

The compounding impacts of climate change and environmental degradation on the insecurity of indigenous women in Papua and West Papua, Indonesia

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'Nobody is going after them who are destroying our land.'

A displaced Papua woman, refugee settlement in Western Province, PNG

Prologue

In October 2016, a research project was conducted in Papua New Guinea (PNG). The project's aim was to conduct interviews with forcibly displaced indigenous Papuans, one of the world's most ignored and forgotten community, living in the border areas of PNG's Western Province. Over the last decades, several thousand Papuan refugees fled east to PNG to escape violence, political turmoil and economic discontent. Many of them are living in improvised settlements in dense jungle, along the Indonesian border.¹ Provision of fundamental health, educational and social services in these settlements is left entirely in the hands of the Catholic Mission.

My spirits were running high as we pulled up to shore after a boat trip to the settlement site on the Fly river. We followed the dirt path to hilly land. A Papuan community leader led the way. Walking at a remarkably fast pace, he was practically running uphill. As I walked behind him, I wondered what the settlement would look like. Back at the Mission, I was told the story of a small village – 'stunning view of the river', it was claimed – going through some gradual development recently. After a good hour of hiking, the settlement was about two kilometers away from the international border, high up on a dump plateau, with the river nowhere in sight. The dirt road continued, leading to several large cleared areas housing family plots surrounded by a swath of tropical rainforest.

On a sweltering Wednesday afternoon, I learned of the catalogue of fears that populate the landscape of this mighty forest. There was talk of military violence to repress dissent. An old man in a football jersey expressed concern about political prisoners. Suddenly a young woman stood and cleared her throat: 'Nobody is going after them who are destroying our land.' She talked about the far-reaching adverse impact of pollution on the land and people. How people were sick and ill as a result of the pollution to the water and land. The very fact that they could no longer eat the fish from the river. The fact that what used to be ancient wetland has now become toxic wasteland.

This journey provided some valuable lessons and experiences and triggered my motivation to continue the work. This research reflects my changing appreciation of the disproportionate burdens placed on vulnerable communities by environmental factors pushing them further into poverty and marginalization and increasing the risk of violent conflict.

¹ 'Refugee sites on the border between Papua New Guinea and Indonesia', UNHCR (2006), at <https://www.unhcr.org/publ/PUBL/4416888c0.pdf>.

Abstract

Immense beyond imagination, the untamed rainforests of western New Guinea² represent a biodiversity hotspot, home to several unique species of flora and fauna. The territory's astonishing beauty and diversity is underpinned by a stunning array of natural resources. The island is also home to many indigenous communities practicing hundreds of local languages and traditions and depending on their natural environment for maintaining their traditional livelihoods, identity and culture.³ The territory's much-contested decolonization process in the 1950-60s led to widespread discontent among indigenous Papuans and gave rise to persistent dissent from Indonesian rule, routinely met with disproportionately violent action by Indonesian security forces. Adding to these longstanding colonial ills and grievances, indigenous Papuan communities also struggle to grapple with inequitable allocation of land and resources, extreme pollution and environmental degradation caused by the mining and palm oil sectors. In the meantime, climate-exacerbated weather events have become more frequent in the region creating new tensions by putting an additional strain on natural resources and thus leading to an increased level of insecurity and inequality. In particular, these challenges have a disproportionate and profound impact on indigenous Papuan women, whose native lands are deeply embedded in their cultural and ethnic identity, and who are dependent on access to land to carry out their prescribed roles. Displacement also puts women at further risk of violence. Adding to sexual violence and displacement experienced by indigenous Papuan women, the loss of traditional lands and resources has been identified as having a singularly negative impact on women as it impedes their empowerment and makes them vulnerable to continued violence. The Papuan experience thus serves as a timely illustration to exemplify how environmental factors, such as resource extraction and climate change, not only amplify vulnerabilities and exacerbate pre-existing inequalities stemming from colonial times, they also give rise to gendered consequences flowing from large-scale degradation and loss of the natural environment.

1. *Longstanding colonial grievances*⁴

Following Dutch colonial rule for over a century, the decolonization process of western New Guinea during the 1950-60s was the subject of extensive and often heated debates within the UN General Assembly.⁵ Amid invasion of the territory by Indonesian military forces⁶, the Netherlands advocated for

² Throughout history, the western half of the island of New Guinea has been known by many names. Under Dutch colonial administration it was called Dutch New Guinea or West New Guinea. Demanding integration into Indonesia, Indonesian authorities referred to it as West Irian. Once under Indonesian control, the territory was called Irian Jaya, later split in two and renamed Papua and West Papua, respectively. Unless otherwise indicated, the author refers to the territory as western New Guinea, including both Papua and West Papua provinces. The sources consulted generally refer to western New Guinea as West Papua.

³ 'The Indigenous World 2020', International Work Group for Indigenous Affairs (2020), at 257.

⁴ For a comprehensive overview of the colonial history and controversial decolonization of western New Guinea please see the wide-ranging and detailed study by Pieter Drooglever; P. J. Drooglever, T. Stanton, *An Act of Free Choice: decolonisation and the right to self-determination in West Papua* (2009). See also D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 10-13; R. Osborne, 'OPM and the Quest for West Papua Unity', in R. J. May (ed.), *Between Two Nations: The Indonesia – Papua New Guinea border and West Papua Nationalism* (1984), 49-54.

⁵ See e.g. Yearbook of the United Nations, volumes 1954 at 56-59; 1955 at 61-62; 1956 at 125-127; 1957 at 76-79; 1961 at 51-55.

⁶ United Nations Security Force in West New Guinea (UNSF), 'Background', at <https://peacekeeping.un.org/sites/default/files/past/unsf.htm>. See also 'The Past that Has Not Passed: Human Rights Violations in Papua Before and After *Reformasi*', International Center for Transitional Justice (2012), at 6; E. E. Hedman, 'Papua: the last frontier for democratization, demilitarization and decentralization in Indonesia', in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 6 at 7.

decolonization in accordance with Chapter XI of the UN Charter, while Indonesian representatives insisted of the territory forming an integral part of Indonesia and thus should be returned to that state without any consultation of its population.⁷ In the political climate of the escalating Cold War, fears of the issue becoming a threat to international peace and security gradually rose, as the Indonesian government made it clear not to hesitate to ‘resort to methods which would startle the world if the United Nations did not comply with his Government’s wishes’.⁸ Attempts to reach a compromise resulted in the adoption of the 1962 New York Agreement⁹, under which control over the territory was transferred to Indonesia, following a short intermediary administration by the UN Temporary Executive Authority (UNTEA).¹⁰ Definitive integration into Indonesia was however conditional on an act of self-determination in accordance with international standards, thus requiring a referendum based on the principle of one man one vote.¹¹ Contrary to what was required by the New York Agreement and international law on the matter¹², the Act of Free Choice was conducted in August 1969 in the form of a consultation with a few selected indigenous representatives while the ‘[Indonesian] Administration exercised at all times a tight political control over the population’.¹³ Such practice was asserted to constitute a ‘substantial denial of self-determination’.¹⁴

In successive years, Indonesian military rule and ‘neo-colonial administration’¹⁵ in western New Guinea has intensified and the situation has been continuously deteriorating with the risk of escalating into a violent conflict. Contemporary tensions and clashes between Indonesian authorities and indigenous Papuans¹⁶ remain firmly rooted in and sustained by extreme discontent with the territory’s unresolved

⁷ Yearbook of the United Nations, volume 1957, at 77-78.

⁸ *Ibid.*, at 78.

⁹ Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), No 6311, (1962); at <https://treaties.un.org/doc/Publication/UNTS/Volume%20437/volume-437-I-6311-English.pdf>.

¹⁰ See at <https://peacekeeping.un.org/en/mission/past/unsfbackgr.html#four>.

¹¹ According to Article XVIII(d) of the New York Agreement, Indonesian authorities were under the obligation to ensure that ‘all adults, male and female not foreign nationals’ will ‘participate in the act of self-determination to be carried out in accordance with international practice’.

¹² See in this regard UN Doc. A/RES/1541 (XV) (1960), Principle IX; *Western Sahara*, Advisory Opinion, ICJ Reports (1975), p. 12, at para 57; *Ibid.*, at p. 81 (*Declaration of Judge Nagendra Singh*).

