

## Research Article

# Effectuating Food Sovereignty without Violating the Rights of Indigenous People: A Case Study of the Merauke Integrated Food and Energy Estate Project

Sefriani\*, Jawahir Thontowi, Sri Wartini.

Department of International Law, Universitas Islam Indonesia, Yogyakarta, Indonesia

**Abstract.**

This study aimed to examine how the Merauke Integrated Food and Energy Estate (MIFEE) project negatively affected the human rights of the surrounding communities and what steps the government should undertake to achieve food sovereignty without infringing on the rights of the indigenous peoples involved in the initiative. This study employed a conceptual and historical approach and was analyzed qualitatively. The findings of this research indicated that the affected communities, particularly the Malind Anim tribe, experienced human rights violations, including those related to land rights; the right to work; the right to a reasonable standard of living; the right to a safe and healthy environment; the right to food and clothing since they were no longer able to meet and produce their own food needs, and infringement of the rights to culture; self-determination; and free, initiative, and informed consent; as well as the rights to freedom of expression; expression of opinion; and the right to gather. As a result of these violations, the ability of the environment to support life is lost, which has the potential to alight genocide. The suggested solution is to reinstate MIFEE's original intent, implement moratoriums, evaluate the projects that negatively impacted indigenous peoples' anthropology and ecology, and provide access to comprehensive forest conversion information. Affected communities are also encouraged to participate fully and effectively, and the granting of permits must consider the principle of justice.

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## 1. Introduction

All nations, including Indonesia, share the goals of food security and sovereignty. For Indonesia to achieve all of this should not be difficult given that it is an agricultural and maritime nation. In fact, Indonesia is still dependent on foreign sources for food supplies. Food sovereignty no longer exists in the region. Indonesia, a nation with a large agricultural sector, was formerly a rice exporter (a country with rice self-sufficiency), and it even won a prize from the FAO (Food Agriculture Organization). [1] The circumstances that had been attained in 1984, however, has drastically altered. The Economist

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Intelligence Unit of the global food security index, which was presented at the Dupont Media Forum event in Singapore, revealed that Indonesia was only ranked sixth among the seven ASEAN nations in terms of food security. In this region, Singapore is ranked first. Even behind Vietnam, Indonesia is placed fifth out of the nine ASEAN nations. [2]

Today, Indonesia has become the greatest rice importer of the world. Ironic indeed if an agricultural nation ends up being dependent on foreign nations for food ingredients. [3] Indonesia no longer enjoys food sovereignty. Every country and its citizens have the right to autonomously provide their own basic food needs. This is known as food sovereignty. Food security is a requirement for food sovereignty. Only when food sovereignty is held in the hands of the people will there be food security. The food supply system was hampered by the COVID-19 pandemic. [4] The COVID-19 epidemic has put 27 of Indonesia's most vulnerable nations at risk of a food disaster. The COVID-19 pandemic poses a threat to a global food catastrophe, and FAO urges all nations to prepare. [5] Indonesia was aware of the strategic significance of this food well before the outbreak. Indonesia has made efforts to develop food security and food sovereignty as an agricultural nation, as stated explicitly in Law Number 18 of 2012 on Food. Numerous initiatives to increase productivity through genetic engineering, intensification, and better seed engineering have failed to make up for the production fall brought on by the annual loss of more than 100,000 hectares of agricultural areas. The government's efforts to increase lands for food are motivated in part by this situation. One of them entails the creation of a megafood project or large-scale food estate. [6]

The Peatland Development (PLG) of 1 million hectares in Central Kalimantan, the Merauke Integrated Food and Energy Estate (MIFEE) of 1.2 million hectares in Merauke Regency, Papua, the Delta Kayan Food Estate of about 0.5 million hectares in Bulungan Regency, East Kalimantan, and the Jungkat Agri Kompleks of 0.25 million hectares in Kuburaya Regency, West Kalimantan However have prevented the food estate project from moving forward as planned. The MIFEE Project has received the most criticism when compared to the others because to its potential for conflict with local indigenous populations. [7] The quest for food sovereignty presents a dilemma for the government, because when mega food projects and MIFEE are opened in an effort to achieve food sovereignty, numerous complaints of human rights violations are directed to the government.

Previous studies focused more on certain topic. Dewi Rosita proposed participatory mapping to gain recognition of indigenous lands. [8] Ega Ramadayanti Ramadayanti

proposed a citizen lawsuit mechanism to protect the rights of indigenous peoples after a decade of the MIFEE programme. [9] Ginting, Longgena, and Oliver Pye are just a few of the previous studies that have been done in relation to MIFEE. These studies explain the reasons for the rejection of agribusiness development by large companies in the area. [10] Another report comes from John E. McDonnell, who described how the MIFEE industry, which harms the environment and robs people of their culture, led to ecocide among the Malind Amin tribe. [11]

This present study aims to analyze the effectuation of food sovereignty without infringing or damaging the rights of indigenous peoples in the MIFEE project. This study uses a statutory, conceptual, and historical method to qualitatively analyse normative legal research. Research in libraries is used to gather data. The gathered information is examined, then presented in analytical and descriptive format.

