

# West Papua: the sago and the palm oil - The Yerisiam people fight

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## **How Papua's Yerisiam people are fighting against palm oil expansion and protecting their last sacred sago forest.**

*'The roof was woven by women. We only spent two days to finish it,'* Fitri Yoweni said while chewing betel nut.

After twenty years, the Yerisiam tribe finally decided to rebuild their traditional meeting hall. It backs onto the sea, about twenty meters from the beach. The hall is a house on stilts with two doors facing each other. The roof is made from sago leaves, its floor from Nibung bark (*Oncosperma tigillarum*) [1], bolstered by pillars from Sengon (*Albizia chinensis*) tied with rattan [2]. All of these materials come from their remaining rainforest nearby their kampung, named Sima.

Kampung Sima is situated on the shores of Cendrawasih Bay in Nabire Regency [3], Papua Province, Indonesia. Official data show that there are 230 households registered as residents there, but only about 80 families lives in Sima. About two dozen households are of Yaure origins, the other tribal community living alongside the Yerisiam. They intermarried with Yerisiam and settled down in Sima.

Sima is located 90km to the west of the regency capital, Nabire. No public transport is available: the options to reach Sima are by using a 'boarding car' or boat. The boarding car costs about US\$100 for a one way trip taking two and a half hours. If the driver is unfamiliar with the route, it can take three or four hours to reach Sima.

'We built it without using nails nor glue. All are traditional materials. Just as the original version, taught by our parents and ancestors', said Daniel Jarawobi, the Yerisiam tribal chief, pointing out a couple of rattan knots on the ceiling.

For nearly two weeks in early August 2016, all the Yerisiams were busy with preparations. They cleared a plot of land, cutting off coconut trees and woods, weeding the weeds, and collecting rattan and sago leaves from the forest. Some members of the tribe went fishing. Others went to their last, sacred sago forest and tapped for sago. Kale and papaya was picked. A few others went to the city purchasing onions, garlicks, chilli and tomatoes.

Everyone was excited.

The Yerisiams had decided on August 15-16 to hold their tribal meeting days. A week prior, invitations were sent to neighbouring tribes and villages. The Yaure and Umari tribes had confirmed they would come. The representative from the local Transmigration Unit (*Unit Permukiman Transmigrasi*), will come. They represent Javanese transmigrants who have occupied Yerisiam ancestral land for the last two decades.

'This meeting is important for our tribe. We will reassert our existence as indigenous peoples who

are at risk of losing our ancestral land due to the expansion of palm oil. The company now will no longer be able to play their "divide and rule" over us again', Robertino Hanebora, the deputy of tribal chief, explains excitedly.

The company is PT Nabire Baru, a subsidiary of Goodhope Asia Holding [4] of Carsons Cumberbatch Group [5], a trade and investment house headquartered in Colombo, Sri Lanka. Carsons was originally known as a major player in tea and rubber plantations in Malaysia and Sri Lanka beginning in the early 1900s. It began targeting palm oil in Malaysia in 1992, before expanding to Indonesia in 1996.

Currently, Carsons claims control over 150,000 hectares of palm oil plantations in Indonesia and Malaysia.

In Nabire District, Carsons runs more than 20,000 hectares of palm oil plantations. It licensed to local affiliate PT Sariwana Adi Perkasa [6] (7,160 hectares) and PT Nabire Baru (13,600 hectares). Sariwana Adi Perkasa's concession is laid upon the Yaure ancestral land, and Nabire Baru is expanding its plantation within the Yerisiam indigenous territory.

The Yerisiam rainforest has been exploited since early 1990s by the Malaysian company SESCO [7]. SESCO held the Forest Concession Rights, known as HPH (Hak Pengusahaan Hutan) for logging Merbau trees. In 2000 SESCO went bankrupt, leaving US\$35,000 in debt related to the indigenous community's shares on timber.

In 2003, three logging companies, namely PT Pakartioga, PT Kalimanis, and PT Junindo resumed SESCO's logging under a joint venture company named PT Jati Dharma Indah (JDI). Their license lasted until 2017. But in 2007, JDI handed over its licence to PT Nabire Baru for its palm oil business.

Nabire Baru tried persuading the indigenous tribes to hand over their ancestral land by signing a letter of agreement. It met with Yerisiam resistance [8].

'For sure we refused. We made a mistake to let them log our forest. We had no choice back then. Saying no means you are separatists. Regardless it left us empty handed. But it was enough. They wanted to take over all our land and destroyed our sago forest. We won't let it happen', Jakonias Yoweni, one of the Yerisiam elders, told me.

In 2008, Nabire Baru secretly held a meeting with several Yerisiam. These people received US\$600 compensation in total for signing a letter releasing their land rights. Apart from the money, Nabire Baru also set up three cooperatives for so-called smallholder palm oil farmers, as well as taking responsibility for recruiting new members for their cooperative and negotiating with those who opposed the palm oil development.