¹³ Report of the Secretary-General regarding the act of self-determination in West Irian, UN Doc. A/7723 (1969) at 70, para 251, available at https://www.humanrightspapua.org/images/docs/UNGA_A-7723_1969_Report_Ortiz_Sans.PDF. See also D. Leith, *The Politics of Power: Freeport in Suharto’s Indonesia* (2003), at 12.

¹⁴ A. Cassese, *Self-Determination of Peoples, A Legal Reappraisal* (1995), at 84.

¹⁵ E. E. Hedman, ‘Papua: the last frontier for democratization, demilitarization and decentralization in Indonesia’, in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 6 at 7, see also at 9-13 for a detailed discussion of Indonesian military campaigns in western New Guinea in the period of 2003-2007.

¹⁶ The Nduga regency of the Central Highlands has been a site to an ongoing military operation since late 2018, see e.g. Davidson, ‘West Papua: Conflicting reports surround attack that killed up to 31’, *The Guardian*, 5 December 2018, at <https://www.theguardian.com/world/2018/dec/05/west-papua-fears-of-spiralling-violence-after-attack-leaves-up-to-31-dead>; ‘Indonesia: Papuan Militants Kill 17’, *Human Rights Watch*, 9 December 2018, at <https://www.hrw.org/news/2018/12/09/indonesia-papuan-militants-kill-17>; ‘Update on ongoing military operations in Nduga Regency – death toll higher than expected’, *International Coalition for Papua*, 7 July 2019, at <https://www.humanrightspapua.org/news/31-2019/449-update-on-ongoing-military-operation-in-nduga-regency-death-toll-higher-than-expected>. Violent and racist military action against Papuan students in Surabaya on 17 August 2019 and Wamena on 23 September 2019 led to thousands of indigenous Papuans taking the streets opposing the continuing mistreatment by Indonesian forces and demanding a free exercise of their right to self-determination, see e.g. Davidson, ‘Indonesia arrests dozens of West Papuans over claim flag was thrown into sewer’, *The Guardian*, 18 August 2019, at <https://www.theguardian.com/world/2019/aug/18/indonesia-arrests-dozens-of-west-papuans-over-claim-flag-was-thrown-in-sewer>; ‘West Papua: Day of violence sees at least 27 dead’ *BBC News*, 24 September 2019, at <https://www.bbc.com/news/world-asia-49806182>. More generally, contemporary violence in western New Guinea has been addressed by Indonesia’s National Human Rights

political conflict. Indonesian military campaigns gave rise to and support for an armed resistance group, the OPM¹⁷, which in turn has led to disproportionately violent and racist attacks both by military and police units, ‘using excessive, often brutal, and at times lethal force against civilians’.¹⁸ With sources indicating it is their tactic to create a situation which justifies their actions¹⁹, such military campaigns have become symptomatic of a widespread pattern of violent attacks against indigenous Papuans, involving (but not limited to) extra-judicial killings, torture and ill-treatment, sexual and gender-based violence.²⁰ Coupled with the far-reaching harmful effects of Indonesia’s transmigration policy²¹, decades of Indonesian military rule in western New Guinea has also led to thousands of Papuans seeking refuge in PNG²² and resulted in a pervasive pattern of large-scale internal displacement of indigenous communities.²³ While determining the exact number of those internally displaced is virtually impossible

Institution, as well as various civil society actors, in their respective written contributions for the adoption of a list of issues prior to reporting at the Human Rights Committee’s 129th session on 29 June-24 July 2020, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1374&Lang=en.

See also the joint communication by the relevant Special Rapporteurs concerning the situation in the Nduga reGENCY, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24508>; and concerning the large-scale demonstrations at various locations, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24919>.

¹⁷ Concerning the Free Papua Organization (*Organisasi Papua Merdeka*, OPM) see further R. Osborne, ‘OPM and the Quest for West Papua Unity’, in R. J. May (ed.), *Between Two Nations: The Indonesia – Papua New Guinea border and West Papua Nationalism* (1984), 54-63; T. vd Broek, A. Szalay, ‘Raising the Morning Star: Six months in the developing independence movement in West Papua’, (2001) 36 *Journal of Pacific History* 77, at 79.

¹⁸ ‘Out of Sight: Endemic Abuse and Impunity in Papua’s Central Highlands’, Human Rights Watch, Volume 19, No. 10(C) (2007), at 2.

¹⁹ J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 53.

²⁰ Human rights abuses in western New Guinea have been documented by various actors. Without any attempt at completeness, see e.g. ‘Human rights and conflict escalation in West Papua’, The sixth report of the International Coalition for Papua (2020); ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019); ‘Indonesia: “Don’t bother, just let him die”: Killing with impunity in Papua’, Amnesty International, ASA 21/8198/2018 (2018); ‘The Practice of Torture: Business As Usual in Papua’, ELSHAM Papua, Asia Justice and Rights, Tapol, The European Instrument for Democracy and Human Rights (2015); ‘The Neglected Genocide: Human rights abuses against Papuans in the Central Highlands, 1977-1978’, Asian Human Rights Commission, International Coalition for Papua (2013); ‘Indonesia: Dynamics of Violence in Papua’, International Crisis Group, Asia Report No. 232 (2012); ‘The Past that Has Not Passed: Human Rights Violations in Papua Before and After *Reformasi*’, International Center for Transitional Justice (2012); ‘Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009’, National Commission on Violence Against Women, Women Working Group of Papuan People’s Assembly, International Center for Transitional Justice (2009-2010); ‘What Did I Do Wrong? Papuans in Merauke Face Abuses by Indonesian Special Forces’, Human Rights Watch (2009); ‘Out of Sight: Endemic Abuse and Impunity in Papua’s Central Highlands’, Human Rights Watch, Volume 19, No. 10(C) (2007); ‘Indonesia: Resources and Conflict in Papua’, International Crisis Group, Asia Report No. 39 (2002).

²¹ See ‘Human rights and conflict escalation in West Papua’, The sixth report of the International Coalition for Papua (2020), at 168-175. See further R. Chauvel, ‘Refuge, displacement and dispossession: responses to Indonesian rule and conflict in Papua’, in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 32 at 33-36.

²² Several thousand indigenous Papuans have fled east to PNG during the past decades, see e.g. ‘Country Operations Plan, Country: Papua New Guinea’, UNHCR (2002), available at <https://www.unhcr.org/protection/cops/3b6671644/unhcr-country-operations-plan-2002-papua-new-guinea.html?query=country%20operations%20plan%20papua%20new%20guinea>; or ‘Country Operations Plan 2007: Papua New Guinea’ UNHCR (2007), available at <https://www.unhcr.org/protection/cops/452f50342/unhcr-country-operations-plan-2007-papua-new-guinea.html?query=west%20papua%20refugees>. See also R. Chauvel, ‘Refuge, displacement and dispossession: responses to Indonesian rule and conflict in Papua’, in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 32 at 39-42. For a discussion of the situation of Papuan refugees in PNG see further D. Glazebrook, ‘If I Stay Here There is Nothing Yet If I Return I do not Know Whether I will be Safe’: West Papuan Refugee Responses to Papua New Guinea Asylum Policy 1998–2003’, (2004) 17:2 *Journal of Refugee Studies* 205.

²³ For a detailed discussion of conflict related internal displacement in western New Guinea see R. Chauvel,

due to severely restricted access to the territory by human rights workers, the Internal Displacement Monitoring Centre (IDMC) is regularly reporting on conflict and violence related displacement in western New Guinea.²⁴ Most recently, an estimated 17,000 people were displaced in western New Guinea in 2019 only as a result of violence and conflict.²⁵ Moreover, government restrictions on humanitarian access to the territory not only prevents the determination of the exact number of victims of past and ongoing military campaigns, including those internally displaced, it also further fuels the conflict and the existing culture of impunity.²⁶

2. *Further militarization and environmental degradation by mining and palm oil projects*²⁷

Over six decades, the conflict in western New Guinea has ebbed and flowed with various degrees of intensity. While political and socio-economic factors have been a major driver of the conflict, it has also been greatly influenced and shaped by the territory's natural resources. In this context, the Grasberg mine, containing one of the world's most significant reserve of copper and gold²⁸, has become the epitome of colonial rule, exploitation, poverty and inequality. Another major resource extraction project in western New Guinea concerns significant foreign investments in recent years in oil palm plantations.²⁹ Resource extraction in western New Guinea cannot be considered in isolation from the overall security context as it is taking place against the backdrop of political instability and violence often linked to access to and control over land and resources. On the one hand, the murky relationship between Indonesian security forces and the extractive industry in western New Guinea has played a pivotal role in the dynamic between the security forces and disgruntled Papuan communities.³⁰ On the other hand,

'Refuge, displacement and dispossession: responses to Indonesian rule and conflict in Papua', in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 32 at 42-50.

