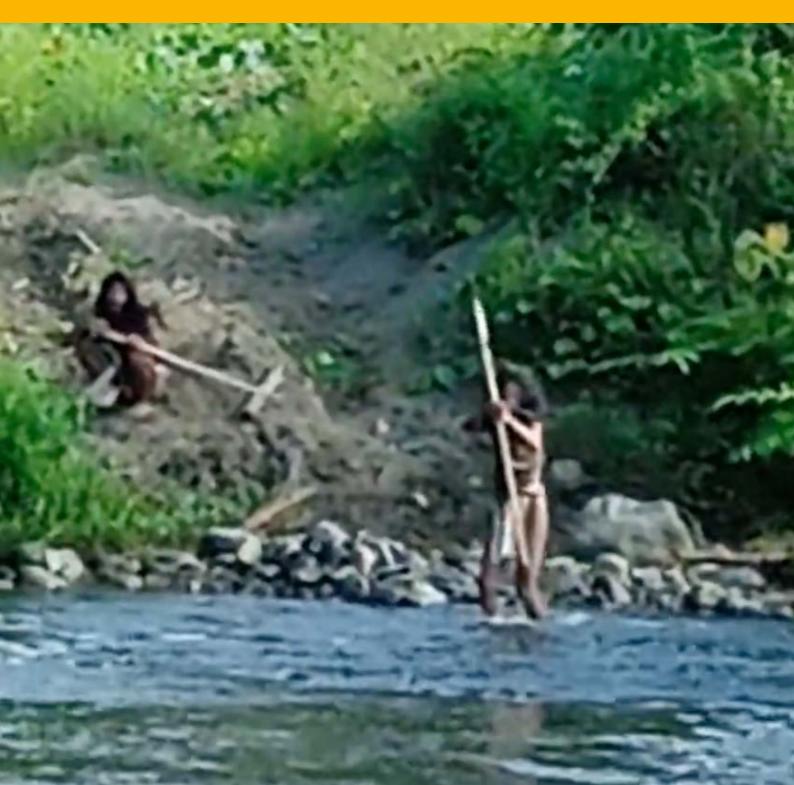


Ausgebremst

Wie die Nachfrage nach E-Autos das Leben und das Land eines unkontaktierten indigenen Volkes in Indonesien zerstört



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"Sie werden sterben."

Kürzlich kontaktierter Hongana Manyawa-Mann,

über die Folgen des Bergbaus für seine unkontaktierten Verwandten

Verfasst durch Callum Russell, Sophie Grig und **Caroline Pearce. Zuerst** veröffentlicht im November 2024. © Survival International

Zusammenfassung

Das unkontaktierte indigene Volk der Hongana Manyawa auf der Insel Halmahera in der indonesischen Provinz Nord-Maluku ist von der Auslöschung bedroht. Grund dafür ist der Abbau von Nickel, das zur Produktion von Batterien für Elektroautos genutzt wird. Dieser zerstört den Regenwald, der das Zuhause und die Lebensgrundlage des indigenen Volkes ist. Außerdem erhöht der Bergbau die Gefahr, dass die Hongana Manyawa mit Außenstehenden in Kontakt kommen, die für sie tödliche Krankheiten einschleppen könnten. Der Bergbau in ihrem Gebiet muss gestoppt werden, wie es internationales Recht fordert, um einen Völkermord zu verhindern.

Im Regenwald im Inneren der indonesischen Insel Halmahera leben etwa 500 unkontaktierte Angehörige der insgesamt 3.500 Hongana Manyawa. Unkontaktierte Völker werden auch als "Völker in freiwilliger Isolation" bezeichnet.

Mindestens 19 Bergbauunternehmen sind auf dem Gebiet der unkontaktierten Hongana Manyawa tätig, die meisten von ihnen bauen Nickel ab. Zusammen überlappen ihre Konzessionen zu etwa 40 % mit dem Gebiet der Unkontaktierten. Der Nickelabbau auf Halmahera ist Teil eines staatlichen Vorhabens zur massiven Ausweitung des Nickelabbaus, mit dem Indonesien vom Nickel-Boom für E-Auto-Batterien profitieren will.

Die Risiken, die dieser Bergbau mit sich bringt, sind vielfältig und katastrophal.

Erstens zerstört der Bergbau durch Abholzung und Umweltverschmutzung den Regenwald, den die unkontaktierten Hongana Manyawa zum Überleben brauchen und der für ihre Existenz als indigenes Volk von zentraler Bedeutung ist. Außerdem besteht die Gefahr, dass tödliche Krankheiten eingeschleppt werden, gegen die sie keine Abwehrkräfte besitzen und die sie auslöschen könnten. Internationale Expert*innen aus den Bereichen unkontaktierte Völker, Gesundheit und Völkermord haben davor gewarnt, dass dieser Bergbau den verheerenden Kollaps der Bevölkerung der unkontaktierten Hongana Manyawa riskiert – was einen Völkermord darstellt.

Der Bergbau ist nicht nur tödlich, sondern auch ein Verstoß gegen das Völkerrecht.

Nach internationalem Recht haben indigene Völker kollektive Eigentumsrechte an ihren angestammten Gebieten. Es bedarf ihrer freien, vorherigen und informierten Zustimmung (FPIC) zu allen Projekten (einschließlich Bergbau) auf ihren Gebieten und sie haben

das Recht, diese zu verweigern. Die Hongana Manyawa, die Kontakt zur Außenwelt haben, haben dem Bergbau in ihrer Heimat niemals zugestimmt. Für die unkontaktierten Mitglieder ihres Volkes ist eine solche Zustimmung nicht nur ausgeschlossen, sondern würde zudem auch eine Verletzung ihrer Rechte darstellen.. In der Tat gibt es keine Möglichkeit, dass die unkontaktierten Hongana Manyawa ihre Zustimmung (FPIC) geben: Die Vereinten Nationen haben wiederholt festgestellt, dass unkontaktierte indigene Völker, aufgrund der Gefahren, die durch den Kontakt entstehen, nicht in der Lage sind, FPIC für Projekte in ihren Gebieten zu erteilen, und dass die Tatsache, dass sie unkontaktiert sind, als Zeichen der Ablehnung ebenjener Vorhaben gewertet werden sollte. Dies bedeutet zwangsläufig, dass auf ihrem Land kein Bergbau oder andere Aktivitäten stattfinden dürfen.

Die Rechte der unkontaktierten Hongana Manyawa werden durch diejenigen verletzt, die an der Genehmigung und dem Betrieb der Minen beteiligt sind oder die gewonnenen Rohstoffe nutzen. Sie tragen Verantwortung für die existenzielle Bedrohung dieses indigenen Volkes und müssen handeln. Das umfasst sowohl die Bergbau- und Verarbeitungsunternehmen, die auf ihrem Gebiet tätig sind; die Fahrzeughersteller, die Nickel aus diesen Minen kaufen, und deren Investoren; und schlussendlich auch die indonesische Regierung.

Das französische Bergbauunternehmen Eramet betreibt die größte Mine im Gebiet der unkontaktierten Hongana Manyawa und weiß seit mehr als 10 Jahren von den

Risiken. Eramet betreibt Weda Bay Nickel (WBN), die größte Nickelmine der Erde. Das Unternehmen weiß seit mindestens 2013 von der Präsenz unkontaktierten Hongana Manyawa in und um die WBN-Konzession. Trotzdem hat das Unternehmen gegenüber der Öffentlichkeit deren Existenz geleugnet und baut seit 2019 Rohstoffe auf dem Gebiet der unkontaktierten Hongana Manyawa ab.

Durchgesickerte Berichte enthüllen, dass von Eramet beauftragte Forschende Pläne entwickelt haben, die unkontaktierten Hongana Manyawa gegen ihren Willen zu kontaktieren und sesshaft zu machen - ein Vorgehen, welches das ohnehin schon hohe Risiko eines Völkermordes erhöhen würde und zudem gegen das Völkerrecht verstößt.

Nach intensiver Lobbyarbeit von Survival International gab der deutsche Chemieriese BASF 2024 bekannt, dass er sich aus einem gemeinsamen Milliardenprojekt mit Eramet zurückzieht, bei dem Nickel aus Halmahera zu Kathodenmaterial für Batterien verarbeitet werden sollte. Die indonesische Regierung

gestand ein, dass dieser Rückzug ein "Weckruf" für Nachhaltigkeitsfragen in der nationalen Nickelstrategie sei. Die Regierung muss nun konkrete Maßnahmen ergreifen, um Unternehmen daran zu hindern, auf dem Gebiet der unkontaktierten Hongana Manyawa tätig zu sein.

Hersteller von E-Autos, wie Tesla und Ford, sind sich ebenfalls zunehmend der Auswirkungen des Bergbaus in indigenen Gebieten in Indonesien bewusst. Beide

haben sich zur Problematik des Bergbaus auf dem Land unkontaktierter Völker geäußert. Tesla prüft die Möglichkeit, eine "No-Go-Zone" einzurichten, um den Schutz dieser Gemeinschaften zu gewährleisten. Diese Initiative erhöht den Druck auf die Bergbauunternehmen und die indonesische Regierung, ihren Verpflichtungen nachzukommen. Es muss jedoch noch mehr getan werden. Die indonesische Regierung verstärkt ihre Bemühungen, Autohersteller dazu zu bewegen, Nickel aus dem Land zu beziehen. Bekannte Unternehmen wie Volkswagen und Stellantis haben bereits eine Absichtserklärung mit dem französischen Bergbaukonzern Eramet unterzeichnet, um einen Batterie-Verbundstandort in Indonesien aufzubauen. Survival äußert Besorgnis darüber, dass Elektrofahrzeughersteller Nickel aus dem Gebiet der Hongana Manyawa beziehen könnten und so zu ihrer existenziellen Bedrohung beitragen.

Die Bedrohung der Hongana Manyawa durch den Bergbau ist ein Thema, das in Indonesien zunehmend für politische Aufmerksamkeit und Druck sorgt. Im August 2024 wandte sich der Vorsitzende des indonesischen Senats in einem Schreiben an den damaligen Präsidenten, um ihn auf die von Survival benannten Probleme aufmerksam zu machen und ihn zum sofortigen Handeln aufzufordern.

Das Überleben der unkontaktierten Hongana Manyawa hängt davon ab, dass ihr Territorium anerkannt und abgegrenzt wird und dass es in einer von der Regierung unterstützten "No-Go-Zone" geschützt wird. Das ist für die Gebiete unkontaktierter Völker in anderen Ländern, wie z.B. Brasilien, üblich.

Der Nickelrausch auf Halmahera, angetrieben durch die weltweite Nachfrage nach angeblich umweltfreundlichen Elektrofahrzeugen, führt zu einer wachsenden Krise im Gebiet der unkontaktierten Hongana Manyawa. Survival International fordert die dringende, sofortige Anerkennung und Abgrenzung ihres Territoriums, ein Ende des Bergbaus in diesem Gebiet und die Einrichtung einer "No-Go-Zone" um, das Überleben des unkontaktierten Volkes der Hongana Manyawa zu sichern.

Notwendige Maßnahmen

eine vollständige Liste befindet sich in Kapitel 11

Die indonesische Regierung muss

- Jeglichen Bergbau auf dem Gebiet der unkontaktierten Hongana Manyawa stoppen und die Entfernung jeglicher Infrastruktur aus diesem Gebiet anordnen.
- Eine umfassende "No-Go-Zone" (einschließlich einer darüber hinaus gehenden Pufferzone) einrichten, um die unkontaktierten Hongana Manyawa und ihr Gebiet vor Bergbau und anderen Bedrohungen zu schützen und sicherstellen, dass diese respektiert wird.
- Die Hongana Manyawa formell als indigene Gemeinschaft (Masyarakat Adat) anerkennen und ihr gesamtes Territorium demarkieren.
- Sich verpflichten, jeden Versuch eines erzwungenen Kontakts mit den unkontaktierten Hongana Manyawa zu unterbinden.
- Sich verpflichten, jeden Versuch die nomadischen Hongana Manyawa sesshaft zu machen zu unterbinden.

