

2-part contribution- on nickel mining in West Papua AND on the political economy of West Papuan forests

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June 2024

Introduction

Esteemed members of the tribunal, I submit to you in written form various pieces of evidence regarding the nature of nickel mining and forest policies in West Papua that I believe to be relevant to the hearing on *Environmental and State Violence in West Papua*. I have come across these facts during my elaborate research on the environmental and social impacts of 1) the mining and processing of energy transition minerals and 2) forest-related policies and their effects in West Papua*.

In my research I have found, firstly, that due to where and how the Indonesian government allows nickel mines to operate, nickel mining in West Papua causes great harm to the global climate and to natural environments locally in West Papua. Secondly, my research shows that the interests of the Indonesian state and foreign corporations have created a political economy and ecology in West Papua that is characterized by extractivist economics and paternalistic development discourse, which cause extensive harm to the cultural, linguistic, and species richness of West Papua's forests¹.

* Throughout this document I use the term West Papua to refer not just to the province of West Papua, but to all parts of the island of New Guinea that are claimed by the Indonesian state.

Part 1: Nickel mining

Nickel is often regarded as an essential compound for the green energy transition. However, the nickel supply chain is responsible for various negative environmental impacts globally and in West Papua. Nickel is neither the only, nor the most environmentally friendly option for many green transition applications. For example, nickel-based EV batteries are the least climate-friendly option due to the GHG emissions from fossil fuel burning and deforestation associated with the mining and processing of nickel ore².

Climate harm of Indonesian nickel mining

Nickel mining in Indonesia is responsible for substantially greater GHG emissions than in other areas of the world:

- The type of nickel mined in West Papua is primarily laterite ore, for which processing requires 2 to 6 times more CO₂ emissions than the sulfide nickel ore found in other countries, including Canada, Russia, and Australia³.
- Indonesia's energy mix relies heavily on coal and thus produces 8 to 9 more CO₂ per kWh than in other nickel-producing countries such as Canada⁴.

Nickel mining and processing is an important cause of increasing coal burning and GHG emissions in Indonesia, which causes global climate damage and compromises on national and international GHG reduction target agreements:

- Indonesia is one of the global top 5 of GHG emitting countries and has the fastest increase (>20% in the last 15 years) in carbon emissions among them, according to data from Climate Watch⁵.
- Indonesia signed the Just Energy Transition Partnership (JETP) in 2022, which aims to cap emissions in 2030 by closing existing coal-fired power plants and halting new coal projects⁶.
- In 2022, Indonesian nickel production increased by 60% and its coal burning by 33% according to the Indonesian Ministry of Energy and Mineral Resources (ESDM)⁷.
- ESDM had a further 7% increase in coal burning and 5% increase in coal production as its 2023 targets⁸.

Local environmental harm of nickel mining in West Papua

Nickel mining in West Papua poses acute local and regional harms to biodiversity, environmental health, and human health. Policies and decisions by the Indonesian government on where and how nickel mining is allowed to take place have not minimized these harmful effects.

- Generally speaking, mining operations within Indonesia present the highest pressure on biodiversity worldwide⁹.
- Indonesia alone is responsible for over 58% of global tropical forest loss that is directly related to mining¹⁰.

Mining in West Papua is an important contributor to the total harm that Indonesian mining inflicts on natural environments, as the island of New Guinea is a globally important biodiversity hotspot. New Guinea island is:

- the most floristically diverse island in the world¹¹;
- part of the third-largest standing tropical rainforest on earth;
- surrounded by "the global center of marine biodiversity" (WWF), housing 76% of global coral species¹².

The Indonesian state fails to protect this valuable environment by enforcing best practices, in areas such as, for example, mine tailings management.

- The two mines that dump most toxic tailings of any mine on earth are in West Papua and Sulawesi¹³.
- Nickel mining activities in Jayapura have led to severe soil erosion and floods of agricultural and urban land¹⁴.
- Nickel mines in Raja Ampat have caused the loss of valuable coastal habitats, killed coral reefs, negatively affected local fishing, polluted water sources, and caused skin and respiratory health problems¹⁵.
- Despite formal bans, the Indonesian government fails to hold companies accountable for the dumping of toxic mine tailings in rivers and marine environments and continues to grant permits for new mines and mine expansions¹⁶.

Rights violations around nickel mining in West Papua

Respecting the rights of local populations and obtaining consent for nickel mining activities is essential because: (1) nickel mining poses tradeoffs between various economic, social, and environmental risks and interests (2) local communities bear the brunt of social and environmental harms that may emerge¹⁷, and (3) Indigenous rights and the right to Free, Prior, and Informed Consent (FPIC) are enshrined in international law. However, in West Papua nickel mining is often accompanied by rights violations due to relationships between the state and the business sector.