None of the managers of these cooperatives were willing to be interviewed when I visited them.

In early 2009, Nabire Baru began their land clearing. The Yerisiam protested. They accused the company of violating the law: specifically, starting their land clearing activity without acquiring their Amdal (*Analisis Dampak Lingkungan*, or Environmental Impacts Assessment [9]). The Yerisiam also questioned why Nabire Baru did not inform the community of their plan prior to the clearing.

In 2011, the Papua provincial environmental agency issued a recommendation for temporary suspension of Nabire Baru's oil palm permit. By mid-2012, the whole operation was stalled. In December that year, Nabire Baru submitted their Amdal request. The then acting governor of Papua province, Costan Karma, recommended that the Papua Environmental Management Agency (*Dinas*

*Pengelolaan Lingkungan Hidup*) immediately issue an Amdal for Nabire Baru.

On 4 April 2013, the provincial environmental agency, along with its Nabire district counterpart and Nabire Baru representatives, held its first official public consultation with the Yerisiam. It took place in the yard of the local primary school in Sima. The meeting became heated, with physical clashes almost breaking out between those who opposed the palm oil development and those who supported it.

'Everyone was tired. Our sago forest has been destroyed. No more food left. No options. These are the reasons why we were siding with the company at that time. I was hoping that the company can look after our life. Help us to build better school for our kids, build a hospital, and giving some amount for buying rice', Emanuel Monei told me. He is one of the clan leaders who changed sides. Over the years, Emanuel has concluded that Nabire Baru will never fulfil its promises.

The Yerisiam also complain that there was no Papuan amongst the assessor team. They believe that non-Papuans hardly understand the indigenous peoples' needs and aspirations.

'The company succeed in dividing and ruling over Yerisiam', Iwan Hanebora recalls. Iwan, Robertino and Gunawan Inggeruhi are the children of Simon Peter Hanebora, the former Yerisiam tribal chief who passed away in February 2015. Unlike his two brothers, Gunawan did not used Hanebora as his surname. His father granted him Inggeruhi, surname of their grandmother. It's a common practice amongst Yerisiam to keep a surname from extinction. Keeping the clan in existence is a moral code within the Yerisiam, and is related with land rights.

The Yerisiam tribe consists of four clans.

Each clan has management rights of a particular territory and the resources within it. This does not imply ownership rights. The Yerisiam believe that all the ancestral land belongs to the tribe collectively. Neither clan nor individual has rights to release part of the land to outsiders—that would require collective approval through a tribal meeting.

'But it's different with sago forest', said Jakonias Yoweni, one of the tribal elders. 'Sago are communal property. All Yerisiams have rights to it. We even let those who married with our women to tap sago. No one is supposed to be hungry'.

Yerisiam believe that the sago is their ancestors' older sister. She provides foods that ensured the continuity of the tribe. For them, the sago forest is a sacred place.

'It needs to be protected. Without it, we will die', the tribal chief, Daniel Jarawobi, told me. Daniel began serving as tribal chief since April 2015, replacing Simon Petrus. He was elected by elders due to his knowledge of history, cultural codes, and ancestral lands' boundaries.

The Yerisiam invited Emil Ola Kleden, from Forest Peoples Programme (FPP) [10]. He was tasked to explain the indigenous rights within the Indonesian regulation and the prevailing FPIC (Free, Prior and Informed Consent [11]) mechanism in Indonesia.

'FPIC is a mechanism to ensure that indigenous rights will be not violated by investment', Kleden said.

FPIC was originally developed from the mechanism to protect the interests of patients in hospitals related to the process and the types of treatment. It was formally codified as PIC (Prior Informed Consent), known as the Nuremberg Code [12], in 1947. PIC became the basis for developing FPIC and other similar mechanisms for non-medical contexts. FPIC was later transformed into

international law on community consent.

There are four important principles that apply cumulatively. Free implies consent being freely given, without coercion. Prior means that before the project or specific development activities are carried out, the government or the company must obtain permission from the community. Informed requires the disclosure of information regarding project: derivative related effects, profit and loss, social and environmental impacts, and so on. Consent means the community can fully exercise their rights to say yes or no in regards to the project.

This mechanism shall be carried out before the project is commenced, during the development activities taking place, and until the expiration of the investments. This model has two immediate advantages. First, the right to determine the pattern and model of development attaches to the community. Second, it promotes dialogue as a decision making method. It requires regular internal discussions among community members, as well as with the project executors.

'Nabire Baru did not follow it. No dialogue. They destroyed our sacred forest without prior notification nor permit from us', Robertino explained.

The Yerisiam have trying to bring about dialogue with the palm oil company several times. On 4 September 2014, tribal representatives visited the office of Nabire Baru. The company promised that an official meeting would be held. Tired of waiting, on 15 January 2015 the Yerisiam filed a complaint to the police regarding the land clearing activity. In February 2016, Nabire Baru launched a plan to build a so-called plasma area of palm oil [13], ignoring Yerisiam protest and calls for dialogue.