Eramet/WBN und alle Unternehmen, die auf dem Territorium der Hongana Manyawa aktiv sind, müssen

- Dauerhaft alle Aktivitäten auf dem angestammten Land der unkontaktierten Hongana Manyawa - einschließlich aller Gebiete, die sie historisch genutzt haben - beenden und die bestehende Infrastruktur aus diesen Gebieten entfernen.
- Nur in Gebieten operieren, in denen Sie die Zustimmung (FPIC) der indigenen Bevölkerung haben, was jegliche Aktivitäten auf dem Gebiet der unkontaktierten Hongana Manyawa ausschließt.
- Jegliche Versuche unterlassen, unkontaktierte Hongana Manyawa zu kontaktieren.
- Jegliche Versuche unterlassen, die nomadischen Hongana Manyawa sesshaft zu machen.
- Ihren Einfluss auf Partnerunternehmen, Weda Bay Industrial Park (IWIP) und die indonesische Regierung nutzen, um die Anerkennung der Territorialrechte der Hongana Manyawa auf ihr Land sowie die Einrichtung und Durchsetzung einer "No-Go-Zone" für die unkontaktierten Hongana Manyawa zu fordern.

Die Autohersteller müssen

- Sich öffentlich zu verpflichten, sicherzustellen, dass Ihre Lieferketten vollständig frei von Materialien sind, die aus den Gebieten unkontaktierter indigener Völker stammen oder von Unternehmen, die auf den Gebieten unkontaktierter Völker, einschließlich der Hongana Manyawa, tätig sind (oder Materialien aus diesen beziehen).
- Ihren Einfluss nutzen, um Ihre Zulieferer über die Erforderlichkeit der freien, vorherigen und informierten Zustimmung (FPIC) und über die Rechte indigener Völker im Allgemeinen, einschließlich unkontaktierter Völker, aufzuklären. Das umfasst auch die Betonung der Tatsache, dass diese Zustimmung von unkontaktierten Völker nicht eingeholt werden kann.
- Ihren Einfluss auf die indonesische Regierung nutzen, um die Anerkennung der territorialen Rechte der Hongana Manyawa auf ihr Land und die Einrichtung und Durchsetzung einer "No-Go-Zone" für die unkontaktierten Hongana Manyawa zu fordern.



1 Introduction

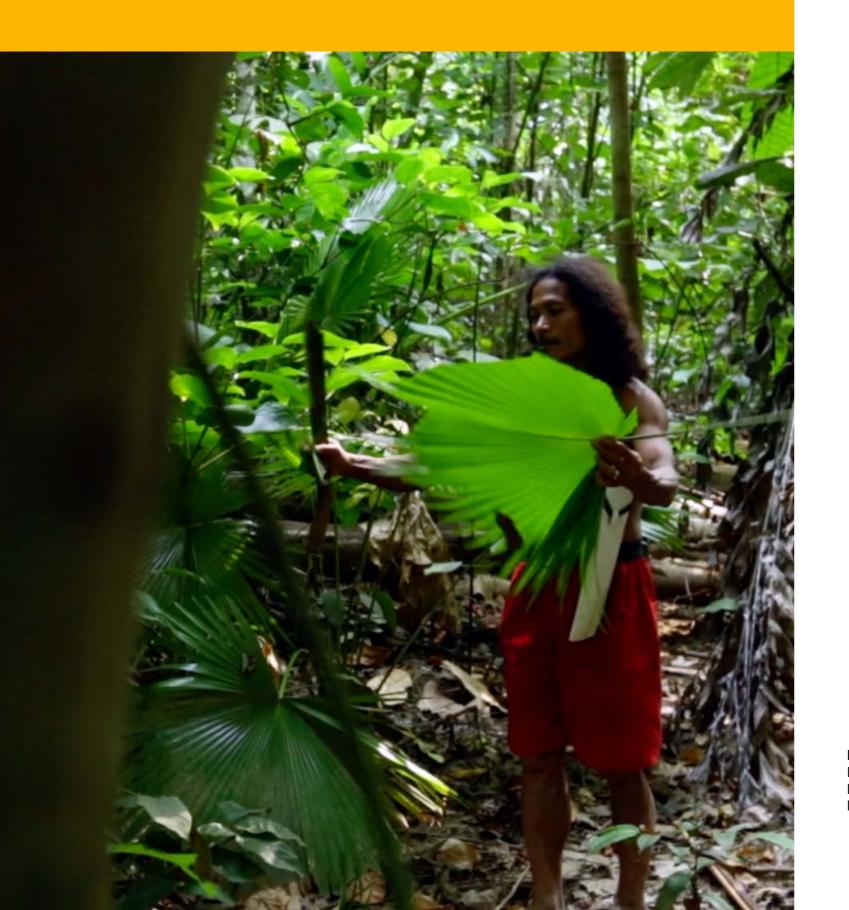
1.1 Overview

Around 500 uncontacted Indigenous Hongana Manyawa people on Halmahera Island in Indonesia face the imminent threat of genocide because of a nickel rush on their territory.

Despite mining on the territory of uncontacted peoples being a violation of international law - and contravening international responsible mining standards - it remains sufficiently widespread to pose a significant threat to uncontacted peoples around the world. The only nickel mines known to be operating on uncontacted people's territory are in Halmahera.

Survival is calling for an end to mining on their lands and a no-go zone to be established on the territory of the uncontacted Hongana Manyawa, to protect them from being wiped out.

Fig. 1. Map of Indonesia showing the location of Halmahera.



1.2 Who are the Hongana Manyawa?

The Hongana Manyawa are an Indigenous people living only on the island of Halmahera in North Maluku Province, Indonesia. They are one of the last surviving hunter gatherer peoples of Indonesia, and their homeland is the Halmahera rainforest. The Hongana Manyawa are related to the Indigenous Tobelo people who live on the Halmahera coast, and they are sometimes referred to as 'Tobelo Dalam', (Inner Tobelo) 'Forest Tobelo' or 'Togutil' (the latter being a pejorative term). However, they refer to themselves as 'O'Hongana Manyawa' which in their own language means 'The People of the Forest'^a.

The Hongana Manyawa provide for themselves entirely from the rainforest and their way of life is nomadic; setting up home in one part of the rainforest before moving on and allowing it to regenerate. The rainforest is known as the source of life - *Manga Wowango*, and has deep spiritual importance for the Hongana Manyawa.

Out of an estimated total of approximately 3,500 Hongana Manyawa people, there are around 500 who are uncontacted — some of the only uncontacted people in Indonesia. Most Hongana Manyawa were contacted by government officials and missionaries between the 1970s and 1990s and today live far from where mining is currently taking place. But hundreds of Hongana Manyawa remain uncontacted in the interior of the island. They had been relatively undisturbed, until nickel mining began in earnest on their territories in the 2010s, but are now facing severe threats from that mining.

Fig. 2. Contacted Hongana Manyawa man gathering in the Halmahera rainforest, Credit: Nanang Sujana/ Survival.

a. Because the word 'O' means 'The', Survival refers to the people as 'The Hongana Manyawa', to avoid repetition.

1.3 Who are uncontacted Indigenous peoples?

Uncontacted peoples are internationally recognized as Indigenous peoples who, for the most part, reject contact with outsiders. The United Nations defines them as "indigenous peoples or subgroups thereof that do not maintain regular contact with the majority population and tend to shun any type of contact with outsiders"¹. They are also known by some as "isolated Indigenous peoples", or "Indigenous Peoples in Voluntary Isolation"; the UN recognizes these terms as referring interchangeably to the same concept².

Uncontacted peoples are not unaware of the outside world, but rather, they want little to do with it. All contemporary uncontacted peoples rely entirely on their territories for their survival and have little to no immunity to outside diseases. As such, contact with outsiders risks wiping them out, meaning that when their lands are invaded, they are among the most vulnerable peoples on the planet. The available data from a multitude of cases of when uncontacted peoples have experienced contact reveals that catastrophic population declines are overwhelmingly the outcome (see Section 4). "If we don't support the fight for their rainforest, my uncontacted relatives will just die. The rainforest is everything, it is their heart and life. My parents and siblings are in the rainforest and without support they will die. Everything in the rainforest is getting destroyed now - the river, the animals, they are gone"

Hongana Manyawa man, 2023 Halmahera

1.4 What rush?

In recent years, a nationwide boom in nickel mining^b aimed at producing materials for the electric vehicle battery market has seen the rapid expansion of mining concessions in Halmahera. Vast areas of the uncontacted Hongana Manyawa's territory now overlap with mining concessions and the rates of deforestation and other destructive impacts are skyrocketing, causing urgent threats to their existence. In a rare interview, one recently contacted Hongana Manyawa man explained to a Survival researcher that his uncontacted relatives will "just die" without support to protect their rainforest.

Through its joint venture Weda Bay Nickel (WBN) in Halmahera, French mining company Eramet operates the world's largest nickel mine³. This mine overlaps with huge areas of the uncontacted Hongana Manyawa's territory, and is causing widespread environmental destruction, with a resulting decrease in the availability of food and clean water which the Hongana Manyawa need to survive. Of at least 19 companies which are operating on the territory of the uncontacted Hongana Manyawa, WBN has by far the largest overlap (see Figure <u>16</u>).

Survival International is extremely concerned about the growing crisis that the Halmahera nickel rush is creating on the territory of the uncontacted Hongana Manyawa, and is calling for the urgent, immediate recognition and demarcation of their territory, an end to mining on this territory and the establishment of a 'no-go zone' to ensure their survival.

b. There is also a small amount of cobalt mining in Halmahera associated with the boom in the electric vehicle battery market.

1.4 What is the Halmahera nickel



Report details and methodology 1.5

This report is based on Survival's extensive field and desk research, including research visits to Halmahera. It has drawn on Survival's 55 years of experience working on Indigenous peoples' rights, including the rights of uncontacted peoples, and our uniquely expert group of researchers, who have decades of experience working with Indigenous peoples in Asia and globally.

While Survival of course scrupulously avoids any contact with or disturbance of uncontacted Indigenous people, we have been able to conduct comprehensive and in-depth primary research, including:

- quoted.

- anonymity.

- Fig. 3. Ngigoro, a Hongana Manyawa elder standing in front of the Kao Rahai pit of Eramet's Weda Bay Nickel mine, which has destroyed his people's territory. His uncontacted relatives have fled deeper into the rainforest to escape the mining. Credit: Survival.

 Individual and community interviews with numerous contacted Hongana Manyawa in Halmahera, including recently-contacted people with close relatives who remain uncontacted. With their consent, we have collected key testimonies and quotes but for security reasons, we have withheld the names of some of those

 Individual and community interviews with neighboring Indigenous peoples and others in Halmahera.

• Extensive consultation and correspondence with both Indigenous and non-Indigenous experts in Halmahera, including anthropologists, community leaders, journalists, scholars, government officials, and others.

 Consultations with whistleblowers with detailed knowledge of the mining operations and of WBN's anthropological investigations, speaking on condition of

• Compilation of a wide array of video and photographic evidence from varied sources.

• Meetings and correspondence with members of the Indonesian Senate and wider government.

- Consultation with globally recognized experts on uncontacted Indigenous peoples, genocide, epidemics, tailings storage, and other relevant topics; these are cited by name in the report.
- Numerous meetings and correspondence with Eramet, BASF, relevant vehicle companies, IRMA and other mining standards and regulatory bodies.

Desk research includes in-depth analysis of statements, reports and findings (both published and otherwise) from (among others): WBN and anthropologists who were commissioned by the company; other mining companies; processing companies; BASF; electric vehicle manufacturers; local and national government in Halmahera and Indonesia: local and national media in Indonesia. France, Germany and elsewhere; and mining and mineral standards organizations.