²⁴ See e.g. 'Indonesia: Concerted efforts needed to find solution for protracted IDPs', Internal Displacement Monitoring Centre (2015); 'Indonesia: Durable solutions needed for protracted IDPs as new displacement occurs in Papua', Internal Displacement Monitoring Centre (2014); 'Indonesia: durable solutions remain elusive for many IDPs while thousands are newly displaced by military operations in Papua', Internal Displacement Monitoring Centre (2011).

²⁵ 'Indonesia: Displacement associated with Conflict and Violence', Internal Displacement Monitoring Centre (2020), at 1.

²⁶ See in this regard 'Something to Hide? Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua', Human Rights Watch (2015).

²⁷ While the focus of this study is on the Grasberg mining complex operated by PT Freeport Indonesia and palm oil plantations development by the Korindo group, large-scale resource extraction and its far-reaching social and environmental impact in western New Guinea is not limited to these specific mining and palm oil projects only. Concerning gold mining at Paniai see 'Indonesia: Dynamics of violence in Papua', International Crisis Group, Asia Report No. 232 (2012), at 10-15. See further 'The Last Frontier: Illegal Logging in Papua and China's Massive Timber Theft', Telapak, Environmental Investigation Agency (2005). See also 'Indonesia: Resources and Conflict in Papua', International Crisis Group, Asia Report No. 39 (2002), at 14-17 concerning logging, and at 22-25 concerning a natural gas project by BP; and on a more positive note K. McKenna, 'There is Relief that It Seems to Be Working: BP's Integrated Community-Based Security Strategy in West Papua', *Australian National University Brief 2015/61* (2015).

²⁸ D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 64-65. See also C. Ballard, G. Banks, 'Between a Rock and a Hard Place: Corporate Strategy at the Freeport Mine in Papua, 2001-2006', in B. P. Resosudarmo, F. Jotzo (eds.), *Working with Nature Against Poverty: Development, Resources and the Environment in Eastern Indonesia* (2009), 147 at 147.

²⁹ For up to date statistics and data on plantations development across western New Guinea see the Papua Atlas, at <https://atlas.cifor.org/papua/#en>.

³⁰ Concerning the relationship between the mining multinational Freeport and Indonesian forces see in general 'Paying for Protection: The Freeport mine and the Indonesian security forces', Global Witness (2005); see also D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 3. Concerning the presence of military forces in order to secure oil palm plantation in the Merauke region see 'Indonesian Papua: A Local Perspective on the Conflict', International Crisis Group, Asia Report No. 66 (2007), at 1, 10.

the scale of environmental destruction in western New Guinea has been significant and has a large influence on traditional livelihoods, critical ecosystems and human security. Additionally, large-scale resource extraction in western New Guinea has also led to a massive influx of Indonesian migrants attracted by the territory's rich resources and the economic opportunities they represent. Such migration, whether government-sponsored or spontaneous, has created additional social and ethnic tensions due to the increased competition over land and resources.³¹

Operated by PT Freeport Indonesia³², the Grasberg mining complex and its controversial entanglements with Indonesian military forces³³ are demonstrative of the Papuan grievances over land and resources and feed into the wider sense of oppression among the indigenous communities. In sharp contrast to the systematic exclusion of Papuan communities from revenue and benefit sharing³⁴, the Grasberg mine has proved to be a highly lucrative business for Indonesia's military forces³⁵ and a significant revenue and tax generator for the Indonesian government.³⁶ With the extraction site routinely guarded by military units³⁷, the region has witnessed a further entrenchment of the military forces which in many ways deepened the existing tensions and sense of injustice leading to violent clashes between the security forces and the pro-independence Papuan movement, which in turn often escalated into further bloodshed and serious injury among local communities.³⁸ This increased level of violence in the vicinity of the

³¹ For a general discussion on migration, resource extraction and conflict in western New Guinea see R. McGibbon, 'Plural Society in Peril: Migration, Economic Change, and the Papua Conflict', *East-West Center Washington, Policy Studies* 13 (2004), at 20-25. See also R. Chauvel, 'Refuge, displacement and dispossession: responses to Indonesian rule and conflict in Papua', in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 32 at 33-36. Concerning transmigration linked to Freeport see D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 204-207; K. McKenna, *Corporate Social Responsibility and Natural Resource Conflict* (2015), at 151-156. For migration linked to plantation development by Korindo see 'Indonesian Papua: A Local Perspective on the Conflict', International Crisis Group, Asia Report No. 66 (2007), at 10.

³² For general company information see <https://ptfi.co.id/en>.

³³ Freeport 'has faced controversy for its relationship with state security forces in a conflict zone', 'Paying for Protection: The Freeport mine and the Indonesian security forces', Global Witness (2005), at 3. See also D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 223-225.

³⁴ Freeport's belated efforts in this regard beg many questions and belie a range of controversies, see e.g. K. McKenna, *Corporate Social Responsibility and Natural Resource Conflict* (2015), at 94-97; D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 14; see also at 97-114 for a detailed discussion.

³⁵ For a detailed overview of Freeport payments to Indonesian military and police forces see 'Paying for Protection: The Freeport mine and the Indonesian security forces', Global Witness (2005). See also K. Abplanalp, 'Blood Money', (2012) 18:1 *Pacific Journalism Review* 136; Marpaung, 'TNI's Gold Mine: Corruption and Military-Owned Businesses in Indonesia', *The Global Anticorruption Blog* (2016), available at <https://globalanticorruptionblog.com/2016/06/17/tnis-gold-mine-corruption-and-military-owned-businesses-in-indonesia/>; Michaels, 'Is a U.S. Mining Company Funding a Violent Crackdown in Indonesia?', *Atlantic*, 29 November 2011, at <https://www.theatlantic.com/international/archive/2011/11/is-a-us-mining-company-funding-a-violent-crackdown-in-indonesia/249164/>.

³⁶ Soon after signing a contract with Jakarta in 1967, and thus becoming the first foreign company to do so, Freeport has become the Indonesian government's largest taxpayer, D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 3, 55, 77-78. See also the profile of Freeport Indonesia on Indonesia-Investments at <https://www.indonesia-investments.com/business/indonesian-companies/freeport-indonesia/item407>.

³⁷ Freeport has been guarded by Indonesian forces since the 1970s, 'Paying for Protection: The Freeport mine and the Indonesian security forces', Global Witness (2005), at 9. In 1996, the region has become one of the most militarized zones in the Indonesian archipelago, D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 8, 79.

³⁸ For a detailed analysis of the human rights situation in the vicinity of the Freeport mine see D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 195-204; and C. Ballard, 'Human Rights and the Mining Sector in Indonesia: a Baseline Study', International Institute for Environment and Development, No. 182 (2001), at 22-31. See also 'Paying for Protection: The Freeport mine and the Indonesian security forces', Global Witness (2005), at 9-10; 'Indonesia: Resources and Conflict in Papua', International Crisis Group, Asia Report No. 39 (2002), at 17-21. More recently, see Harsono, 'Fatal Shooting in a Mining Town in Papua: Indonesian Police Should Invite Independent Investigation', *Human Rights Watch*, 3 April 2020, at

Grasberg mine is especially troubling in light of the pervasive pattern of disproportionately violent military operations in western New Guinea, as explained above.³⁹ Further, forced relocation of indigenous communities – mostly ordered and executed by Indonesian military forces⁴⁰ – from their traditional livelihoods linked to the expansion of mining concessions created additional grievances and exacerbated inter-tribal tensions and the existing mistrust towards the company and Indonesian authorities.⁴¹ Indeed, the loss of traditional forests and land has had a monumental impact on the cultural survival of the tribes residing in the vicinity of the Grasberg mine and led to a gradually increasing fear for a cultural genocide.⁴²

