Indonesia has publicly stated his personal commitment to initiating a process that registers and recognises the collective ownership of customary indigenous territories in Indonesia.

His Excellency
Mr. Triyono Wibowo
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Indonesia
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International Organizations at Geneva
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The Committee reiterates its concerns expressed in its previous letter dated on 2 September 2011 to the State party and in paragraphs 17, 18 and 22 of its concluding observations (CERD/C/IDN/CO/3) of 15 August 2007 and requests information on measures taken by the State party to implement the Decision of the Supreme Court of 16 May 2013. Further, the Committee would welcome information on measures taken to involve indigenous peoples in the process of amending PSAL, and on the process for the enactment and implementation of the Law on the Recognition and Protection of the Rights of Indigenous Peoples adopted in 2011, as well as on measures to register and recognise the collective ownership of customary indigenous territories in the State party.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee would be grateful to receive information on all of the issues and concerns as outlined above, before **31 January 2014**.

Finally, the Committee deeply regrets that the State party has not yet submitted its 4th to 6th combined periodic reports that are overdue since 25th July 2010. In this regard, the Committee would like to urge the State party to submit the overdue periodic reports as soon as possible.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of Indonesia, with a view to providing it with assistance in the effective implementation of the Convention.

Yours sincerely,

Alexei Avtonomov
Chair

Committee on the Elimination of Racial Discrimination