Our mapping research has involved extensive work with contacted Hongana Manyawa, others in Halmahera, and mapping experts, both local and international. Our mapping team have taken GPS coordinates on the borders of the uncontacted Hongana Manyawa territory and we have cross-correlated this with a wide array of additional information. See more in Section 2.2.

Report findings 1.6

This report provides key evidence that confirms the existence of the uncontacted Hongana Manyawa, and the serious threat of genocide posed by continued activities on their territories by companies such as WBN. It also demonstrates how the mining is in violation of multiple international laws and industry and environmental standards. Finally, it outlines the solutions for ensuring the safety and survival of the uncontacted Hongana Manyawa in line with their rights under international law. It includes guotes from, (and links to) key resources, including testimonies from experts on uncontacted peoples, on

Manyawa.

Since Survival was founded in 1969, we have led the way as the only organization campaigning globally for the rights of uncontacted Indigenous peoples. The struggle of the uncontacted Hongana Manyawa is emblematic of many other struggles of uncontacted peoples around the world. As this report shows, we are not only learning more about the resilience of uncontacted communities but also the grave threats they face. This report is the first detailed analysis of uncontacted Indigenous people in Indonesia which examines the urgent threats facing them, in the context of wider issues faced by uncontacted peoples around the world.

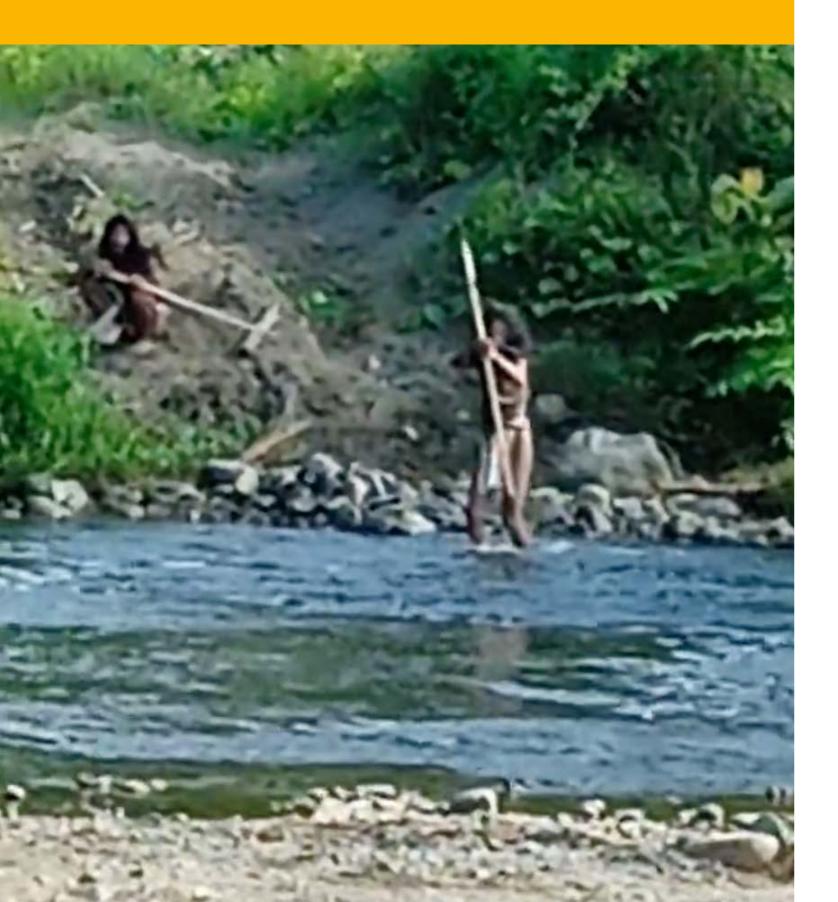
Section 1 endnotes

1 United Nations Human Rights Council, 2009: https://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/2nd/docs/A HRC EMRIP_2009_6.pdf

2 Ibid, 2009: "While there is no consensus on what term should be used to denote these peoples, the concept most frequently used in the international sphere is "peoples in isolation". In some countries they are known as... uncontacted... peoples in voluntary isolation, etc. The formulations used may vary, but all of them refer to the same concept." See in full here: https://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/2nd/docs/A HRC EMRIP 2009 6.pdf

3 Eramet, 2024: https://www.eramet.com/en/activities/nickel/#:~:text=In%20Indonesia%2C%20Eramet%20and%20 its,partnership%20by%20Tsingshan%20and%20 Eramet.

genocide and on disease. These confirm that mining poses a direct threat to the existence of the uncontacted Hongana



2 Uncontacted Hongana Manyawa

2.1 Presence and population

"Since the time of their ancestors, the Hongana Manyawa have been living in the rainforest. When they are connected to the rainforest, they are connected to the universe. They don't want to be connected with the outside world"

Hongana Manyawa man, 2024 Halmahera

Fig. 4. Uncontacted Hongana Manyawa people aiming arrows at bulldozer operators from Wana Kencana Sejati (WKS), one of many companies whose concessions overlap with their territory. Credit: Anon. While documenting the existence of uncontacted peoples comes with inevitable challenges, the evidence for the presence of uncontacted Hongana Manyawa in Halmahera - in areas that overlap extensively with mining concessions is overwhelming.

Survival's research has definitively established that there are uncontacted Hongana Manyawa people living in and around the nickel mining concessions in Halmahera, and - despite public denials¹ - that this presence must necessarily be well known to WBN. Indeed, much of the most relevant evidence comes from WBN's own research and documentation. (See also Section <u>2.3</u>.) Moreover, based on careful collation and cross-correlation of evidence from interviews and video and photographic material, our researchers have documented and located over 40 encounters, conflicts, observations, and sightings of uncontacted Hongana Manyawa people just in the period since WBN began operating in the area.

We estimate the total population of Hongana Manyawa people to be around 3500 people, with approximately 500 uncontacted Hongana Manyawa people living across Central and East Halmahera. It is possible, however, that there are more uncontacted Hongana Manyawa, including in other parts of Halmahera.

Of the contacted Hongana Manyawa, most were forcibly contacted and settled between the 1970s-1990s (see also Section <u>4.1</u> and Section <u>6</u>) and now live in villages. Some, however, including those who were contacted more recently, continue to live a nomadic life in the rainforest. The uncontacted Hongana Manyawa are all nomadic. Of these uncontacted groups and families, some had group members or relatives who were forcibly contacted years ago and taken out of the rainforest, having contact with their



Fig. 5. Uncontacted Hongana Manyawa during an encounter with Indonesian workers (at front). Encounters between uncontacted Hongana Manyawa and outsiders are extremely rare, often violent and always dangerous for the Hongana Manyawa who have no immunity to common diseases. Credit: Anon. "My father in law, Mustika first had contact with outsiders in 2006 so I first met outsiders a few years later in 2009. I was afraid, seeing people from outside who are different to us, because back then we wore *habeba* [loincloths] and they were wearing clothes"

Bokumu, Hongana Manyawa man, 2024 Halmahera

uncontacted relatives severed from them. The psychological impact of first contact for Indigenous peoples is often a very frightening and intimidating experience. Bokumu, a recently contacted Hongana Manyawa man, told Survival of his fear during first contact with outsiders in 2009.

The Hongana Manyawa way of life is deeply rooted in their rainforest. They believe that trees possess souls and feelings like humans, and they do not cut them down even to make their houses. When the Hongana Manyawa gather from the rainforest, rituals are performed to ask permission from the plants, and offerings are left out of respect. When a child is born, the family plant a certain tree known as ngofa ngoe in gratitude and bury the umbilical cord underneath: the tree grows with the child, marking their age. After a life dependent on the rainforest for food and shelter, their bodies are placed in trees in a sacred area of the rainforest reserved for spirits. The Hongana Manyawa have no formal leadership and both women and men sometimes hunt together. They have unrivaled expertise in the Halmahera rainforest, hunting wild boar, deer and other animals, but never piglets or pregnant sows.

As with uncontacted peoples in other parts of the world, such as those in the Amazon rainforest of South America or the Andaman and Nicobar Islands of India, the Hongana Manyawa meet the globally recognized definition of uncontacted peoples/peoples in voluntary isolation (terms recognized as interchangeable by the UN) because they do not have permanent and consistent contact with outsiders. The occasional encounter with mining company workers or confrontations with coastal villagers who enter their territories do not make them contacted. (See Elias Bigio's statement on the next page for more).

The uncontacted Hongana Manyawa deliberately hide themselves from outsiders because of the threats they bring, but also simply because they do not want others intruding in their rainforest. One Hongana Manyawa man who had been born uncontacted explained to Survival researchers that Hongana Manyawa continue to reject "Since the time of their ancestors, the Hongana Manyawa have been living in the rainforest. When they are connected to the rainforest, they are connected to the universe. They don't want to be connected with the outside world" Hongana Manyawa man, 2024 Halmahera

"There are unquestionably Hongana Manyawa in and around the Weda Bay Nickel mining concession (and other concessions) who are uncontacted"

Elias Bigio, Former Head of the Brazilian Government's Department on Uncontacted Indigenous Peoples, 2024 Brazil contact with others simply because "they don't want to be connected with the outside world".

Survival's expert assessment of the evidence has been reinforced through discussion and review by Brazilian specialists on uncontacted peoples, who have unparalleled expertise in identifying and protecting their territories. Elias Bigio is the former head of the Brazilian government's department on uncontacted peoples (CGIIRC at FUNAI). Having reviewed the available evidence, Elias has confirmed that there are uncontacted Hongana Manyawa living in and around the WBN concession. In review of this evidence, he stated the following²:

"It is clear to me, from the videos and evidence I have seen (including from research commissioned by the mining company itself), that there are unquestionably Hongana Manyawa in and around the Weda Bay Nickel mining concession (and other concessions) who are uncontacted (which some call living in voluntary isolation). The fact that a few members of some uncontacted bands have occasional contact with mine workers etc does not stop them being defined as uncontacted."

The national Indigenous people's movement of Indonesia (AMAN) also affirms the presence of uncontacted Hongana Manyawa people in and around the WBN concession and consistently states their support for the Hongana Manyawa's struggle against mining.³

2.2 Location and mapping

As nomadic hunter gatherers, the uncontacted Hongana Manyawa live in small family bands and regularly move around their long-established ancestral territories. While there are some strict territorial boundaries, with taboos that prevent certain other bands from entering another's territory, there is also some fluidity within and between bands and across territories. Each of these bands are generally part of larger groups, comprising dozens of families. Given this,

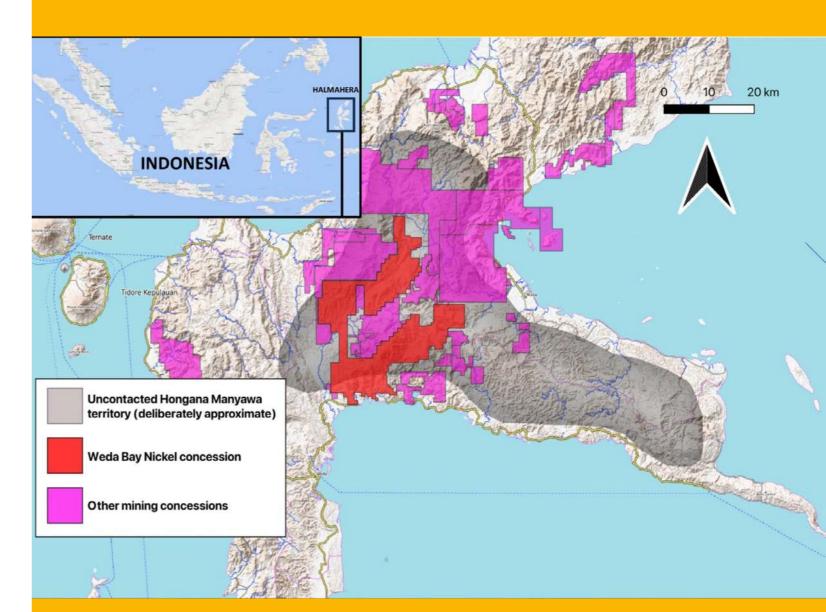


Fig. 6. Approximate map of uncontacted Hongana Manyawa territory and the mining concessions overlapping with it. For security reasons, Survival publishes only deliberately rough maps of the territory. Credit: Survival. while there are many Hongana Manyawa territories, the territory of the uncontacted Hongana Manyawa can be broadly recognized as one contiguous territory, even when it overlaps with lands used by the contacted Hongana Manyawa.