Another major resource extraction project in western New Guinea concerns the rapid expansion of oil palm plantations in recent years with a large-scale investment by the Korean based firm Korindo⁴³ in Merauke and Boven Digoel.⁴⁴ The so-called Tanah Merah project encompasses ‘a plan to generate billions of dollars by logging untouched rainforests, home to indigenous tribes and a treasure trove of biodiversity, then razing what remained and replacing it with oil palms’⁴⁵, aimed at establishing Indonesia’s single largest oil palm plantation. While Papuan pro-independence movement in the relevant districts has been largely inactive, the region has nevertheless witnessed the establishment of new military and police commands by the Indonesian authorities.⁴⁶ Acquisition of indigenous lands for plantation development has been characterized by lack of transparency and inadequate compensation, with sources indicating that military and police personnel has physically intimidated local communities into surrendering their customary lands.⁴⁷ Considering the palm oil sector in general in Indonesia, such practice is not occurring in isolation, as Indonesian forces have been historically involved in land seizure taking place under intimidation, without due process and virtually no compensation.⁴⁸ In the specific context of the longstanding unresolved political conflict in western New Guinea, this massive resource

<https://www.hrw.org/news/2020/04/03/fatal-shooting-mining-town-papua>; or Coca, ‘Indonesia’s Neverending Freeport-McMoRan Saga: The 50-year relationship between Indonesia and its largest taxpayer comes under scrutiny’, *The Diplomat*, 20 July 2017, at <https://thediplomat.com/2017/07/indonesias-neverending-freeport-mcmoran-saga/>.

³⁹ See notes 18-20, *supra*.

⁴⁰ D. Leith, *The Politics of Power: Freeport in Suharto’s Indonesia* (2003), at 213.

⁴¹ R. McGibbon, ‘Plural Society in Peril: Migration, Economic Change, and the Papua Conflict’, *East-West Center Washington, Policy Studies 13* (2004), at 31-35; D. Leith, *The Politics of Power: Freeport in Suharto’s Indonesia* (2003), at 207-214.

⁴² D. Leith, *The Politics of Power: Freeport in Suharto’s Indonesia* (2003), at 213-214. See also K. McKenna, *Corporate Social Responsibility and Natural Resource Conflict* (2015), at 173.

⁴³ For general company information see <https://www.korindo.co.id/group-profile/>.

⁴⁴ The Merauke district was in 2002 divided into the two separate districts of Merauke and Boven Digoel. A significant part of Boven Digoel, covered by pristine rainforests, has been allocated for oil palm plantations by the regional authorities. ‘The impacts of oil palm plantations on forests and people in Papua: a case study from Boven Digoel District’, Center for International Forestry Research, Working Paper 163 (2014), at 2.

⁴⁵ ‘The secret deal to destroy paradise: The story behind the single biggest threat to the rainforests of Indonesia’, *The Gecko Project*, 28 November 2018, ‘Prologue: Johor Baru, 2012’, at <https://news.mongabay.com/2018/11/the-secret-deal-to-destroy-paradise/>.

⁴⁶ ‘Indonesian Papua: A Local Perspective on the Conflict’, International Crisis Group, Asia Report No. 66 (2007), at 1, 10. See also *ibid.*, at 8 for specifics concerning clashes between Korindo and the pro-independence Papua movement.

⁴⁷ ‘The impacts of oil palm plantations on forests and people in Papua: a case study from Boven Digoel District’, Center for International Forestry Research, Working Paper 163 (2014), at 7-9. ‘The secret deal to destroy paradise: The story behind the single biggest threat to the rainforests of Indonesia’, *The Gecko Project*, 28 November 2018, ‘Part four: “He got beaten half to death in that room”’, at <https://news.mongabay.com/2018/11/the-secret-deal-to-destroy-paradise/>.

⁴⁸ See e.g. ‘Losing Ground: The human rights impact of oil palm plantation expansion in Indonesia’, Friends of the Earth, LifeMosaic, Sawit Watch (2008), at 43-45; ‘Greasy palms: The social and ecological impacts of large-scale oil palm plantation development in Southeast Asia’, Friends of Earth (2005), at 29-30.

extraction project, coupled with the alarming increase in the presence of military forces in the region, has been a major driver of social and ethnic tensions between the various Papuan clans and triggered conflict between Korindo and local communities concerning customary land rights and disruption of traditional livelihoods.⁴⁹ Further, given Indonesia's notoriety associated with transmigration and displacement in western New Guinea⁵⁰, plantation development in Boven Digoel has also generated concerns linked to additional land disputes and social pressures from a new wave of migrants.⁵¹

Such unfettered and continuously expanding resource extraction in western New Guinea is responsible for devastating environmental damage.⁵² Riverine disposal of tailing waste from the Grasberg mine 'has dramatically changed the nature of the [Ajkwa] river system'.⁵³ Mine sediment, accompanied by aggradation, is causing large-scale dieback and vegetation loss along the riverbanks, deteriorating water quality and has created a risk for acid drainage.⁵⁴ Massive overburden dumpsites have created a permanent risk for landslides and slippages. In 2000, an entire village was washed away by a flood as a result of tons of waste rock slipping into the neighbouring lake, causing an environmental and humanitarian disaster.⁵⁵ As an indirect environmental impact caused by the mining activities, the inflow of large numbers of migrants led to over-fishing and over-logging and induced further competition over already scarce resources.⁵⁶ The environmental impact of plantation development in Boven Digoel has been equally disastrous. Unsound extraction practices have led to rampant deforestation with devastating consequences for the traditional livelihoods of forest-dependent communities. While the global significance of deforestation regarding loss of biodiversity and as an aggravating factor of climate change should not be underestimated⁵⁷, it is the local communities who have borne the brunt of the immediate impact of deforestation, as they depend on the forest for their subsistence, cash income, and cultural practices. In addition to loss of traditional lands and resources vital to the livelihoods and health of indigenous communities, the large-scale conversion of forests to plantations has resulted in deteriorating air, water and soil quality in the vicinity of plantations, as well as destroyed the natural habitat of many species.⁵⁸

⁴⁹ 'Indonesian Papua: A Local Perspective on the Conflict', International Crisis Group, Asia Report No. 66 (2007), at 6-7, 9-10.

⁵⁰ See notes 21, 31, *supra*.

⁵¹ 'Indonesian Papua: A Local Perspective on the Conflict', International Crisis Group, Asia Report No. 66 (2007), at 5, 10.

⁵² For a detailed discussion of environmental damage linked to Freeport see K. McKenna, *Corporate Social Responsibility and Natural Resource Conflict* (2015), at 171-176; D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 163-175. For the environmental impact of plantation development in Boven Digoel see 'The impacts of oil palm plantations on forests and people in Papua: a case study from Boven Digoel District', Center for International Forestry Research, Working Paper 163 (2014), at 9-11, 17-20.

⁵³ D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 167. See also 'Mining for the Future, Appendix J: Grasberg Riverine Disposal Case Study', *International Institute for Environment and Development*, No. 68c (2002), at J5-J8.

⁵⁴ 'Mining for the Future, Appendix J: Grasberg Riverine Disposal Case Study', *International Institute for Environment and Development*, No. 68c (2002), at J8-J11. See also C. Ballard *et al*, 'Monitoring the Environmental Impact of Mining in Remote Locations through Remotely Sensed Data', (2006) 21:1 *Geocarto International* 33 at 38.

⁵⁵ D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003), at 173.

⁵⁶ See Muller as cited in J. Pouwer, *Gender, ritual and social formation in West Papua: A configurational analysis comparing Kamoro and Asmat* (2010), at 255.

⁵⁷ '[D]eforestation, forest fires, and degradation of peat land have placed Indonesia as the world's third largest emitter of greenhouse gases', M. Measey, 'Indonesia: A Vulnerable Country in the Face of Climate Change', (2010) 1:1 *Global Majority E-Journal* 31, at 36.

⁵⁸ 'The impacts of oil palm plantations on forests and people in Papua: a case study from Boven Digoel District', Center for International Forestry Research, Working Paper 163 (2014), at 9-11, 18-20. See also N. Colbran, A. Eide, 'Biofuel, the Environment, and Food Security: A Global Problem Explored Through a Case Study of

In the decades that have elapsed since Indonesia gained control over western New Guinea the territory has been under continuous extractive pressure. Systematic expansion of extraction concessions has caused indigenous communities to lose land and resources, either due to forced evictions or the extensive environmental damage, that are crucial to their traditional way of life. The large-scale mining and palm oil projects as discussed above are characterized by the heavy involvement of military forces, neglect of indigenous rights to land and resources, inadequate sharing of benefits and extreme environmental degradation. As such, the extraction industry in western New Guinea intersects with the existing structural political vulnerabilities and thus represents a significant contributing factor to violence and population displacement.