## 2. Results and Discussion

### 2.1. MIFEE Project and the Violation of the Rights of Indigenous People

MIFEE is a controlled integrated food and energy development program. After granting Papua special autonomy, the Indonesian government developed the MIFEE project as its first national initiative. MIFEE superseded Merauke Integrated Rice Estate (MIRE), which was started by the Regent of Merauke, John Gluba Gebze (JGG), in 2007. However, Merauke investors did not choose MIFEE since they believed it still had a significant amount of untapped land. [12] The Ministry of Agriculture established the project in 2010 as part of a plan to quicken regional development and reduce rural poverty. Given Indonesia's growing reliance on imported foods, the major goal of MIFEE is to raise national economic income by leveraging rising global food commodity prices and demand to improve food stocks and attain national food and bioenergy sovereignty. [13] The growth of integrated agriculture through MIFEE, which comprises of 70% food crops, 9% cattle, 8% fisheries, 8% plantations, and 5% other commodities, is expected to effectuate the noble objective of MIFEE of establishing domestic food sovereignty and even providing food on international scale. Unfortunately, the reality on the ground is completely different; industrial plantations predominate over food crops, and there is no funding for zoos and fisheries. Despite significant deforestation, food sovereignty was not attained. [14]

As a site for people to hunt for fish, meat, sago, and other daily requirements, the MIFEE project sacrifices natural forests in which five important rivers flow (the Kumbe, Bian, Mato [Merauke], Digul, and Buraka Rivers). Currently, it is becoming more difficult for residents of Boepe Village, Kaptel District, Merauke regency to obtain firewood, livestock, clean water, and their basic food, notably Sago. The Malind Anim tribal community is subjected to several human rights breaches due to the MIFEE project. First, the Malind Anim clan, one of the principal tribes residing in Merauke Regency, has had their land rights violated. Since concession permits to businesses has been issued without initially obtaining permission from the Malind Anim tribe as the rightful owners of the customary land, the government had therefore improperly expropriated the Malind Anim tribal land. Policies were created and released by the government without the people's awareness nor their approval. [15] Without adequate compensation, and with the abandonment or co-optation of indigenous leaders and institutions, customary lands are routinely taken away. This obviously contravenes ILO Convention No. 107 on Indigenous and Tribal Populations from 1957, which declares that land rights to indigenous people are finally internationally recognized.

Second, the indigenous people of the Malind have had their right to work violated. The International Covenant on Economic, Social, and Cultural Rights, which was approved by Law No. 11 of 2005, guarantees the freedom to workforce. People lost their freedom to freely fish, hunt animals, *tokok* sago, and other traditional livelihoods because of the vast deforestation brought on by the MIFEE project. However, due to the skill requirements, they are also unable to work for the business; hence, only rough labourers can be fully occupied. Both the Nakias people at the location of the palm oil company PT. Dongin Prabhawa and the residents of Boepe, Zenergi, and Kaliki villages nearby the project area of Medco's subsidiary, PT. Selaras Inti Semesta, experienced this human rights violation. Third, the MIFEE project's land-expropriating, deforestation, and job losses have a further impact on the violation of the right to food, the right to a reasonable standard of living, the right to a safe and healthy environment, and the right to food and clothing because it reduces the country's capacity to meet and produce its own food needs. All these rights are protected by the ICESCR. The Malind Anim tribal community has become more impoverished due to the MIFEE initiative. [16]

For the Malind Amin community, the forest or land serves as a site for family worship as well as a venue for social interaction, earning a living, and fulfilling daily life. [17] In Malind Anim cosmology, the forest is considered as the "Mother," who is associated as the giver

of life as well as the entrance to religion, in addition to being a source of sustenance that gives sago, livestock, fruits, and other essentials of existence. Loss of land rights entails loss of tribal and familial identities. The Malind Anim people's extreme reliance on forests results from their challenging food supply. Sago and livestock supplies have significantly decreased because of MIFEE-related deforestation. This has led to a substantial rise in the number of maternal and child fatalities in Merauke Regency as well as an increase in the rate of malnutrition among the younger generation of Malind Anim. Death results from malnutrition. [18]

According to McDonnell, MIFEE causes genocidal acts against the Malind Anim community that are caused by environmental harm (ecologically induced genocidal acts). The MIFEE project affected "the environment's capacity to sustain life," which resulted in an ecologically driven genocide. The MIFEE initiative led to the dissolution of their physical, cultural, and ecological ties to their surroundings. [19] It was also argued that the term "ecologically generated genocide" is used to explain how the eviction of indigenous people from their lands by capitalists can result in such a genocide. If an action damages the physical, cultural, or ecological connection to the environment that a community depends on for survival, as it does with the Malind people, it could lead to ecologically induced genocide. [20]