As experts from South America note, mapping the exact territories of uncontacted peoples is extremely difficult, if not impossible, and can take many decades. However, the compilation of indicative territorial maps is essential in the process of demarcating no-go zones to ensure uncontacted peoples' survival. Survival has worked with contacted Hongana Manyawa and with local and international mapping experts to actively map the borders of the uncontacted Hongana Manyawa territory. In addition, we have mapped the locations of dozens of known appearances of uncontacted Hongana Manyawa, which have helped to further substantiate their territorial boundaries.

Taken as a whole, such research has allowed us to compile detailed, preliminary maps on the likely territory of the uncontacted Hongana Manyawa. This should inform the basis of a no-go zone. For security purposes, we only publish deliberately rough versions of such maps (see Figure 6).

A no-go zone consists of the demarcated territory of an uncontacted Indigenous population and a necessary buffer zone around the territory borders. Such zones (known by a variety of names in different countries, including as "intangible zones" by the UN Special Rapporteur on the Rights of Indigenous Peoples)⁴ are established and enforced by the State and prohibit any entry, or activities (including extractivism) inside the zone. See Section <u>10.5</u> for more.

There are at least three large groupings of uncontacted Hongana Manyawa bands. All of these wider groupings have territories which overlap with the WBN concession, meaning that they actively live in, hunt, gather and depend on these areas for their survival. Under international law



Fig. 7. Houses believed to belong to uncontacted Hongana Manyawa families, around the Weda Bay Nickel concession, photographed by WBN contracted researchers. Credit: CCCS. these are recognized as Indigenous territories which belong exclusively and collectively to the Hongana Manyawa. See Section <u>10.1</u>.

According to Survival's research, the indicative likely range of territories belonging to the uncontacted Hongana Manyawa as is currently known is approximately 328,900 hectares⁵.

2.3 Weda Bay Nickel's own research

Eramet has consistently tried to deny the existence of uncontacted Hongana Manyawa living in and around the WBN concession, stating in 2024: "To date, there is no evidence that members of the O'Hongana Manyawa community are living in voluntary isolation in or around the Weda Bay concession."⁶ However, Eramet's own commissioned reports tell a very different story.

In 2013, Eramet hired US company Cross-Cultural Consulting Services (CCCS) to undertake research into, and to try to obtain Free, Prior and Informed Consent (FPIC) from the Hongana Manyawa. The report found that there are voluntarily isolating (uncontacted) Hongana Manyawa (whom CCCS call Forest Tobelo) whose territories overlap with the WBN concession. It states: "To the east of the WBN CoW area, a large group of Forest Tobelo (estimated to be about 30 families) lives in the forest interior...These groups appear to be living in voluntary isolation and avoid contact with outsiders." It also mentioned reports (since confirmed by Survival's research) of additional groups "in voluntary isolation" in the north and west and undertook helicopter trips to locate their houses (see Figure 7). The report even guestioned "how to apply FPIC when a good proportion of the indigenous population does not want to be contacted."7

CCCS maps show the territory of these uncontacted groups in the East (known as the Dote groups) overlapping with the WBN concession. Subsequent research by WBN and "There are many uncontacted Hongana Manyawa from around Dote, more than 500 uncontacted people. They are also around Ake Jira and Tofu Blewen... So if Weda Bay Nickel says that there are no uncontacted Hongana Manyawa, that's a lie"

Ngigoro, Hongana Manyawa man, 2024 Halmahera

Survival and conversations between Survival and many others on the ground have revealed that these groups regularly come even further into the center of the WBN concession, including to the Kao Rahai and Tofu Blewen areas where there are currently active mining pits.

Hongana Manyawa elder Ngigoro, who was contacted as a child, told Survival that there are "more than uncontacted 500 people" around Dote and many others around the Ake Jira and Tofu Blewen areas of the WBN concession, commenting that "if Weda Bay Nickel says that there are no uncontacted Hongana Manyawa, that's a lie."

Survival also obtained Eramet's 2023 updated report into the Hongana Manyawa which continues to affirm the existence of uncontacted Hongana Manyawa and even builds upon the 2013 plans to forcibly contact them (see Section <u>6</u>). The report explicitly acknowledges that most Hongana Manyawa "prefer to avoid contact" with people outside of the rainforest and describes how most Hongana Manyawa in the vicinity (including these uncontacted groups) still use rainforest resources inside the WBN concession but that they move away when their communities are being oppressed.⁸

In sum, there is overwhelming evidence for the existence of uncontacted Hongana Manyawa people in and around the WBN concession and Eramet has been aware of this since at least 2013. Despite this, it has been actively mining on their territories since 2019, in violation of International Law (see Section <u>10</u>).

Section 2 endnotes

1 See France 24, The Observer, 2023: <u>https://observers.france24.com/en/indonesia-rare-vid-eo-of-indigenous-tribe-facing-down-bulldozer-shows-uncontacted-peoples-do-exist</u>

2 See his statement in full here: <u>https://assets.survivalinternational.org/documents/2631/origi-nal-2a355b1cf91c365746e295e1701fbcff.pdf</u>

3 For example, in 2024 AMAN Secretary-General Rukka Somboblinggi spoke at the United Nations about the rights of the uncontacted Hongana Manyawa. See: <u>https://so-cial.desa.un.org/issues/indigenous-peoples/events/international-day-of-the-worlds-indige-nous-peoples-2024#:~:text=The%20date%20marks%20the%20first,on%20Friday%2C%209%20 August%202024</u>

4 See United Nations, 2024: <u>https://documents.un.org/doc/undoc/gen/n24/210/27/pdf/n2421027.pdf</u>

5 Eramet, 2024: <u>https://www.eramet.com/en/eramet-group/sites/eramet-in-indonesia/miscon-</u> <u>ceptions-about-pt-weda-bay-nickel/</u>

6 While this might seem like a large area for 500 people, it is relatively small compared to typical territories of uncontacted hunter gatherers. The surviving uncontacted Piripkura people of Brazil for example, number only two, yet their territory covers over 230,000 hectares. See more here: <u>https://assets.survivalinternational.org/documents/2032/dossier-piripkura-en.pdf</u>

7 Cross Cultural Consulting Services, 2013, Locational Scoping Fieldwork Final Report WBN Forest Tobelo Management Plan Phase 2, Component 1 – Locational Scoping (FTMP-LS)

8 Syaiful Madjid, 2023. Kajian Update Studi O'Hongana Manyawa pada area pertambangan PT Weda Bay Nickel. Laporan akhir, kerja lapangan team, Syaiful Madjid, O'Hongana Manyawa (TSM-OM).



Fig. 8. Uncontacted Hongana Manyawa family arriving at a Weda Bay Nickel camp. Contacted Hongana Manyawa have told Survival that this family is likely having to beg for food because their rainforest is being destroyed for mining. Credit: Anon.

3 Deadly impacts of mining: destruction, deforestation and pollution

3.1 Defo activities

Like all uncontacted Indigenous peoples today, the uncontacted Hongana Manyawa depend entirely on their forest for their survival, and the effects of deforestation from mining pose direct threats to their existence. This also applies to the contacted Hongana Manyawa who are still living nomadically in the Halmahera rainforest. Deforestation from mining means that the Hongana Manyawa are now struggling to find food, clean water and other necessities for living. It also means they are facing the trauma of watching the destruction of their ancestral rainforest home, which has been described as their "heart and life". Survival has spoken with Hongana Manyawa people who have seen the area where the *ngofa ngoe* trees (ritually planted where they were born) become totally destroyed by mining and one of them described how this made his "heart cry."

The activities of WBN and other mining companies are increasingly destroying the rainforest where uncontacted Hongana Manyawa groups live, effectively forcing them into dangerous contact with mine workers. In June 2024, footage went viral of an uncontacted Hongana Manyawa family arriving at a WBN mining camp in the Pinto area asking for food (see Figure 8). Contacted Hongana Manyawa described this to Survival as a clear act of desperation. An eyewitness to the event also told Survival that because their food sources are running out, this family has now become effectively forced to beg for food from the very mining companies devastating their rainforest. The video led Indonesian Senate Leader LaNyalla Mahmud Mattalitti to call upon the Indonesian government to "immediately intervene to provide

Deforestation and other mining



Fig. 9. Ngigoro and Bokumu in the Ake Jira rainforest, Halmahera. The Hongana Manyawa regularly put up symbolic barriers on the borders of their territory to warn outsiders off. These were reportedly later destroyed by miners. The uncontacted Hongana Manyawa also erect similar barriers. Credit: Oncy Oni. "This is our rainforest, so we won't let anyone take it from us. Stop lying to us and manipulating us. Even when you come to try to buy it, our land is not for sale... stop exploiting our lands, this is our territory. We have had enough of the lies. We are suffering and always moving around just to find a quiet and better place to survive"

Bokumu, Hongana Manyawa man, 2024 Halmahera

protection to the Indigenous tribe."1

Further evidence of the impact of mining on the Hongana Manyawa comes via reports from a recently-contacted nomadic group, generally known as the 'Bokumu group' after one of their members. Since this group's presence is well-documented, Eramet admits their existence, but falsely claims both that the nine people from the Bokumu group are the only Hongana Manyawa in their WBN concession, and that the mining is unproblematic for them. The company states: "They show a positive attitude towards mining activities and visit regularly the Kao Rahai mining camp. The presence of mining activities induced a significant change in the cultural patterns and behaviours of the Bokumu group but did not have adverse livelihood impacts."² Facts on the ground reveal this to be entirely untrue. In 2024, Survival visited the Bokumu group, who categorically refuted such claims. Bokumu told us he first came into contact with outsiders in 2009 and soon afterwards, spent seven years in jail on trumped up charges (see Section 5). He told Survival that WBN had been consistently lying to and manipulating his group.

He and other members of the group repeatedly expressed their opposition to and lack of consent for WBN and other companies mining on their territory. Bokumu told Survival that because of the mining, his group is running out of food, stating "it's very difficult to hunt these days, so we don't have anything": this is also a serious concern for the uncontacted Hongana Manyawa in the area whose lands are now being destroyed for mining. Bokumu informed Survival of increasing encroachments on his territory by mining company workers who are committing abuses towards his group. Such abuses included the theft of food from their gardens and the deliberate destruction of their houses and of signs they had constructed to warn outsiders off (see Figures 9 and 18). Bokumu stated "This is our rainforest, so we won't let anyone take it from us", and asked Survival to tell WBN and other companies to "Stop lying to us and manipulating us...our land is not for sale... stop exploiting our lands".



"It's my rainforest. Don't let other people come and take my rainforest. Let my rainforest be free from this oppression... Don't destroy my rainforest. I don't give consent to those who want to take my rainforest...Don't give permits to the outsiders. *Tokata* [evil people], don't come here...I don't give them consent to take the rainforest!"