3. *Climate change impact*

Unabated resource extraction and the severe destruction of the environment caused by it has consistently fuelled political violence, social conflict and population displacement in western New Guinea. With climate change impact intensifying in the region, the risk of conflict and insecurity has further increased. To what extent climate variations interact with and contribute to insecurity in western New Guinea however remains difficult to determine, as the environmental and humanitarian impact of climate change in this particular area has not been subject to in-depth research and analysis to date.⁵⁹ Considering that the territory's unique ecosystem is common to the entire island of New Guinea, as well as the common attributes of indigenous communities living across New Guinea, recorded climate change impact in Papua New Guinea offers valuable insights in this regard. According to UNDP, PNG has witnessed rapidly changing weather patterns in recent years, including extreme weather events such as floods, drought and landslides, which have contributed significantly to food and water insecurity. By disrupting traditional livelihoods, such disasters affect rural communities who depend directly on subsistence agriculture the most.⁶⁰

In the face of the region's unresolved political conflict and the deeply damaging and detrimental effect of resource extraction on their wellbeing, the impact of the changing climate on their traditional lifestyle has received little attention so far from indigenous Papuans. While indirect, the effect of climate change on the fragile and conflict-affected situation however should not be underestimated as it, unavoidably, influences the root causes of tension and conflict in western New Guinea and will likely increase the pattern of oppression among indigenous communities. Climate variations and extreme weather events disrupt livelihoods and access to natural resources and – combined with the far-reaching impact of unsound extraction practices – are thus likely to further increase insecurity of and competition over land and resources, push indigenous communities further into marginalization, as well as exacerbate environmental change and degradation. To illustrate this point, significant change in weather patterns has been observed in the Mamberamo region, including reversed seasons and more frequently occurring extremes, such as floods, droughts and strong wind. Such climate variations resulted in an adverse

Indonesia', (2008) 9 *Sustainable Development Law & Policy* 4, at 6-8.

⁵⁹ For a general discussion and analysis of climate change impact in Indonesia see e.g. 'Climate Change Profile: Indonesia', Ministry of Foreign Affairs, The Netherlands (2019); or R. Oktaviani *et al*, 'The Impact of Global Climate Change on the Indonesian Economy', *International Food Policy Research Institute, Discussion Paper 01148* (2011). M. Measey, 'Indonesia: A Vulnerable Country in the Face of Climate Change', (2010) 1:1 *Global Majority E-Journal* 31. See also 'Case Study: Indonesia', Red Cross/Red Crescent Climate Guide, at http://www.climatecentre.org/downloads/files/RCRC_ClimateG_Indonesia.pdf.

⁶⁰ See at <https://www.adaptation-undp.org/explore/melanesia/papua-new-guinea>. See also 'Red Cross volunteers assist communities affected by El Niño in Papua New Guinea', 7 January 2016, at <https://www.climatecentre.org/news/678/red-cross-volunteers-assist-communities-affected-by-el-nino-in-papua-new-guinea>.

impact on food and water security by damaging traditional staples and increased the threats of malaria and other diseases. At the same time, local communities in Mamberamo have seen their forests disappearing due to extraction activities and associated population growth and infrastructure development.⁶¹ Unusually heavy rains caused flash floods and landslides in Sentani in March 2019 which have been responsible for many deaths and injuries, as well as large-scale displacement of the affected communities.⁶² Extensive deforestation linked to mining and logging activities in the area is believed to be a causal factor of the disaster, as well as exacerbating the scale of damage in Sentani.⁶³ In 2015-16, strong El Niño effects significantly reduced rain fall in western New Guinea resulting in major crop failure and intensified fires. Such increased water and food insecurity, ‘combined with the high levels of vulnerability’, has caused ‘severe malnutrition and deaths’.⁶⁴ Additionally, drought-induced soil erosion has increased the risk of landslides.⁶⁵ Extreme drought in PNG’s Western Province has led to the loss of food and water sources along the Fly river and lake Murray.⁶⁶ Similarly, traditional water and food resources have been reported depleting in the Merauke region, bordering PNG’s Western Province, as a result of the combined effect of drought and deforestation and pollution linked to the massive plantation development project called Merauke Integrated Food and Energy Estate (MIFEE). In sharp contrast to MIFEE’s ambitious aim to enhance food security, indigenous communities in Merauke suffer from malnutrition as most traditional food sources have been destroyed due to plantation development and its environmental impact, exacerbated by the changing climate.⁶⁷

Intensifying climate change impact in western New Guinea has already disrupted traditional food and water sources in several areas. Combined with extractive pressures – including deforestation, pollution and population growth – food and water insecurity is likely to further increase, affecting marginalized indigenous communities the most. Extreme weather events and disasters have destroyed livelihoods and left entire communities displaced. As land and resources are becoming increasingly constrained, displacement can lead to additional social tensions and trigger local conflict in the receiving areas. These

⁶¹ M. Boissiere *et al*, ‘Local Perceptions of Climate Variability and Change of Tropical Forests of Papua, Indonesia’, (2013) 18:4 *Ecology and Society* 13.

⁶² See e.g. ‘Human rights and conflict escalation in West Papua’, The sixth report of the International Coalition for Papua (2020), at 5. Displacement due to rain-induced floods and landslide has become a persistent pattern across the Indonesian archipelago, see Internal Displacement Monitoring Centre, ‘Latest New Displacements’ at <https://www.internal-displacement.org/countries/indonesia#:~:text=Violence%20and%20conflict%20in%20the,conflict%20between%202007%20and%202014.&text=Conflict%20and%20violence%20led%20to,displacements%2C%20the%20majority%20in%20Papua>.

⁶³ Elizabeth, Syahni, Arumingtyas, “‘Nothing was left’’: Flash floods, landslides hit Indonesia’s Papua region’, *Mongabay*, 21 March 2019, at <https://news.mongabay.com/2019/03/nothing-was-left-flash-floods-landslides-hit-indonesias-papua-region/>.

⁶⁴ ‘El Niño/La Niña Impact on Indonesia: Scenarios’, ACAPS (2016), at 9, available at <https://www.acaps.org/sites/acaps/files/products/files/s-el-nino-la-nina-impact-on-indonesia-scenarios.pdf>.

⁶⁵ *Ibid.*, at 9, 12.

⁶⁶ ‘Turning the tide: Caritas State of the Environment for Oceania 2017 Report’, Caritas Aotearoa New Zealand (2017), at 42-43; ‘Hungry for justice, thirsty for change: Caritas State of the Environment for Oceania 2016 Report’, Caritas Aotearoa New Zealand (2016), at 21.

⁶⁷ Chao, “‘In the plantations there is hunger and loneliness’’: The cultural dimensions of food insecurity in Papua’, 14 July 2020, at <https://news.mongabay.com/2020/07/in-the-plantations-there-is-hunger-and-loneliness-the-cultural-dimensions-of-food-insecurity-in-papua-commentary/>. ‘Caring for our common home: Caritas State of the Environment for Oceania 2015 Report’, Caritas Aotearoa New Zealand (2015), at 35; ‘Hungry for justice, thirsty for change: Caritas State of the Environment for Oceania 2016 Report’, Caritas Aotearoa New Zealand (2016), at 21; ‘Waters of life, oceans of mercy: Caritas State of the Environment for Oceania 2018 Report’, Caritas Aotearoa New Zealand (2018), at 34-35. See also ‘An Agribusiness Attack in West Papua: unravelling the Merauke Integrated Food and Energy Estate’ (2012), at https://awasmiffee.potager.org/uploads/2012/03/miffee_en.pdf. For up to date information and data concerning the MIFEE project see https://awasmiffee.potager.org/?page_id=37.

challenges are not occurring in isolation but interact with the region's history of political violence and significant ethnic tensions. In the given fragile and conflict-prone context, climate change exacerbates existing social, economic and environmental factors in western New Guinea and thus serves as an additional environmental driver of conflict.