In March 2016, the Yerisiam tribe filed a lawsuit in the State Administrative Court in Jayapura [14], the provincial capital. It was a long trial, with 19 rounds of hearings. On 5 April that year, the Administrative Court ruled against the Yerisiam, for exceeding the 90 day statute of limitations for bringing their action. That May, the Yerisiam challenged it to the High Court in Makassar, South Sulawesi. But on 28 August last year, the High Court affirmed the previous legal stance [15].

Nabire Baru has claimed that the lawsuit was carried out by a minority of tribe members. The Yerisiam responded by collecting signatures of support within their tribe for two days on 9-10 May 2016. About 150 households gave their support.

'They keep lying. But we all know about it. Now our resistance is stronger than before', tribal elder Yance Maniburi explained. 'Nabire Baru lied. They destroyed our food basket', said Yarce Rumbiak. She's one of the Yerisiam women's leaders figure who standing against the palm oil company.

In first week of May, Nabire Baru restarted their land clearing. It destroyed Marawari, one of two last sacred Yerisiam sago forests. The tribe was enraged and forced the workers to stop [16]. The palm oil company called police forces for backup. Police became violent and several indigenous people were injured.

The Yerisiam call for solidarity.

The Jakarta-based PUSAKA Foundation [17], where I am a staff researcher, has submitted a complaint letter [18] to the Roundtable on Sustainable Palm Oil (RSPO). Goodhope, Nabire Baru's parent company, has been a member of RSPO since December 2014. The letter [19] emphasises the Yerisiam protest against the demolition of the sacred sago forest and mentions the violence acts committed police forces.

Aditia Insani, the representatives of Goodhope Asia Holding responded [20]. Insani insisted that

Nabire Baru has secured all the requirements and permits such as the assessments of High Conservation Value (HCV), High Carbon Stock (HCS) [21] and Social Impact Assessment (SIA) [22]. At the same time, they say that they have fulfilled all the community demands and deny the accusation regarding violent acts by police force.

April 19, the Yerisiam and the PUSAKA Foundation submitted legal complaint to RSPO [23]. A month later, Nabire Baru replied. The company accused the Hanebora family and PUSAKA Foundation of working together to defame the company for ransom. PUSAKA Foundation responded by sending documentation including photos of land clearing in the sacred sago forest, and called upon RSPO to take action.

On 28 September 2016, RSPO sent their representative to meet with the Yerisiam, collecting further information and checking facts. The process later went slowly with RSPO. At the same time, Nabire Baru was still destroying forests, expanding its plantation despite the Yerisiam protest.

During the RSPO annual meeting in Bangkok in November 2016, the PUSAKA Foundation along with fellow NGOs the Institute for Policy Research and Advocacy (ELSAM) [24] and Transformation for Justice Indonesia (TuK) [25], held a joint press conference aimed at naming and shaming [26]. In addition to addressing RSPO inefficiency in regards to complaint cases, PUSAKA Foundation is calling for the temporary suspension for Goodhope from RSPO membership, and demanding that industry giant Wilmar [27] stop buying 'bloody' palm oil tainted by conflict.

The pressure has achieved limited successes. RSPO agreed to list the Yerisiam complaint on its website, asking Goodhope on behalf of Nabire Baru to reassess its criteria on its High Conservation Value and High Carbon Stock assessments. It recommended a parties meeting between the Yerisiam, PUSAKA Foundation and PT Nabire Baru, and called for temporary suspension of land clearing activities by the palm oil company. Later, RSPO issued a stop work order for seven subsidiaries of Goodhope Asia Holdings, included PT. Nabire Baru [28].

'We are delighted to found that there are people who paying attention to Yerisiams', tribal chief Danial Jarawobi said.

But Nabire Baru has once again violated the agreement. In second week of March 2017, the Yerisiam found that the company is still destroying forest and threatening Jarae, the last sacred sago forest of the tribe. This left Yerisiam offended and angry. PUSAKA Foundation has once again sent a complaint to RSPO, concerning their lack of commitment solving the case.

'It sounds impossible now asking the company to stop', Robertino told me. 'But we are not willing to surrender. The Yerisiam are ready to die to defend our sacred sago forest. It will be our ultimate battle for future generations. Now or never'.

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## Footnotes

[1] [https://en.wikipedia.org/wiki/Oncosperma\\_tigillarium](https://en.wikipedia.org/wiki/Oncosperma_tigillarium)

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- [23] <https://www.rspo.org/members/complaints/status-of-complaints/view/94>
- [24] <http://elsam.or.id/en/>
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- [28] <https://news.mongabay.com/2017/05/rspo-freezes-palm-oil-companys-operations-in-papua/>