Hairani, Hongana Manyawa woman, Halmahera

Fig. 10. Hairani, a recently contacted Hongana Manyawa elder, who was forced to leave her rainforest home because of the effects of mining. Many of her relatives remain uncontacted in the rainforest. Credit: Survival. Bokumu's mother, Hairani, a Hongana Manyawa elder, who was first contacted in the early 2000s, was forced to move three times because of the effects of mining companies on the rainforest, including WBN. Eventually, the rainforest around WBN's Tofu Blewen deposit was being destroyed to such an extent that she and her husband Toraji could no longer hunt enough animals, gather enough food or find enough clean water to survive. When Survival staff met Hairani in April 2024, she expressed how heartbroken she was about having to leave her rainforest, and consistently referred to those working for mining companies as "Tokata" (meaning evil people or demons). She also mourned for her uncontacted relatives still living in the rainforest, many of whom had fled far from the area to escape mining activities. Hairani told Survival, "I always worry about my uncontacted relatives in the rainforest. Until today, I still remember them." She asked Survival to tell WBN and other companies that "It's my rainforest.... Don't destroy my rainforest. I don't give consent to those who want to take my rainforest."

3.2 Pollution of rivers

River pollution from mining poses a significant and escalating threat to the existence of the Hongana Manyawa, as rivers are their source of freshwater. The Hongana Manyawa set up their camps around rivers and are typically affiliated with river basins which form important markers of their group territories and identities. Hongana Manyawa mothers give birth in rivers, but this is becoming a serious health risk following the increasing levels of river pollution by mining companies.

The impact of river damage by WBN and other mining companies in Halmahera has been well documented³. In 2021 WBN were found guilty of at least 25 counts of environmental mismanagement by the Indonesian Environment Ministry (including excess levels of zinc and ammonia in rivers).⁴ Commenting on WBN's damages to the Ake Jira (the Jira River), Ngawate, a recently contacted Hongana Manyawa



Fig. 11.Effects of corporate

destruction on the Aruku River which flows through the territory of uncontacted Hongana Manyawa. Logging and mining companies are causing significant damage to the rivers which the uncontacted Hongana Manyawa need to survive. Credit: AMAN.

"They are poisoning our water and making us feel like we are being slowly killed"

Ngawate, Hongana Manyawa woman, 2021, Halmahera

mother stated that this was making the Hongana Manyawa feel like they are being "slowly killed."

In January 2023, the Indonesian Environmental Ministry issued WBN with a "Red Report" (given for the worst environmental mismanagement) for its poor environmental standards for the preceding year.⁵ Because of the environmental damage to the Sagea River (sacred to the neighboring Indigenous Sawai people) by WBN in September 2023, the North Maluku Provincial Environment Minister called upon WBN to halt all mining activities.⁶

Ngigoro explained to Survival that the damage to the rivers means that the uncontacted Hongana Manyawa's "space to live has been destroyed." He told Survival that the "rivers have also been wiped out; they can't use them any more. So now they look for the small rivers, but they can no longer use the big rivers below."

"Their space to live has been destroyed. The rivers have also been wiped out; they can't use them anymore. So now they look for the small rivers, but they can no longer use the big rivers below, they are now all muddy...The company makes people the same as animals"

Ngigoro, Hongana Manyawa man, 2023 Halmahera

"The proposal for the Ake Jira filtered tailings storage facility is completely unprecedented in terms of the construction of this type of facility with this size in such a wet climate"

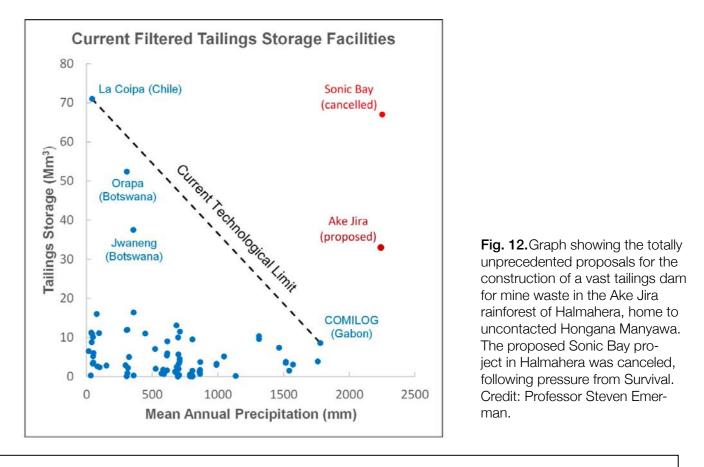
Professor Steven Emerman, Mine tailings storage expert, 2023 USA

3.3 Mine tailings

Tailings waste from mining is also a huge concern in terms of safety and environmental destruction in Halmahera. Survival is deeply concerned about the proposed "dry" (filtered) storage facility to be constructed by Huafei Nickel and Cobalt to store mine tailings (likely predominantly to be sourced from WBN) in the Ake Jira rainforest, home to uncontacted Hongana Manyawa.

In a comprehensive 17-page memo to Survival, internationally recognized expert on tailings storage Professor Steven Emerman, describes this storage facility as being "far outside of the current technological limit" (see Figure 12) and warns that the consequences of mistakes in this field include "numerous fatalities and ecological destruction". He describes how the facility is "completely unprecedented in terms of the construction of this type of facility with this size in such a wet climate." Professor Emerman also states that "the volume of tailings that would be permanently stored at the Ake Jira site is comparable to recent catastrophic failures." He goes on to describe how one of the worst tailings disasters in history, which claimed 268 lives at the Prestavel mine in Italy, saw a release of only 0.6% of the planned storage volume of the Ake Jira site.

As such, Survival is extremely concerned about not only the direct effects of mining on the Hongana Manyawa and their territories, but also the extreme threats posed to Hongana Manyawa lives and lands through dangerous and unprecedented tailings storage facilities.



Section 3 endnotes

LaNyalla Center, 2024: <u>https://lanyallacenter.id</u> <u>ta-pemda-maluku-utara-beri-perlindungan/</u>

2 Eramet, 2024: https://www.eramet.com/en/eramet-group/sites/eramet-in-indonesia/misconceptions-about-pt-weda-bay-nickel/

3 See Pulitzer Centre, 2023 for example: <u>https://pulitzercenter.org/stories/price-indonesias-nic-kel-profits</u>

4 Indonesian Ministry of Environment and Forest hk.go.id/proper/berita/detail/349

5 For one example, see Malut Satu, 2023: <u>https://www.malutsatu.com/2023/01/kemente-rian-lingkungan-hidup-beri-rapor-merah-tiga-perusahaan- tambang-di-maluku-utara/</u>

6 North Maluku Provincial Government, 2023 <u>https://cri.org/wp-content/uploads/2024/01/Su-rat-Boki-Maruru-2023-PT-WBN.pdf</u>

7 Emerman, 2024. See full memo here: <u>https://assets.survivalinternational.org/documents/2682/</u> <u>original-441579bce9c36a361e9c0d8abf436ece.pdf</u>

LaNyalla Center, 2024: https://lanyallacenter.id/suku-asli-tergusur-tambang-ketua-dpd-ri-min-

Indonesian Ministry of Environment and Forestry, 2021 (published, 2022) https://proper.menl-

4 Deadly impacts of mining: disease

The impact of disease from contact 4.1

"We had many different diseases when first settled. some of the sickness led to deaths, some people had fever that went on for days and nights and endless coughing for days and even weeks"

Hongana Manyawa man, 2022

Like all uncontacted Indigenous peoples, the Hongana Manyawa are incredibly vulnerable to infectious diseases, such as flu and measles, to which they have little to no immunity.

Uncontacted peoples typically lose between 50% and 100% of their population upon contact with outsiders, with an average of around two-thirds of the population dying¹. Evidence shows that children can start to die from disease within three days of contact.² In some cases, people have fled into the rainforest after experiencing contact without knowing they were carrying deadly diseases back to their communities.

Figure 13 shows just four examples of Indigenous population collapse following contact with outsiders in Asia and South America. These epidemics are not just devastating in the short term. The Ayoreyo-Totobiegosode of Paraguay, for example, are still dying from diseases they first experienced following contact in the 1970s.³ Research indicates that it generally takes 150 years for a recently contacted population to stabilize their response to diseases after contact.⁴ Companies operating on uncontacted people's territories are likely to dramatically increase such exposure. For example, after Shell exploration teams cut paths through the territory of the uncontacted Nahua people in Peru in 1984, contact with people on these paths led to over half the Nahua dying from disease.⁵

For the Hongana Manyawa, there were documented outbreaks of measles, vomiting sicknesses, and other diseases in the 1970s, 1980s and 1990s which tore through recently contacted and settled Hongana Manyawa communities, leading to many deaths and widespread suffering.⁶

7,000 6.000 5,000 4,000 3,000 2,000 1,000 99% 96.7% 0 Nambikwara Great Andamanese POPULATION BEFORE CONTACT

> According to one anthropologist, over a two-month period in one area alone, an estimated 50-60 Hongana Manyawa people died from diseases after being forcibly contacted and settled.⁷ However, it is impossible to get the exact figures because there are no official government records and the tragedy of so many deaths led many Hongana Manyawa to flee back to the rainforest, where diseases followed them.⁸ One Hongana Manyawa elder described this whole ordeal as "the plaque" and told Survival:

"We had many different diseases when first settled, some of the sickness led to deaths."

Dr. Stafford Lightman, Professor of Medicine at the University of Bristol, who has been raising concerns about the impact of epidemics on uncontacted Indigenous popula-

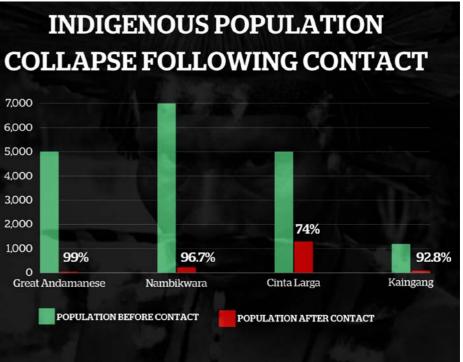


Fig. 13. Graph showing just four examples of Indigenous people's population collapses following contact with outsiders, from cases in Asia and Latin America. Credit: Survival.

45

"I call for the Hongana Manyawa's territory to be protected from mining and intrusion by outsiders and for no attempt be made to contact or settle the tribe. Any such activities would, in all likelihood, bring about a devastating population collapse"

Dr. Stafford Lightman, FMed Sci FRS Professor of Medicine, 2024 University of Bristol tions for decades, has called for "the Hongana Manyawa's territory to be protected from mining and intrusion", pointing out that mining and forced contact "would, in all likelihood, bring about a devastating population collapse"⁹.

4.2 Disease rates increasing due to mining

Catastrophic disease due to mining in Halmahera is not just a potential threat, it is already happening. According to data from local health centers and the Indonesian NGO, JATAM, the effects of mining (including from the coal-fired power stations used to process nickel ore) are causing rates of respiratory disease to soar among the Indigenous Sawai people on the south coast of Halmahera, where the Halmahera nickel rush began. This has been accompanied by a whole host of other diseases associated with the environmental mismanagement brought about by mining on the island.¹⁰

Among eight Indigenous Sawai villages around the South coast of Halmahera, cases of acute respiratory tract infections between 2020 and 2023 skyrocketed from 434 to 10,579; an increase of over 2300%. Occurrences of other health conditions, including gastroenteritis, acute bronchitis, dyspepsia, myalgia, diarrhea, allergic contact dermatitis and the common cold, have all rapidly increased among the Sawai population since 2019 when WBN began mining operations. On top of these medical impacts, there is an increased risk of cancers associated with fetal abnormalities caused by chemicals.¹¹

While there is currently no data on the health impact on the Hongana Manyawa, the examples from the neighboring Sawai people suggest it is highly likely that the Hongana Manyawa are being similarly affected. This includes the uncontacted Hongana Manyawa whose territories are being destroyed by mining expansion – forcing them into closer proximity to mining and processing sites and the danger of contact with mine workers. Unless there is a government enforced no-go zone around their territory, then all the signs point to a situation in which the impact of disease will, as Dr. Stafford Lightman says, "in all likelihood, bring about a devastating population collapse."

