

Indigenous Papuan Women's Rights and Traditional Forests under Siege



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Women in Papua are marginalised in at least two ways: as indigenous Papuans, they face discrimination by mainstream Indonesian society, and certain traditional laws and customs exclude them from land management decision-making processes. This brief is based on research conducted between November 2019 and February 2020 by Asia Justice and Rights, or AJAR, and the Papuan Women's Working Group, or PWG. The research took place in five locations in the provinces of Papua and West Papua, involving 100 indigenous women and focusing on the impacts of land grabbing and forest loss. Findings showed that women depend on customary forests, not only for their livelihoods, but also for their cultural and spiritual identity. Yet women are often blocked from participating in decisions about the forests they depend on by the government, by plantation companies, and by their own customary (*adat*) institutions. Often, Papuan women do not receive compensation when their lands are sold, or benefit from services provided by extractive industries. This leaves them even more vulnerable, suffering the heaviest burdens from the negative environmental and social impacts of the expansion of plantations, and the changes those plantations bring to Papuan life and society.

Indigenous people in Indonesian society: The provision of government education, health, and infrastructure services are severely lacking for rural Papuan communities, many of whom as a result live in poverty. The increase in migration has worsened this situation, as indigenous Papuans are out-competed for education and employment opportunities, while racism and religious discrimination further marginalizes them. Although *adat* community rights are enshrined in Indonesia's Constitution, both national and local governments fail to adequately protect these rights, and regularly issue concessions to companies for the use of traditional lands. Governments fail to enforce their own regulations on indigenous peoples' rights to traditional forests, denying them a say in how their lands are managed, their rights to fair compensation for the loss of their land, or even their access to community development benefits.

Women and *adat*: Women have little or no voice or ability to participate in *adat* institutions. They have less access to education than men, as they are expected to work in the home and care for aging parents. 34 participants had either no schooling or only primary education, while only 19 reached senior high school. School-age girls, because of economic circumstances, are often forced into marriage by their parents, missing out on education opportunities. Out of 100 informants, 13 women were married between the ages of 16 and 18, while 8 were married before their sixteenth birthday. Lack of education means women have less ability to acquire skills for higher paying employment, leaving them dependent on agriculture and the forests for their livelihoods.

Lack of land rights: Papuan women often only have the right to farm, but not to own land. Their rights to inherit property are trumped by those of their male siblings or descendants. In clans where women can own land, research findings show their rights are often ignored, and men make decisions regarding women's land without consulting or compensating them. Women are often blocked from participating in discussions about traditional land and territorial boundaries, limiting their effectiveness to participate in

community discussions. They become even more disempowered when they marry and move to their husband's community, where they have no rights, and are even more vulnerable when they are widowed.

Bad faith bargaining by companies: Over the last decade, there has been a rapid expansion of plantations, often converting forests under customary claim to monoculture. Women reported that companies act in bad faith by isolating and co-opting clan leaders to make land deals on behalf of their communities, excluding the rightful landowners, especially women, from any compensation. In some cases, companies make small "good faith" payments up front, and use the receipts of these payments to indicate the community's consent to land acquisition, without further compensation or negotiation. Companies frequently do not fulfil agreements to provide benefits or services and, when benefits are provided, women are often shut out, for example from employment opportunities or school scholarships which are given exclusively to male applicants.

Women's heavy burden: Shut out of decision-making, women suffer the most from loss of land and access to forests. Their household demands increase as they have to travel farther and work harder to cultivate gardens, collect water, and gather firewood. When male relatives are employed by the plantations, women are expected to fill the gap they leave behind. They are the most responsible for providing for their families, and they depend on forestlands for gardening, collecting foodstuffs like sago, forest vegetables, fish, and game, both as sources of protein and as medicine. Without access to forests, the nutrition, health, and food security of communities suffers. Although women are resourceful, finding alternative livelihoods, according to research, the majority of women remain largely dependent on forests for their livelihoods.

Male access to cash: Meanwhile, men have monopolized access to the influx of cash from wage labor, development projects, and land sales. Women report that men's increased access to cash, coupled with women's loss of traditional livelihoods, has soured family relationships, led to alcohol abuse, and increased domestic violence.

Violence Against Women: Women are at increased risk of gender-based violence from the migrant community, from the military, and from private security forces. Of the 100 women who participated in this research, 49 have experienced violence. This includes domestic violence (23 participants) as well as violence between community members outside the home (7), and violence perpetrated by state actors or security personnel from the companies (19).

To summarize, both companies and traditional society routinely ignore the rights of Papuan women. Women are economically and politically marginalized and suffer the most when traditional lands are seized for conversion to plantations. Social changes resulting from rapidly expanding plantations, have left women vulnerable, including to physical violence, with few opportunities to access alternative livelihoods or basic services.

Recommendations:

1. National and provincial governments should:
 - prioritize efforts to recognize, respect, and protect the land rights of indigenous communities, as required by Papua's Special Autonomy Law. This includes passing and implementing various local regulations on indigenous land rights, using participatory land mapping and involving both indigenous men and women;
 - review permits of companies operating on territory claimed as traditional land, and revoke permits not in compliance with legal requirements that demand the consent of affected communities and the provision of fair compensation, as well as community development benefits.

2. Natural resource companies must:
 - respect the land and resource rights of indigenous peoples and, in cases where they have taken land, ensure compensation payments are made transparently to the rightful owners;
 - fulfill all promises made to communities as part of land use agreements, ensuring women have equal access to benefits such as employment opportunities and education scholarships;
 - Cease using state security forces for private security.

3. KOMNAS Perempuan should work with Papuan NGOs to:
 - facilitate and provide support for human rights training for local indigenous communities, especially women;
 - develop culturally sensitive community-based social services, and awareness campaigns to empower women and girls, through counseling and referrals for specific approaches to deal with alcoholism and domestic abuse;
 - develop and support channels for reporting cases of violence against women, and accessing victim support;
 - work to fulfill the right to education for women and girls, including vocational skills training.

4. Traditional institutions and leaders should:
 - work to improve the participation of women in *adat* education and processes, in particular to recognize women's traditional land rights;
 - raise awareness about domestic violence and the use of *adat* justice processes to prevent and punish offenders of violence against women.

5. Religious institutions and churches should:
 - advocate for the rights of indigenous communities;
 - raise awareness of violence against women, and offer support and refuge to victims of domestic violence;
 - raise awareness of the dangers of alcoholism, and offer addiction support;
 - work to increase the involvement of women in leadership roles in the church.

6. Civil society groups should continue to expand their work with indigenous communities and relevant government agencies to:
- undertake participatory mapping of traditional territories, involving women in the process;
 - assist communities in petitioning for formal recognition of their territories, and removal from the Forest Estate;
 - work with women-led groups to develop programs for indigenous women, empowering them to engage in *adat* council discussions;
 - provide resources to advise communities in conflict with corporations on ways to resolve disputes, or to bring disputes to the government or courts;
 - network with other NGOs to assist with monitoring and reporting corporate behavior, including with international NGOs in consumer countries.