4. Gender dimensions

Gender is woven into the dense patterns of marginalization and violence in western New Guinea. Historically, indigenous Papuan women have been persistently targeted by wide-ranging forms of violence, which abuse is intrinsically linked to the region's political and socio-economic conflict. On the one hand, state violence committed by Indonesian security forces as illustrated above⁶⁸ often involves sexual and gender-based violence. On the other hand, indigenous women are also subjected to high rates of domestic violence and abuse by their intimate partners. Additionally, the loss of their lands and degradation of the natural environment due to extraction activities and climate change impact places a disproportionate burden on Papuan women, who are dependent on access to land and resources to carry out their traditional roles. A gendered analysis is therefore essential to elucidate the multi-layered nature of insecurity in western New Guinea.

Indonesian security forces have been repeatedly implicated in rape and other forms of sexual violence targeting mostly, though not exclusively, female members of Papuan communities. Some accounts recorded by researchers describe particularly sadistic sexual attacks.⁶⁹ As most military operations were historically focusing on eliminating the Papuan pro-independence movement, female relatives of suspected OPM members have become a target of military violence and intimidation, regularly involving (gang) rape and torture.⁷⁰ A pattern of rape and other forms of sexual and gender-based violence by security forces in the vicinity of the Grasberg mine, as well as in Boven Digoel and Merauke⁷¹, have led to concerns about the use of sexual violence as a method of land grabbing in order to secure the continuous expansion of extraction sites.⁷² The injuries suffered by the victims are aggravated by severe social stigma and sense of isolation, also experienced by their children. This intergenerational stigmatization and discrimination perpetuated against victims of sexual violence forms a major impediment to their access to health, education or employment opportunities, pushing them further into a downward spiral of poverty and marginalization and making them vulnerable to continued

⁶⁸ See notes 18-20, *supra*.

⁶⁹ Such accounts describe genital mutilation committed both against women and men with others forced to watch. See J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 62-63. See also UN Doc. E/CN.4/1999/68/Add. 3 (1999), at 22, para. 101.

⁷⁰ See the story of NM and HB in 'I am Here: Voices of Papuan Women in the Face of Unrelenting Violence', Asia Justice and Rights (2019), at 23-25. See also Wandita *et al*, *Enduring Impunity: Women Surviving Atrocities in the Absence of Justice* (2015), at 89-104; 'The Past that Has Not Passed: Human Rights Violations in Papua Before and After *Reformasi*', International Center for Transitional Justice (2012), at 15-16, 18, 20, 22; 'Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009', National Commission on Violence Against Women, Women Working Group of Papuan People's Assembly, International Center for Transitional Justice (2009-2010), at 19-20, 22, 25, 28-30.

⁷¹ 'Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009', National Commission on Violence Against Women, Women Working Group of Papuan People's Assembly, International Center for Transitional Justice (2009-2010), at 21, 23-24, 31-35; UN Doc. E/CN.4/1999/68/Add. 3 (1999), at 22-24, paras. 100-109.

⁷² Csevár, Tremblay, 'Sexualized Violence and Land Grabbing: forgotten conflict and ignored victims in West Papua', *Blog series Gender, Nature and Peace* (2019), at <https://blogs.lse.ac.uk/wps/2019/08/21/sexualised-violence-and-land-grabbing-forgotten-conflict-and-ignored-victims-in-west-papua/>.

violence.⁷³ Indeed, a particularly disturbing repercussion of social stigmatization is the phenomenon of ‘layered violence’ – ostracized victims of state violence often become victims of domestic violence as well.⁷⁴ Further, stigmatization has a particularly harmful impact on widows and children born of rape.⁷⁵ In addition to state violence, accounts of domestic violence are equally persistent. Mostly committed by their intimate partners, Papuan women are frequently subjected to various forms of domestic abuse commonly associated with high levels of alcohol consumption, which in turn is believed to be linked to funds distributed by local authorities.⁷⁶ Forms of domestic abuse experienced by indigenous women include (but are not limited to) beatings, marital rape, psychological violence and HIV/AIDS infection as a consequence of polygamy or adultery.⁷⁷ The spread of HIV/AIDS among indigenous communities is closely linked to the extractive industry and transmigration, which gave rise to the illegitimate businesses of prostitution and sex trafficking.⁷⁸

Beyond violent attacks, the loss of traditional lands and resources has had a monumental impact on the cultural and social well-being, and survival indeed, of indigenous Papuan women, who have a strong spiritual and cultural connection to their land and forests.⁷⁹ As a result of military operations, many rural communities have fled from their villages into the forest or, as discussed above, were forcibly evicted to make way to extraction activities.⁸⁰ Further, while Papuan women play a key role in caring for the community’s food gardens and forests, they possess no rights of ownership to the land and resources.⁸¹ When these lands are sold by male family members to extractive companies, whole communities are

⁷³ ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 28-29; J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 62-63.

⁷⁴ ‘Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009’, National Commission on Violence Against Women, Women Working Group of Papuan People’s Assembly, International Center for Transitional Justice (2009-2010), at 49-50.

⁷⁵ Concerning social stigma attached to widows of an OPM member and their children see ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 31-32; UN Doc. E/CN.4/1999/68/Add. 3 (1999), at 14, para. 59. For stigmatization of single mothers giving birth to children of Indonesian soldiers see J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 78-79; UN Doc. E/CN.4/1999/68/Add. 3 (1999), at 14, para. 58.

⁷⁶ ‘Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009’, National Commission on Violence Against Women, Women Working Group of Papuan People’s Assembly, International Center for Transitional Justice (2009-2010), at 39, 44. See also ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 30.

⁷⁷ For a detailed discussion of domestic violence against Papuan women see ‘Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009’, National Commission on Violence Against Women, Women Working Group of Papuan People’s Assembly, International Center for Transitional Justice (2009-2010), at 38-50. See also ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 29-30.

⁷⁸ Wandita *et al*, *Enduring Impunity: Women Surviving Atrocities in the Absence of Justice* (2015), at 26; J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 52.

⁷⁹ ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 41. Concerning the spiritual loss of the Amungme people whose customary land is located in the vicinity of the Grasberg mine see J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 71.

⁸⁰ See e.g. the experience of the Arso tribe in the Keerom Regency, ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 42-45; ‘Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009’, National Commission on Violence Against Women, Women Working Group of Papuan People’s Assembly, International Center for Transitional Justice (2009-2010), at 24-25. See also note 40, *supra*.

⁸¹ ‘I am Here: Voices of Papuan Women in the Face of Unrelenting Violence’, Asia Justice and Rights (2019), at 39-40; ‘Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009’, National Commission on Violence Against Women, Women Working Group of Papuan People’s Assembly, International Center for Transitional Justice (2009-2010), at 24-25. See also ‘Study on women’s and men’s health and life experiences in Papua, Indonesia’ UNDP Report (2016), at 28.

displaced. Displacement has resulted in a loss of traditional cultural and agriculture activities. The loss of traditional food sources has created a dependency on imported food and food produced by migrants⁸², which had a detrimental impact on Papuan women's health.⁸³ The loss of forests has also depleted materials essential to practice cultural traditions.⁸⁴ The dramatic shift in traditional values has exposed women to increased discrimination and made them vulnerable to further violence – in some regions these hardships are further aggravated by the continuous threat of violence, which makes women scared to leave their houses and tend to their traditional activities.⁸⁵

The increasing impact of climate change on the landscape and traditional livelihoods has further compounded these challenges. This is particularly apparent in Merauke and Boven Digoel – as natural water sources have disappeared due to the combined effects of drought and extraction activities, women have to walk great distances to collect water.⁸⁶ Deforestation associated with the massive plantation development in the region, increasingly aggravated by climate induced extremes⁸⁷, has 'brought about both hunger and began to sever a deep cultural connection' between the indigenous communities and their natural environment.⁸⁸ Severe malnutrition is particularly harmful for young mothers who cannot feed their babies as they don't produce enough milk due to being malnourished.⁸⁹ With climate change impact continuing to worsen, the level of food and water insecurity will unavoidably further increase.