- In Tablasupa, Indigenous Papuans were displaced from their land for the establishment of a nickel mine in violation of their rights to FPIC and to their land¹⁸.
- Nickel mining projects have exacerbated community disagreements and intertribal conflicts in Raja Ampat, violating basic FPIC principles¹⁹.
- Tactics commonly used in West Papua to circumvent community consent rights include limiting access to information, imposing prohibitive time and procedural requirements on communities, bribing of community leaders, falsifying consent agreements, and physical intimidation by police and army officials²⁰.
- According to Amnesty International and Greenpeace, the granting of permits for nickel mines and other industrial projects is characterized by structural collusion between extractive corporations and Indonesian state officials, which circumvents Indigenous, and community rights, including FPIC²¹.

Part 2: Forests

When it comes to forests, current rates of habitat and species loss in West Papua are unprecedented.

- Various internationally renowned authorities reporting a loss of 2% forests in the first two decades of the 21st century, mostly from conversion to agricultural plantations²².
- According to the IUCN Red List, 60 West Papuan species are critically endangered, 78 are endangered, and 128 are vulnerable, primarily due to habitat loss and degradation²³

Government programs and forest degradation in West Papua

Most deforestation in West Papua stems from programs launched by the Indonesian government aimed at the alleged economic development of West Papua, such as:

- Trans-Papuan Highway & Transmigration program (incursions in protected areas)²⁴
- Concessions for plantation development²⁵, (208,223 ha, 28% of Papuan forest loss)²⁶
- Mega food-projects such as the Merauke Integrated Food and Energy Estate (MIFEE, which converts a proposed 3.2 million ha of tropical forests) and the Food Estate Program²⁷

Evidence suggests that deforestation and associated species loss in West Papua result from the Indonesian government willfully maintaining a culture of legal non-compliance:

- The Environmental Investigation Agency (EIA) reports that forest loss in West Papua has continued in recent years, regardless of Indonesia's palm oil moratorium²⁸
- Despite national Zero Deforestation targets, 97% of forest loss takes places in official concessions granted by the Indonesian government²⁹.
- However, an estimated 75% of forest conversion is technically illegal, either due to fraudulent permitting processes or because of illegal activities associated with legal operations³⁰.
- Logging and palm oil companies often violate the terms of their permit, operating outside the borders of their concessions, or employing harmful practices such as excessive and illegal use of fire³¹.
- Indonesia fails to crack down on these practices even at its own borders, as 75% of illegally logged timber is exported³².

Corporate collusion and forest degradation in West Papua

The culture of corporate non-compliance with regards to forest policies of West Papua has not motivated Indonesia to meaningfully change its permitting system or its forest-related policies. The collusive nature of relationships between business and the Indonesian state is, therefore, fundamental to forest destruction in West Papua.

- A pattern of structural collusion and corruption between natural resource industries in West Papua and the Indonesian state was described by Greenpeace and Amnesty International³³
- As a result, Indonesia's national legal system systemically violates Indigenous Papuan's rights to grant or withhold free, prior and informed consent, and customary land rights³⁴.
- Various reports have documented the abuses of West Papuans' land rights by big, foreign natural resource corporations – such as hardwood, palm oil, and pulp producer KORINDO, which pressures Papuan communities into compliance even without having a logging license³⁵.

This system of structural corruption and rights violations, which serves business interests, is possible because:

- The process of granting concessions of forested land in West Papua is particularly vulnerable to corruption because Indonesia's permitting system:
 - o relies on central governmental decisions about large tracts of land without proper involvement of affected communities³⁶
 - and
 - o is too complex, ambiguous, and full of policy layering to guarantee the implementation and monitoring of requirements regarding licensing and community consultation³⁷.
- This hierarchical and ambiguous administrative permitting system is maintained through clientelist relations in elections³⁸.
- Concession granting procedures are untransparent and inaccessible to most Papuans, hindering the option of refuting the claims of a company³⁹.
- Natural resource companies enforce their will by means of intimidation and physical violence at the hands of Indonesian police and military forces, which they fund⁴⁰.
 - o A 200-page report by the Papuan Women's Working Group, supported by various humanitarian organizations including Asia Justice and Rights, documents dozens of instances of violence and corruption suffered by Papuan women and forest defenders⁴¹.
- There is a culture of impunity around violence committed by Indonesian security officials in West Papua⁴².
- Those who defend their right to land live in fear of official Indonesian security forces, as became clear in every interview I conducted with Papuans during my research⁴³.

Conclusions on forest policies in West Papua

To conclude, my extensive research on forest policy in West Papua and many conversations with Papuans have led me to conclude that the current policy structure and political economy surrounding West Papuan forests are designed and maintained to serve the interests of agricultural and natural resource corporations and of the Indonesian state, not the interests of Papuan humans or of the uniquely biodiverse natural environments of New Guinea.

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