Section 4 endnotes

1 Mean average of figures from deaths attributed to contact-induced diseases from 25 Indigenous peoples in Asia, South America, and the Pacific, obtained by FUNAI, Survival International and Stock and Migliano.

2 Mendieta, 2016. See: <u>www.newyorker.com/magazine/2016/08/08/an-isolated-tribe-emerges-</u> <u>from-the-rain-forest</u>

3 See Survival International, 2019: <u>https://www.survivalinternational.org/news/12198</u>

4 Oficina General de Epidemiología - Ministerio de Salud del Perú 2003 Pueblos en situación de extrema vulnerabilidad: El caso de los Nanti de la Reserva Territorial Kugapakori Nahua, Río Camisea, Cusco. Lima.

5 See https://www.survivalinternational.org/about/shell

6 Mongabay, 2018: <u>https://www.mongabay.co.id/2018/09/28/kehidupan-orang-tobelo-di-hu-tan-halmahera/</u>

7 Safrudin Abdulrahman, personal communication, 2024.

8 See BBC Indonesia, 2024: <u>https://www.bbc.com/indonesia/articles/c1e5x2k7kp8o</u>

9 See in full here: https://assets.survivalinternational.org/documents/2632/original-0c81baa2a7a1d1d46b6150a9136dbcfd.pdf

10 See JATAM, 2024. Penaklukan dan Perampokan Halmahera: IWIP sebagai Etalase Kejahatan Strategis Nasional Negara-Korporasi: <u>https://jatam.org/id/lengkap/Penaklukan-Halmahera</u>

11 Ibid.

5 Stigma, harassment and other human rights abuses

5.1 State persecution of the Hongana Manyawa

"When the company [WBN] started operating, we were given clothes and instant food which made the Hongana Manyawa rely on the company to get food. When I was in jail the company massively exploited our lands."

Bokumu, Hongana Manyawa man, 2024 Halmahera

There are alarming levels of human rights abuses towards Indigenous peoples in Halmahera, including torture, harassment, intimidation and criminalization. Both Hongana Manyawa and the neighboring Indigenous Sawai people have reported receiving threats and intimidation from police and mining company representatives and protests against mining have been brutally suppressed.¹ In 2021, IWIP helped fund the construction of a new headquarters for Indonesia's notorious paramilitary police force, BRIMOB (Indonesian police mobile brigade unit). The Vice President of IWIP explained this was, "To maintain security, stability and order in the community."² BRIMOB has been responsible for some of the most serious and infamous human rights abuses in Indonesia³ including at least one reported instance of killing an uncontacted Hongana Manyawa person (see Section 9.4).

The Hongana Manyawa experience severe racism and prejudice, with the Indonesian media and others regularly referring to them as "primitive".⁴ They are also frequently scapegoated for crimes they have had nothing to do with. In 2015, Bokumu and his cousin Nuhu (two recently contacted Hongana Manyawa men who lived inside the WBN concession) were arrested and tortured by the Indonesian police. The pair were charged with a killing which took place far away from where they were living and which they could not possibly have committed. Nuhu later died from the injuries he sustained from his torture.⁵ Both men were known to WBN and had been approached by WBN-contracted researchers in an attempt to gain consent for mining on their territory, which they never gave.⁶ It was



Fig. 14. Bokumu, a Hongana Manyawa man living within the WBN concession who has spoken out against mining on his territory. He spent 7 years in jail on trumped up charges. Credit: Survival. a photograph of the men taken by WBN, and then widely circulated, that the police used as "evidence" in their claims that these were the perpetrators. Several people who knew Bokumu and Nuhu at the time, including a former WBN employee, have told Survival it is highly likely that they were arrested because, after WBN shared their images, they were the only nomadic Hongana Manyawa people known to the police in the region.

Once Bokumu and Nuhu were jailed, their territory became far easier for mining companies to exploit. Bokumu and Nuhu's case is not unique. The Indonesian military, police and armed groups continue to stigmatize and blame the Hongana Manyawa for killings. There are currently two other groups of Hongana Manyawa men serving jail sentences for murders which took place outside their territories. One of these men, Hago Baikole, was filmed in 2014 speaking out against deforestation⁷ and is now facing a life sentence.⁸

5.2 Other persecution of the Hongana Manyawa

Violent attacks on the Hongana Manyawa (with varying levels of support from the Indonesian Security Forces) are a constant concern. There is at least one report of a massacre, which describes 16 Hongana Manyawa people being killed by the Indonesian Security Forces.⁹ There are other reports of armed groups intending to capture or kill uncontacted Hongana Manyawa, including allegations they are deliberately poisoning food sources.¹⁰ In June 2024, an armed group of Indonesian men, seemingly supported and accompanied by the military, filmed themselves in the rainforest in East Halmahera, saying they were "at war" with their "enemy, the Togutil [Hongana Manyawa] tribe". The group did this after a village resident allegedly stepped on an arrowhead which was lying in the ground. Uncontacted Hongana Manyawa were immediately blamed.¹¹

Section 5 endnotes

1 See Climate Rights International, 2024: https://cri.org/reports/nickel-unearthed 2

See Kompas, 2021: https://kilaskorporasi.kompas.com/kawasan-industri-weda-bay/ read/2021/05/04/141121278/jaga-stabilitas-keamanan-pt-iwip-terlibat-dalam-pembangunan-mako-brimob

3 See for example, The Guardian, 2021 https://www.theguardian.com/world/2021/aug/03/australia-trained-indonesian-police-officer-accused-of-west-papua-violence

4 See for example, Detik, 2024: https://travel.detik.com/travel-news/d-7348112/mengenal-togutil-suku-primitif-yang-mendiami-hutan-halmahera-timur

5 See Project Multatuli, 2022: https://projectmultatuli.org/en/they-have-nothing-now-north-maluku-forest-dwellers-cornered-by-expanding-nickel-mines/

6 Cross Cultural Consulting Services, 2013. Locational Scoping Fieldwork Final Report WBN Forest Tobelo Management Plan Phase 2, Component 1 - Locational Scoping (FTMP-LS),

7 See Nanang Sujana, 2014: https://www.youtube.com/watch?v=iNU7nYj1IKQ

8 See Mongabay, 2023: https://www.mongabay.co.id/2023/03/28/was-was-stigma-pembunuh-warga-adat-tobelo-dalam-di-dodaga-protes-tindakan-polisi/

9 Christopher Duncan, 2010. https://vimeo.com/15768276

10 Personal Communication, 2024.

11 Personal Facebook Timeline, 2024.

"Many people from outside asked me to go to Dote to meet the uncontacted Hongana Manyawa but I refused to, because I want to obey the instructions of my parents"

Hongana Manyawa man, 2024 Halmahera

6 Plans for forced contact and settlement

WBN is not only destroying the rainforest which the uncontacted Hongana Manyawa need to survive, but over the years their contracted researchers have continuously advocated for the forced contact and settlement of the uncontacted Hongana Manyawa. Such proposals are shocking transgressions of Indigenous rights, which risk wiping out the uncontacted Hongana Manyawa through disease. If enacted they would also violate multiple international laws (see Section <u>10</u>).

Even though the leaked 2013 report by CCCS (commissioned by WBN) acknowledged that it would be "unethical" to send teams into the rainforest to locate the uncontacted Hongana Manyawa, it nevertheless advocated forcibly contacting them, stating "WBN needs to establish contact with the Dote group". While CCCS was unable to contact the uncontacted Hongana Manyawa, it drew up plans for doing so, aiming to use contacted Hongana Manyawa to make contact with people around the Dote region, whom it acknowledged were uncontacted.¹

When WBN commissioned a follow up report in 2023, its author (Syaiful Madjid) was part of the same team of researchers who had worked on the 2013 report, and he continued to advocate forced contact using similar strategies. The leaked 2023 report states: "WBN must also work to make contact with the Hongana Manyawa groups who inhabit the Ake Sangaji forest and the Dote forest".² These groups are known to be uncontacted. A Hongana Manyawa man who was named by CCCS and WBN in these reports as the suggested person to contact these groups, told Survival that he had consistently refused such plans, stating: "Many people from outside asked me to go to Dote to meet the uncontacted Hongana Manyawa but I refused."

In fact, Syaiful Madjid's 2023 WBN-commissioned report



Fig. 15. Hongana Manyawa woman in a resettlement village. Thousands of Hongana Manyawa have been forcibly contacted, evicted from their territories, and placed into villages. Many dream of returning to the rainforest. Credit: Nanang Sujana/Survival. went even further, in not only advocating for the forced contact of the uncontacted Hongana Manyawa, but also in trying to settle the Hongana Manyawa in one place and to integrate them into mainstream society. It calls for the imposition of agriculture for the nomadic Hongana Manyawa so that WBN can "dictate or teach how to grow crops in fixed fields" and states that WBN should build "permanent housing" for them in order "to make it easier for WBN/IWIP to interact regularly with this community."³ When Survival asked the contacted Bokumu group who live inside the WBN concession about such plans, they explicitly told Survival that they do not want WBN to build housing for them.

Finally, the 2023 report calls for the imposition of educational facilities as a clear means of trying to ensure further contact and integration for the Hongana Manyawa. The report states "WBN/IWIP must make a Jungle School... The implication of the Jungle School is that WBN is able to promote forms of exchange that will teach the Hongana Manyawa community about the market system and ensure they interact with the outside world."⁴

In June 2024, Eramet confirmed with Survival that it is actively considering creating a central meeting place for the nomadic Hongana Manyawa known as a '*Magaliho*' or 'Dialogue Centre' which, according to reports from whistleblowers, is meant to encourage the uncontacted Hongana Manyawa out of their territories and into an area where they can be permanently settled.⁵ Contacted Hongana Manyawa in the area have repeatedly stated their staunch opposition to such plans.⁶

Taken as a whole, or in part, these plans clearly outline the intention to forcibly contact the uncontacted Hongana Manyawa and to permanently settle nomadic Hongana Manyawa with the express purpose of ensuring their greater interaction with outsiders, specifically with WBN itself. Forced contact is recognized by the United Nations as a grave risk for uncontacted peoples' lives⁷ and the United Nations⁸ and experts on genocide⁹ warn that forced contact and settling nomadic hunter gatherer peoples into one location has genocidal implications.

Following increasing pressure from Survival and others in relation to forced contact and settlement plans, in April 2024, Eramet CEO Christel Borries informed Survival that the company would "suspend field activities related to Hongana Manyawa while we investigate the facts that Survival International has illustrated".¹⁰ However, despite this commitment, subsequent information from whistleblowers revealed that Syaiful Madjid was undertaking Hongana Manyawa related field activities in the WBN concession as recently as August 2024, and reportedly continues to advocate contacting and settling the uncontacted Hongana Manyawa.¹¹

Survival continues to call on Eramet, other companies and all relevant authorities to immediately and permanently stop all such forced contact and settlement plans, which will only escalate the threat of genocide towards the uncontacted Hongana Manyawa. The companies must be held accountable for such dangerous plans which violate the human rights of the Hongana Manyawa and threaten a catastrophic population collapse.

Section 6 endnotes

1 Cross Cultural Consulting Services, 2013. Locational Scoping Fieldwork Final Report WBN Forest Tobelo Management Plan Phase 2, Component 1 – Locational Scoping (FTMP-LS).

2 Syaiful Madjid, 2013. Kajian Update Studi O'Hongana Manyawa pada area pertambangan PT Weda Bay Nickel. Laporan akhir, kerja lapangan team, Syaiful Madjid, O'Hongana Manyawa (TSM-OM).

3 Ibid.

4 Ibid.

5 Personal communication, 2023, 2024.

6 Personal communication, 2024.

7 Indigenous Peoples of the United Nations and the Rapporteur on the Rights of Indigenous Peoples of the InterAmerican Commission on Human Rights, UN Doc A/HRC/39/17/Add.1, 2018.