Gender permeates decades of violence in western New Guinea, the 'third-deadliest Indonesian conflict'.⁹⁰ In the specific context of the region's unresolved political conflict, it is through gendered acts that Indonesian forces have secured unfettered access to and maximized exploitation of the territory's vast array of natural resources with disastrous humanitarian and environmental consequences. Papuan women and girls have been targeted as a consequence of their gendered resource-related roles; as mothers, wives, daughters and primary caretakers of their families and communities. The traumatic impacts of widespread and systematic violence targeting indigenous women have been magnified by insecurity over land tenure and diminishing access to resources, further compounded by growing climate change impact. Failure to recognize the inextricable role gender plays in the Papuan conflict places a significant barrier to developing a proper understanding of institutionalized violence, discrimination and poverty in western New Guinea, and will undermine any future attempts at conflict resolution and peacebuilding.

⁸² Immigration is believed to have an additional harmful impact on traditional food sources, see J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 76.

⁸³ 'I am Here: Voices of Papuan Women in the Face of Unrelenting Violence', Asia Justice and Rights (2019), at 36-39. See also J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 52.

⁸⁴ 'I am Here: Voices of Papuan Women in the Face of Unrelenting Violence', Asia Justice and Rights (2019), at 37. See also note 42, *supra*.

⁸⁵ 'I am Here: Voices of Papuan Women in the Face of Unrelenting Violence', Asia Justice and Rights (2019), at 30.

⁸⁶ 'Hungry for justice, thirsty for change: Caritas State of the Environment for Oceania 2016 Report', Caritas Aotearoa New Zealand (2016), at 21. For a similar account concerning the scarcity of sago see 'Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009', National Commission on Violence Against Women, Women Working Group of Papuan People's Assembly, International Center for Transitional Justice (2009-2010), at 24.

⁸⁷ See note 67, *supra*.

⁸⁸ Chao, "'In the plantations there is hunger and loneliness": The cultural dimensions of food insecurity in Papua', 14 July 2020, at <https://news.mongabay.com/2020/07/in-the-plantations-there-is-hunger-and-loneliness-the-cultural-dimensions-of-food-insecurity-in-papua-commentary/>.

⁸⁹ *Ibid*.

⁹⁰ J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010), at 61.

Bibliography

Books

- C. Ballard, G. Banks, 'Between a Rock and a Hard Place: Corporate Strategy at the Freeport Mine in Papua, 2001-2006', in B. P. Resosudarmo, F. Jotzo (eds.), *Working with Nature Against Poverty: Development, Resources and the Environment in Eastern Indonesia* (2009)
- J. Braithwaite *et al*, *Anomie and Violence: Non-truth and reconciliation in Indonesian peacebuilding* (2010)
- A. Cassese, *Self-Determination of Peoples, A Legal Reappraisal* (1995)
- P. J. Drooglever, T. Stanton, *An Act of Free Choice: decolonisation and the right to self-determination in West Papua* (2009)
- D. Leith, *The Politics of Power: Freeport in Suharto's Indonesia* (2003)
- K. McKenna, *Corporate Social Responsibility and Natural Resource Conflict* (2015)
- J. Pouwer, *Gender, ritual and social formation in West Papua: A configurational analysis comparing Kamoro and Asmat* (2010)
- R. Osborne, 'OPM and the Quest for West Papua Unity', in R. J. May (ed.), *Between Two Nations: The Indonesia – Papua New Guinea border and West Papua Nationalism* (1984)
- Wandita *et al*, *Enduring Impunity: Women Surviving Atrocities in the Absence of Justice* (2015)

Articles

- K. Abplanalp, 'Blood Money', (2012) 18:1 *Pacific Journalism Review* 136
- C. Ballard, 'Human Rights and the Mining Sector in Indonesia: a Baseline Study', *International Institute for Environment and Development*, No. 182 (2001)
- C. Ballard *et al*, 'Monitoring the Environmental Impact of Mining in Remote Locations through Remotely Sensed Data', (2006) 21:1 *Geocarto International* 33
- M. Boissiere *et al*, 'Local Perceptions of Climate Variability and Change of Tropical Forests of Papua, Indonesia', (2013) 18:4 *Ecology and Society* 13
- T. vd Broek, A. Szalay, 'Raising the Morning Star: Six months in the developing independence movement in West Papua', (2001) 36 *Journal of Pacific History* 77
- R. Chauvel, 'Refuge, displacement and dispossession: responses to Indonesian rule and conflict in Papua', in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007), 32
- N. Colbran, A. Eide, 'Biofuel, the Environment, and Food Security: A Global Problem Explored Through a Case Study of Indonesia', (2008) 9 *Sustainable Development Law & Policy* 4
- D. Glazebrook, '“If I Stay Here There is Nothing Yet If I Return I do not Know Whether I will be Safe”: West Papuan Refugee Responses to Papua New Guinea Asylum Policy 1998–2003', (2004) 17:2 *Journal of Refugee Studies* 205
- E. E. Hedman, 'Papua: the last frontier for democratization, demilitarization and decentralization in Indonesia', in E. E. Hedman (ed.), *Dynamics of Conflict and Displacement in Papua, Indonesia* (2007)
- R. McGibbon, 'Plural Society in Peril: Migration, Economic Change, and the Papua Conflict', *East-West Center Washington, Policy Studies* 13 (2004)
- K. McKenna, 'There is Relief that It Seems to Be Working: BP's Integrated Community-Based Security Strategy in West Papua', *Australian National University Brief* 2015/61 (2015)

- M. Measey, 'Indonesia: A Vulnerable Country in the Face of Climate Change', (2010) 1:1 *Global Majority E-Journal* 31
- R. Oktaviani *et al*, 'The Impact of Global Climate Change on the Indonesian Economy', *International Food Policy Research Institute, Discussion Paper 01148* (2011)
- 'Mining for the Future, Appendix J: Grasberg Riverine Disposal Case Study', *International Institute for Environment and Development*, No. 68c (2002)

Cases

- *Western Sahara*, Advisory Opinion, ICJ Reports (1975)

Documents of International Organizations

- 'Study on women's and men's health and life experiences in Papua, Indonesia', UNDP Report (2016)
- UN Doc. A/RES/1541 (XV) (1960)
- UN Doc. A/7723 (1969)
- UN Doc. E/CN.4/1999/68/Add. 3 (1999)

Documents of Non-Governmental Organizations

Reports:

- 'Caring for our common home: Caritas State of the Environment for Oceania 2015 Report', Caritas Aotearoa New Zealand (2015)
- 'El Niño/La Niña Impact on Indonesia: Scenarios', ACAPS (2016)
- 'Enough is Enough: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009', National Commission on Violence Against Women, Women Working Group of Papuan People's Assembly, International Center for Transitional Justice (2009-2010)
- 'Greasy palms: The social and ecological impacts of large-scale oil palm plantation development in Southeast Asia', Friends of Earth (2005)
- 'Human rights and conflict escalation in West Papua', The sixth report of the International Coalition for Papua (2020)
- 'Hungry for justice, thirsty for change: Caritas State of the Environment for Oceania 2016 Report', Caritas Aotearoa New Zealand (2016)
- 'I am Here: Voices of Papuan Women in the Face of Unrelenting Violence', Asia Justice and Rights (2019)
- 'The Indigenous World 2020', International Work Group for Indigenous Affairs (2020)
- 'Indonesia: Concerted efforts needed to find solution for protracted IDPs', Internal Displacement Monitoring Centre (2015)
- 'Indonesia: Displacement associated with Conflict and Violence', Internal Displacement Monitoring Centre (2020)
- 'Indonesia: "Don't bother, just let him die": Killing with impunity in Papua', Amnesty International, ASA 21/8198/2018 (2018)
- 'Indonesia: Durable solutions needed for protracted IDPs as new displacement occurs in Papua', Internal Displacement Monitoring Centre (2014)
- 'Indonesia: Durable solutions remain elusive for many IDPs while thousands are newly displaced by military operations in Papua', Internal Displacement Monitoring Centre (2011)