Fourth, there have been violations of the international covenant on civil and political rights, which Indonesia ratified through Law Number 12 of 2005, which guarantees the freedom of expression, the freedom of opinion, and the right to assemble. People are afraid to talk about MIFEE and other concerns for fear of being intimidated or even arrested for being anti-development, anti-social, or endangering state security. This was evident in the incarceration and interrogation of SORPATOM (Papuan People's Solidarity) activists who protested MIFEE in Merauke in October 2010, as well as in the brutality that Zenegi and Sanggase Village people endured. [21] Fifth, the Malind Anim community's right to their culture has been violated. The Malind Anim has been marginalised in their own territory because of the rising emigration from outside of Papua and the region around Merauke to work as farm labourers and staff of businesses with diverse social and cultural backgrounds. It is feared that the socio-cultural and economic life of the Malind Anim People will be forcibly excluded by the domination of external *drai* culture supported by contemporary commercial cultural tools. Sixth, the ILO's 1969 Convention on the Rights of Indigenous and Tribal Peoples in Independent Countries' guarantees of free, prior, and informed consent (FPIC) and the right to self-determination have both

been violated. The freedom to independently decide whether or not a development agenda may enter indigenous peoples' territory is known as the right to Free, Prior, and Informed Consent (FPIC).

## 2.2. Solution

As a sovereign nation Indonesia has the right to develop its lands. effectuating food sovereignty is an honorable initiative for Indonesia to reduce its reliance on imported food. Every person has the right to have their basic human need of food met. The Universal Declaration of Human Rights (UDHR), which was announced on December 10, 1948, outlines the idea of food and nutrition as human rights. According to Article 25 of this statutory instrument, it was stated that:

*Everyone has the right to a standard of living adequate for the well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.* [22]

It must be acknowledged that the MIFEE Project has changed the designation and use of Merauke's forest lands for transmigration, regional development, and other non-forestry purposes as well as for agricultural and plantation business development regions. The initial objective of this is to establish Indonesia's food sovereignty. When the government launched the MIFEE project to achieve food sovereignty, this was the wrong course of action. Due to inconsistencies between the original concept and the reality on the ground, the MIFEE project has caused unrest among the indigenous Papuans. To attain food sovereignty, industrial crops of export commodities such as wood, palm oil, and sugarcane are preferred above food crops. Only deforestation is impacted by this; food sovereignty is not gained. Therefore, the author suggests returning MIFEE to its original use for food crops rather than industrial crops or export commodities as the first remedy. [23] Projects that harm the ecology and ethnology of indigenous peoples may be put on hold by the government while they are evaluated. The government must now further restrict permissions to solely those for groceries and must stop.

The government also must make information about extensive forest conversion and the full, active participation of impacted groups, particularly the Malind Anim tribe,

available to the public. Every member of the community must take part in all phases of any program or initiative implemented in their area of life and act as the deciding vote in the decision-making process. As of now, the awarding of forest conversion licenses frequently relies solely on information provided by the applicant without being backed up by reliable field data. The government should implement the precautionary principle, which is one of the international environmental law principles that is frequently broken since the role of safeguarding biodiversity and the function of life support are ignored when forest conversion is done. When implementing the MIFEE project, the government shall adhere to the ILO Convention No. 169 on Indigenous and Tribal People in Independent Countries. Articles 13 and 14 (1) of these legislative documents recognize the rights of indigenous people to their land and grant them the freedom to use it anyway they see fit. States are required to respect and advance the cultural, social, and economic rights of indigenous people, according to Art. 2(b). The two key concepts of ILO Convention 169 are "preservation" and "participation," referring to the involvement of indigenous peoples in decisions and policies that impact them. In addition, the justice concept must be taken into consideration while giving permissions. The justice being discussed here includes economic justice, social justice, and environmental justice for both present and future generations. Until now, the issuance of permissions has disregarded the Malind Anim community's right to justice, only benefited the firms who hold the permits, and abandoned the people in and surrounding the transformed forest. [24]

### 3. Conclusions

The Merauke population, particularly the Malind Anim tribe, has suffered several human rights breaches because of the MIFEE project. The rights in question are being violated, including the right to land, the right to work, the right to food, the right to a decent livelihood, the right to a clean environment and safety, the right to clothing and food, the right to free speech and the right to assemble, the right to culture, the right to self-determination, and the right to free, prior, and informed consent (FPIC). These transgressions can lead to ecocide, which causes the environment's capacity to support life to be lost, which can lead to genocide. The proposed remedy calls for returning MIFEE to its original intent, enforcing project moratoria and evaluations that have a negative impact on the ecology and ethnology of indigenous peoples, giving affected

communities access to thorough information about forest conversion, and engaging them fully and effectively. The justice principle must be taken into consideration while giving permissions.

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