8 UN Human Rights Council, 2009: Full quote, "...the requirement to implement this [FPIC] principle prevents and fully limits the possibility of taking action in territories belonging to uncontacted peoples, as no activities can be carried out in their territories without their consent, and seeking such consent by force or coercion would lead to serious violations of their human rights, including the crime of genocide.» See more here: <u>https://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/2nd/docs/A_HRC_EMRIP_2009_6.pdf</u>

9 Professor Mark Levene, expert on genocide studies, University of Southampton, 1999. Full quote: "Any attempt at the resettlement and sedentarisation of an Indigenous community against its will would have serious social and demographic consequences...Current thinking on the definition of genocide and of the legal ramifications of the legal term in practice might suggest that any attempt to change the life patterns of [a nomadic tribe] – even where there was no evidence of wilful intent to harm them – could be construed as genocide."

10 Letter from Eramet to Survival International, 2024.

11 Personal communication, 2024.

7 Lack of Free, Prior and Informed Consent (FPIC)

7.1 No consent = No mining

Under multiple international laws, as Indigenous peoples, the Hongana Manyawa people have the inalienable right to either give or withhold FPIC for any developments (including mining) taking place on their territories. See more information Section 10. Moreover, as recognized by the United Nations, uncontacted peoples are unable to provide FPIC and seeking consent via forced contact "would lead to serious violations of their human rights, including the crime of genocide."¹ The UN Human Rights Council recognized in 2018 that Indigenous peoples can express non-consent through "the decision and expression not to be in contact or not to have constant interaction with other societies and the Government."² In 2024, the UN Special Rapporteur on the Rights of Indigenous Peoples stated that, in relation to extractive industries and other commercial activities, "In the case of Indigenous Peoples in voluntary isolation, it should be presumed that consent is not given."

WBN-contracted researchers' plans for FPIC through forced contact therefore would constitute a significant violation of international law, as well as risking the genocide of the uncontacted Hongana Manyawa.

In addition, the contacted Hongana Manyawa have never given their consent for mining operations. Of all the Hongana Manyawa Survival has met, none of them have said that they have given FPIC for mining on their territories. Instead, the Hongana Manyawa have openly voiced their opposition to mining companies, including the Bokumu group who live inside the WBN concession. Therefore, no mining should be taking place on any of their territories.

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"Tokata [evil people] came many times. I never gave my consent when they came and took my land...I did not consent for them to take my gardens and my rainforest which I have guarded all this time. But they continued to come and kept coming and coming...I never gave my land to them, but they evicted us and took my land and my rainforest"

Hairani, Hongana Manyawa woman, 2024 Halmahera

"I will *never* give the company consent to use our lands. Weda Bay Nickel has tried several times and the police have also tried to get consent from me and others. There is a new project where the company is trying really hard to get consent but we will *never* give it to them"

7.2 Harassment by the police

Contacted Hongana Manyawa have been visited by the Indonesian police to ask for their consent for mining operations. According to information from the ground, Hairani and Toraji (both forced to move several times because of mining activities) were visited on multiple occasions by the Indonesian police, officials from mining companies and WBN-contracted researchers. All of these figures reportedly tried to convince them to move further away from their territory and/or to give their consent for mining. When Survival staff asked Hairani about the process through which these people had tried to obtain consent and how the rainforest was taken away, she stated that they "came many times. I never gave my consent when they came and took my land...I never gave my land to them, but they evicted us and took my land and my rainforest."

It is impossible for Indigenous peoples to give FPIC in situations where there is coercion, manipulation or intimidation³. This pressure from the company and authorities is not unique to Hairani and Toraji. Another Hongana Manyawa man told Survival, "I will *never* give the company consent to use our lands. Weda Bay Nickel has tried several times and the police have also tried to get consent from me and others...we will *never* give it to them."

In sum, there is no evidence that the contacted Hongana Manyawa have ever given FPIC for mining on their territories, and the uncontacted Hongana Manyawa are unable to provide FPIC, meaning that there should be no mining on their territory. Failed attempts at obtaining consent have been made through coercion, manipulation and intimidation. Therefore, the mining is in violation of international law (see Section <u>10</u> for more).

Section 7 endnotes

 United Nations Human Rights Council, 2009, Expert Mechanism on the Rights of Indigenous Peoples Second session 10-14 August 2009. <u>https://www2.ohchr.org/english/issues/indigenous/Ex-pertMechanism/2nd/docs/A_HRC_EMRIP_2009_6.pdf</u>
United Nations Human Rights Council, 2018: https://www.right-docs.org/doc/a-hrc-39-62/
See FAO, United Nations, 2016: <u>https://www.fao.org/indigenous-peoples/our-pillars/fpic/en/</u>

Hongana Manyawa man, 2023 Halmahera "In this instance, if BASF joins with Eramet, in the development of the Sonic Bay Project, its responsibility will not be at one remove from a genocidal outcome but a matter of direct and knowing responsibility"

Dr. Mark Levene, expert on genocide studies, 2024 University of Southampton

8 The threat of genocide

The myriad dangers illustrated in this report show clear and consistent evidence that uncontacted Hongana Manyawa are facing grave threats of annihilation, particularly by the escalating crisis of nickel mining companies operating on their territory. This is due to both the destruction of the rainforest they rely on to survive and the danger of forced contact and settlement. Even without forced contact, the risk of having hundreds of workers operating in their rainforest risks encounters that could pass on deadly epidemics which could wipe them out.

Genocide is not a term Survival uses lightly. Yet the assessments of many experts on uncontacted Indigenous peoples, on disease and on the crime of genocide itself, make consistently and comprehensively clear that the Hongana Manyawa are indeed under serious threat of genocide (see statements by Elias Bigio and Dr. Stafford Lightman for examples). Genocide scholar Dr. Mark Levene has also written an expert witness testimony regarding the threat of genocide to the Hongana Manyawa.¹ In his statement he explains how the actions of Eramet (and at that time, BASF), risked a genocidal outcome for the Hongana Manyawa. He writes: "In this instance, if BASF joins with Eramet, in the development of the Sonic Bay Project, its responsibility will not be at one remove from a genocidal outcome but a matter of direct and knowing responsibility."

In particular, Dr. Levene explained that genocide may encompass not only the physical intent to destroy a population but also the knowing creation of the conditions under which it becomes impossible for a population to survive, whether or not the perpetrator publicly acknowledges this. WBN's own 2023 commissioned report clearly and consistently describes the existential threats faced by the Hongana Manyawa from mining. The report states: "according to village heads, the large number of mines in this area has raised doubts about the survival of the future of the Hongana Manyawa as a community living in this forest."² These stark words, submitted to WBN by its own researchers, not to mention the evidence supplied to Eramet by Survival, reveal the company is fully aware of this risk, precisely the condition that Dr. Levene asserts as sufficient to describe their actions as genocidal. As he writes: "if, at the same time, the company knows that its deliberate effort to develop and expand its Weda Bay operation will ineluctably produce conditions which will lead to an exterminatory outcome of indigenous inhabitants then they are culpable of, at the very least, anticipating that outcome."

Survival is not alone in raising concerns about the threat of genocide towards the Hongana Manyawa. In 2024, a Transparency International report described how nickel mining in Halmahera "has the potential to substantively lead to ethnogenocidal practices, especially for the Tobelo Dalam [Hongana Manyawa] tribal community."³

Finally, a commissioner from Indonesia's own National Human Rights Commission (Komnas HAM), used the term "genocide" to describe the threat faced by the Hongana Manyawa in a meeting with Survival, and stated that the uncontacted Hongana Manyawa are at risk of being exterminated.⁴

As such, there is a very real risk of genocide towards the Hongana Manyawa and this is an urgent threat, dramatically escalated by the activities of WBN and other companies. Whether or not these companies will acknowledge the threat of genocide to an uncontacted Indigenous people, or the threat of a massive population collapse of an Indigenous people in voluntary isolation, the facts are not be in dispute: the Hongana Manyawa are facing a serious threat of extermination.

Section 8 endnotes

1 See his statement in full here: <u>https://assets.survivalinternational.org/documents/2677/origi-nal-e19b611e30cc8b40658511d91bfd7403.pdf</u>

2 Syaiful Madjid, 2023. Kajian Update Studi O'Hongana Manyawa pada area pertambangan PT Weda Bay Nickel. Laporan akhir, kerja lapangan team, Syaiful Madjid, O'Hongana Manyawa (TSM-OM).

3 See: Transparency International, 2024. Industri Keruk Nikel: Korupsi Struktural dan Dampak Multi Dimensinya: <u>http://ti.or.id/wp-content/uploads/2024/02/Industri-Keruk-Nikel-Korupsi-Struktu-ral-dan-Dampak-Multi-Dimensinya_web.pdf</u>

4 Personal communication, 2024.

9 Corporate culpability and accountability

9.1 Mining companies

Based on Survival's preliminary mapping, our research has found that there are currently 19 mining companies operating on the territory of the uncontacted Hongana Manyawa, and together, they cover almost half of the uncontacted Hongana Manyawa's land. All are Indonesian companies, with the exception of WBN, which is a joint venture run by Chinese, French and Indonesian companies – Tsingshan, Eramet and ANTAM.

Of these concessions, WBN has by far the largest overlap with uncontacted Hongana Manyawa territory, almost twice as much as the next biggest. Survival estimates that 84.68% of the WBN concession overlaps with this territory, and were WBN to stop mining in these areas, 71.09% of the uncontacted Hongana Manyawa's territory would be free from mining (see Figure 16).

WBN's operations have expanded dramatically over the past few years and the company aims to continue mining until 2045¹. As Figure 17 shows, deforestation is rapidly increasing in their concession, putting the lives of the uncontacted Hongana Manyawa at direct risk.

Eramet oversees mining operations at WBN and prides itself on having a green and ethical image². In its 2023 Human Rights Report, CEO Christel Bories states: "Protecting human rights is not just a legal obligation: it's a moral duty that we all share at Eramet. Human rights are nonnegotiable principles and we believe that they should guide each of our decisions and actions."³ However, Eramet's claims of ethical credentials soon collapse under closer scrutiny. For example, Eramet has denied the Hongana Manyawa have any customary rights of land ownership in their rainforest⁴ and state that "The Indonesian government

NAME OF COMPANY	MINING COMMODITY	CONCESSION SIZE	OVERLAP WITH TERRITORY	OVERLAP AS PI OF TERRI		OVERLAP AS PROPORTION OF CONCESSION
Weda Bay Nickel (WBN)	Nickel DMP	45,065.00 Ha	38,164.18 Ha	11.60%		84.68%
Wana Kencana Mineral (WKM)	Nickel	24,700.00 Ha	22,978.71 Ha	6.98%		93.03%
Nusa Karya Arindo (NKA)	Nickel	20,763.00 Ha	15,621.93	4.74%		75.23%
Mega Haltim Mineral Nickel (MHM)		13,510.00 Ha	13,449.35 Ha	4.98%		99.55%
Sumberdaya Arindo (SA)	Nickel	14,421.00 Ha	8467.85 Ha	2.57%		58.71%
Halmahera Sukses Mineral (HalSM)	Nickel	7726.00 Ha	7691.53 Ha	2.33%		99.55%
Priven Lestari (PL)	Nickel	4953.00 Ha	4637.40 Ha	1.40%		93.62%
Position (P)	Nickel	4017.00 Ha	4017 Ha	1.22%		100%
Wana Halmahera Barat Permai (WKBP)	Nickel	3986.00 Ha	3201.23 Ha	0.97%		80.31%
Adhita Nickel Indonesia (ANI)	Nickel	2000.00 Ha	1962.22 Ha	0.59%		98.11%
Arumba Jaya Perkasa (AJP)	Nickel	1818.47 Ha	1818.47 Ha	0.55%		100%
Forward Matrix Indonesia (FMI)	Nickel	1417.00 Ha	1405.03 Ha	0.42%		99.15%
Bakti Pertiwi Nusantara (BPN)	Nickel	1232.00 Ha	1221.04 Ha	0.37%		99.11%
Dharma Rosadi Internasional 1 (DRI1)	Nickel	1017.00 Ha	1012.39 Ha	0.30%		99.54%
Tekindo Energi (TE)	Nickel	1000.00 Ha	1000.00 Ha	0.30%		100%
Harum Sukses Mining 1 (HarSM1)	Nickel	511.00 Ha	990.00 Ha	0.30%		99.58%
Harum Sukses Mining 2 (HarSM2)	Nickel	990.00 Ha	985.96 Ha	0.29%		99.59%
Gamping Mining Indonesia (GMI)	Limestone	2538.61 Ha	865.58 Ha	0.26%		34.09%
Dharma Rosadi Internasional 2 (DRI2)	Nickel	648.00 Ha	648.00 Ha	0.19%		99.55%
First Pacific Mining (FPM)	Nickel	2080.00 Ha	483.97 Ha	0.14%		23.26%
Sapphire Indonesia Mining (SIM)	Limestone	291.74 Ha	44.66 Ha	0.01%		15.30%
TOTAL AREA OF ESTIMATED TERRITORY		REA OF MINING CESSIONS	TOTAL OVERLAPS WITH TERRITORY (Ha)		TOTAL OVERLAPS WITH TERRITORY (%)	
28,927.93 Ha	154,684.82 Ha	3	130,666.50 Ha		40.51%	