- ‘Indonesia: Dynamics of Violence in Papua’, International Crisis Group, Asia Report No. 232 (2012)
- ‘Indonesia: Resources and Conflict in Papua’, International Crisis Group, Asia Report No. 39 (2002)
- ‘Indonesian Papua: A Local Perspective on the Conflict’, International Crisis Group, Asia Report No. 66 (2007)
- ‘Losing Ground: The human rights impact of oil palm plantation expansion in Indonesia’, Friends of the Earth, LifeMosaic, Sawit Watch (2008)
- ‘Paying for Protection: The Freeport mine and the Indonesian security forces’, Global Witness (2005)
- ‘Something to Hide? Indonesia’s Restrictions on Media Freedom and Rights Monitoring in Papua’, Human Rights Watch (2015)
- ‘The impacts of oil palm plantations on forests and people in Papua: a case study from Boven Digoel District’, Center for International Forestry Research, Working Paper 163 (2014)
- ‘The Last Frontier: Illegal Logging in Papua and China’s Massive Timber Theft’, Telapak, Environmental Investigation Agency (2005)
- ‘The Neglected Genocide: Human rights abuses against Papuans in the Central Highlands, 1977-1978’, Asian Human Rights Commission, International Coalition for Papua (2013)
- ‘The Past that Has Not Passed: Human Rights Violations in Papua Before and After *Reformasi*’, International Center for Transitional Justice (2012)
- ‘The Practice of Torture: Business As Usual in Papua’, ELSHAM Papua, Asia Justice and Rights, Tapol, The European Instrument for Democracy and Human Rights (2015)
- ‘Turning the tide: Caritas State of the Environment for Oceania 2017 Report’, Caritas Aotearoa New Zealand (2017)
- ‘Out of Sight: Endemic Abuse and Impunity in Papua’s Central Highlands’, Human Rights Watch, Volume 19, No. 10(C) (2007)
- ‘Waters of life, oceans of mercy: Caritas State of the Environment for Oceania 2018 Report’, Caritas Aotearoa New Zealand (2018)
- ‘What Did I Do Wrong? Papuans in Merauke Face Abuses by Indonesian Special Forces’, Human Rights Watch (2009)

News:

- Harsono, ‘Fatal Shooting in a Mining Town in Papua: Indonesian Police Should Invite Independent Investigation’, *Human Rights Watch*, 3 April 2020, at <https://www.hrw.org/news/2020/04/03/fatal-shooting-mining-town-papua>
- ‘Indonesia: Papuan Militants Kill 17’, *Human Rights Watch* (HRW), 9 December 2018, at <https://www.hrw.org/news/2018/12/09/indonesia-papuan-militants-kill-17>
- ‘Update on ongoing military operations in Nduga Regency – death toll higher than expected’, *International Coalition for Papua* (ICP), 7 July 2019, at <https://www.humanrightspapua.org/news/31-2019/449-update-on-ongoing-military-operation-in-nduga-regency-death-toll-higher-than-expected>

Online Sources

- Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), No 6311, (1962); at <https://treaties.un.org/doc/Publication/UNTS/Volume%20437/volume-437-I-6311-English.pdf>

- ‘An Agribusiness Attack in West Papua: unravelling the Merauke Integrated Food and Energy Estate’ (2012), at https://awasmiffee.potager.org/uploads/2012/03/miffee_en.pdf
- ‘Case Study: Indonesia’, Red Cross/Red Crescent Climate Guide, at http://www.climatecentre.org/downloads/files/RCRC_ClimateG_Indonesia.pdf
- Chao, “‘In the plantations there is hunger and loneliness’: The cultural dimensions of food insecurity in Papua”, 14 July 2020, at <https://news.mongabay.com/2020/07/in-the-plantations-there-is-hunger-and-loneliness-the-cultural-dimensions-of-food-insecurity-in-papua-commentary/>
- Civil society contributions to List of Issues Prior to Reporting (2020), at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1374&Lang=en
- ‘Country Operations Plan, Country: Papua New Guinea’, UNHCR (2002), available at <https://www.unhcr.org/protection/cops/3b6671644/unhcr-country-operations-plan-2002-papua-new-guinea.html?query=country%20operations%20plan%20papua%20new%20guinea>
- ‘Country Operations Plan 2007: Papua New Guinea’ UNHCR (2007), available at <https://www.unhcr.org/protection/cops/452f50342/unhcr-country-operations-plan-2007-papua-new-guinea.html?query=west%20papua%20refugees>
- Csevár, Tremblay, ‘Sexualized Violence and Land Grabbing: forgotten conflict and ignored victims in West Papua’, *Blog series Gender, Nature and Peace* (2019), at <https://blogs.lse.ac.uk/wps/2019/08/21/sexualised-violence-and-land-grabbing-forgotten-conflict-and-ignored-victims-in-west-papua/>
- Elizabeth, Syahni, Arumingtyas, “‘Nothing was left’’: Flash floods, landslides hit Indonesia’s Papua region’, *Mongabay*, 21 March 2019, at <https://news.mongabay.com/2019/03/nothing-was-left-flash-floods-landslides-hit-indonesias-papua-region/>
- Indonesia-Investments, at <https://www.indonesia-investments.com/business/indonesian-companies/freeport-indonesia/item407>
- Internal Displacement Monitoring Centre, ‘Latest New Displacements’ at <https://www.internal-displacement.org/countries/indonesia#:~:text=Violence%20and%20conflict%20in%20the.conflict%20between%202007%20and%202014.&text=Conflict%20and%20violence%20led%20to,displacements%2C%20the%20majority%20in%20Papua.>
- Joint Communication by Special Rapporteurs on the Nduga situation, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24508>
- Joint Communication by Special Rapporteurs concerning large-scale demonstrations, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24919>
- Korindo Group, at <https://www.korindo.co.id/group-profile/>
- Marpaung, ‘TNI’s Gold Mine: Corruption and Military-Owned Businesses in Indonesia’, *The Global Anticorruption Blog* (2016), at <https://globalanticorruptionblog.com/2016/06/17/tnis-gold-mine-corruption-and-military-owned-businesses-in-indonesia/>
- ‘Red Cross volunteers assist communities affected by El Niño in Papua New Guinea’, 7 January 2016, at <https://www.climatecentre.org/news/678/red-cross-volunteers-assist-communities-affected-by-el-nino-in-papua-new-guinea>
- ‘The secret deal to destroy paradise: The story behind the single biggest threat to the rainforests of Indonesia’, *The Gecko Project*, 28 November 2018, at <https://news.mongabay.com/2018/11/the-secret-deal-to-destroy-paradise/>

- United Nations Security Force in West New Guinea (UNSF), at <https://peacekeeping.un.org/sites/default/files/past/unsf.htm>
- Papua Atlas, at <https://atlas.cifor.org/papua/#en>
- Papua New Guinea Climate Change Adaptation, at <https://www.adaptation-undp.org/explore/melanesia/papua-new-guinea>
- PT Freeport Indonesia, at <https://ptfi.co.id/en>
- ‘Refugee sites on the border between Papua New Guinea and Indonesia’, UNHCR (2006), at <https://www.unhcr.org/publ/PUBL/4416888c0.pdf>
- Tracking the Merauke Integrated Food and Energy Estate, at https://awasmiffee.potager.org/?page_id=37
- Yearbook of the United Nations, volumes 1954; 1955; 1956; 1957; 1961, at <https://unyearbook.un.org/>

Newspaper Articles

- Coca, ‘Indonesia’s Neverending Freeport-McMoRan Saga: The 50-year relationship between Indonesia and its largest taxpayer comes under scrutiny’, *The Diplomat*, 20 July 2017, at <https://thediplomat.com/2017/07/indonesias-neverending-freeport-mcmoran-saga/>
- Davidson, ‘Indonesia arrests dozens of West Papuans over claim flag was thrown into sewer’, *The Guardian*, 18 August 2019, at <https://www.theguardian.com/world/2019/aug/18/indonesia-arrests-dozens-of-west-papuans-over-claim-flag-was-thrown-in-sewer>
- Davidson, ‘West Papua: Conflicting reports surround attack that killed up to 31’, *The Guardian*, 5 December 2018, at <https://www.theguardian.com/world/2018/dec/05/west-papua-fears-of-spiralling-violence-after-attack-leaves-up-to-31-dead>
- Michaels, ‘Is a U.S. Mining Company Funding a Violent Crackdown in Indonesia?’, *Atlantic*, 29 November 2011, at <https://www.theatlantic.com/international/archive/2011/11/is-a-us-mining-company-funding-a-violent-crackdown-in-indonesia/249164/>
- ‘West Papua: Day of violence sees at least 27 dead’ *BBC News*, 24 September 2019, at <https://www.bbc.com/news/world-asia-49806182>

Other

- ‘Climate Change Profile: Indonesia’, Ministry of Foreign Affairs, The Netherlands (2019)