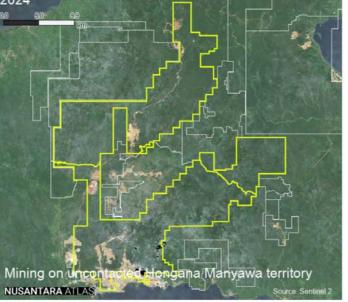


Fig. 16. Table showing the names of mining companies operating on the territory of the uncontacted Hongana Manyawa, their sizes and the proportion over their overlaps with the territory. Because Harum Sukses Mining and Dharma Rosadi Internasional have split concessions, they are listed here twice. Credit: Survival. does not recognize the O'Hongana Manyawa community as an "indigenous group".⁵ This is false. Under customary law (which does have specific recognition in Indonesian law), and under international law, the Hongana Manyawa have land ownership rights over their territories. Similarly, senior Indonesian government figures have repeatedly referenced the Hongana Manyawa as an Indigenous people, and have written to WBN demanding they only operate with FPIC.(see Sections <u>10.1</u> and <u>10.3</u>).

Survival is calling upon Eramet, WBN as a whole, and all mining companies operating on Hongana Manyawa territories to immediately abide by international law and to stop mining in any areas where they do not have FPIC from the Indigenous population. By default, this means no lands belonging to and used by uncontacted Hongana Manyawa. The companies must therefore immediately stop mining in these areas, dismantle existing infrastructure and urge the Indonesian government to demarcate a comprehensive no-go zone for the uncontacted Hongana Manyawa. (see Section <u>11</u>).

9.2 Electric vehicle companies

The nickel and cobalt mining project in Halmahera as a whole is aimed towards producing material for electric vehicles (EVs) and therefore companies making EVs have a responsibility to ensure that their supply chains only include materials sourced in accordance with international law. This means only using materials which have been taken from the territories of Indigenous peoples if they have their genuine FPIC, and this in turn means never using anything taken from the territories of uncontacted peoples.

As such, any vehicle company's supply chain which includes materials from the uncontacted Hongana Manyawa's territory has failed to ensure its compliance under international law and is thereby complicit in a mining project which risks the genocide of an uncontacted people.

Fig. 17. Satellite imagery from Nusantara Atlas showing the rapid increases in deforestation from mining on uncontacted Hongana Manyawa territory from 2019 (when WBN began mining operations) to 2024. Weda Bay Nickel's concession is in yellow and other mining concessions are in white. Credit: Nusantara Atlas.

MINING CONCESSIONS OVERI APPING WITH INDICATIVE UNCONTACTED HONGANA MANYAWA TERRITORY

"If you want to buy nickel from a mining company, please first ask where it's from. If it comes from Ake Jira in Halmahera, then please don't buy it. Because the company Weda Bay Nickel has stolen the Hongana Manyawa's rainforest and home"

Ngigoro, Hongana Manyawa man, 2024 Halmahera

Ngigoro gave Survival this message to tell companies who purchase nickel, "If you want to buy nickel from a mining company, please first ask where it's from. If it comes from Ake Jira in Halmahera, then please don't buy it."

The Indonesian government is extremely keen to attract international buyers for its nickel, especially from electric vehicle companies such as Tesla, Ford and Volkswagen. At one point, former President Jokowi even offered Tesla their own 'nickel mining concession'.⁶ As the global demand for electric vehicles increases, mining on uncontacted Hongana Manyawa territory is likely to become increasingly lucrative unless it is resolutely rejected by the EV industry. Therefore, electric vehicle manufacturing companies must take a strong stand now for the rights of uncontacted peoples, as many of them have done on child labor⁷. (See full list of actions required by electric vehicle manufacturers in order to avoid their complicity in the destruction of the uncontacted Hongana Manyawa people in Section <u>11.5</u>).

Some progress is being made, with EV manufacturing companies starting to publicly highlight their concerns about mining on the territories of uncontacted peoples. Following the launch of Survival's public campaign for the rights of the Hongana Manyawa in April 2023, Survival's supporters wrote to Tesla CEO Elon Musk, calling on the company not to buy materials from Hongana Manyawa territories and to use their influence to push for a no-go zone to ensure the survival of the uncontacted people. In the following months, Survival supporters sent over 20,000 emails to Tesla and other relevant companies. Following this, and wider lobbying efforts, Tesla's 2023 Impact Report specifically mentioned that in Indonesia, it had: "Engaged with NGOs, government and suppliers to explore the need for the establishment of a no-go zone for mining to protect indigenous and human rights, particularly those of uncontacted communities, in addition to supplier engagement to reinforce our commitment to protect the right of Indigenous People to grant or withhold Free, Prior and Informed Consent (FPIC)."8

Similarly, following lobbying by Survival, in their 2024 Integrated Sustainability and Financial Report, Ford Motor Company highlighted the IRMA Standard on the rights of uncontacted (voluntary isolating) people and stated: "Our requirement for mining suppliers to seek IRMA certification or third-party certified equivalent, furthers our commitment to respect Indigenous Peoples' rights. IRMA states that because of the requirement that FPIC be free from external manipulation, coercion, and intimidation, an FPIC process cannot be undertaken in situations where indigenous or tribal peoples are living in voluntary isolation."⁹ (see Section <u>10.4</u> for more on IRMA and uncontacted peoples).

These statements are encouraging. However, more needs to be done by companies (including Tesla and Ford) to commit to actively ensuring that none of the materials in their supply chains ever come from the territories of uncontacted peoples. Complex supply chains and lack of transparency mean that Survival has not yet been able to determine specific vehicle companies which produce vehicles containing materials from uncontacted Hongana Manyawa territory. However, certain companies, including BMW.¹⁰ Ford.¹¹ Stellantis and Volkswagen all have links to the Indonesian nickel market and the latter two have signed a Memorandum of Understanding (MoU) with Eramet¹². Unless active steps are taken by the electric vehicle manufacturing companies to ensure that they are not sourcing from uncontacted peoples' territories, it is likely that many electric vehicles will contain materials mined from the territory of the uncontacted Hongana Manyawa in the near future.

Therefore, Survival is calling upon all EV manufacturing companies to take a stand. To combat the existential threats towards the uncontacted Hongana Manyawa, the companies must commit not to take materials from their lands, and must use their influence on the Indonesian government and mining companies to push for a no-go zone around their territory. Survival will continue to pressure EV manufacturing companies and highlight those which

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have made such commitments on uncontacted peoples, and those which have not.

9.3 BASF

From 2020 to 2024 German chemical giant BASF was in discussions with Eramet regarding investment in a US\$2.6 billion project to process and refine nickel and cobalt for electric vehicle batteries. This "Sonic Bay Project" was set to process 67,000 tons of nickel and 7500 tons of cobalt per year¹³ and would have hugely incentivized mining, and international investment in mining in Halmahera. This was demonstrated clearly in 2023 by Bahlil Lahadalia, the then Indonesian Investment Minister, who stated that investment from European companies such as BASF would allay concerns that Indonesia's management of its mines "did not adhere to international standards."¹⁴ This project was also due to be built just a few kilometers from the known territory of the uncontacted Hongana Manyawa, putting them at extreme risk.

In June 2024, BASF announced that it was withdrawing from the Sonic Bay Project. This followed over a year of sustained campaigning by Survival, including tens of thousands of emails from Survival supporters, several high profile meetings and pressure from at least one electric vehicle manufacturing company to withdraw from the project because of threats posed to the Hongana Manyawa. Survival staff spoke against the project at the annual shareholders' meetings of BASF which were attended by thousands of shareholders. Survival also lobbied the German government and worked with German politicians against a proposed Federal Government Loan Guarantee for the project.

BASF's withdrawal prompted the Indonesian government to admit that "the cancellation serves as a wake-up call to address underlying issues in the investment climate, especially in the sustainability aspect of nickel commodities".¹⁵ BASF's decision, in the wake of mounting concern, should serve as a stark warning to mining companies and the Indonesian government that nickel mining in Halmahera will struggle to receive international investment unless and until Indigenous people's rights are respected, with their territories demarcated and protected. Survival welcomed BASF's announcement and continues to call on all companies not to invest in, or purchase the products from, mining in Halmahera unless and until there is a properly demarcated and enforced no-go zone for the uncontacted Hongana Manyawa, and the genuine FPIC of all contacted Indigenous communities whose territories are affected.

9.4 Logging companies

At least two logging companies, Wana Kencana Sejati (WKS) and Mohtra Agung Persada (MAP) also operate on the territory of the uncontacted Hongana Manyawa. It is estimated that MAP's concession overlaps entirely with uncontacted Hongana Manyawa territory, yet it boasts that it is "'A Green Eco Timber Company' managing and leveraging forest products while maintaining the sustainability of nature and its ecosystems for life." The WKS and MAP concessions are vast (90,195 hectares and 50,920 hectares respectively) although satellite data from Nusantara Atlas (which maps deforestation in Indonesia) suggests there is currently much more deforestation from mining companies than logging companies in Halmahera.¹⁶ However, WKS' concession (which is broken into several different blocks) overlaps with many mining companies in Halmahera (including WBN) and there is reportedly a relationship between WKS and mining companies, in which WKS logs areas of rainforest before mining companies begin excavation. The footage of uncontacted Hongana Manyawa men warning off bulldozers in their territory (filmed in October 2023) was filmed by a WKS employee along the Ake Sangaji River within the WKS concession. This is an area known to be the territory of uncontacted people.¹⁷

Section 9 endnotes

1 See Eramet: <u>https://www.eramet.com/en/eramet-group/sites/eramet-in-indonesia/eramet-in-indonesia-facts-and-figures/</u>

2 See Eramet, 2019: <u>https://www.eramet.com/en/news/2019/07/corporate-social-responsibi-lity-eramet-commits-to-short-term-specific-objectives/</u>

3 See Eramet, 2023: <u>https://www.eramet.com/wp-content/uploads/2023/12/2023-12-Eramet-Human-Rights-report.pdf</u>

4 See Eramet, 2023: <u>https://cri.org/wp-content/uploads/2024/01/Eramet-written-responses-to-</u> <u>CRI-questions.pdf</u>

5 Eramet, 2024: <u>https://www.eramet.com/en/eramet-group/sites/eramet-in-indonesia/mis-</u> <u>conceptions-about-pt-weda-bay-nickel/</u>

6 See Reuters, 2023 <u>https://www.reuters.com/business/autos-transportation/president-joko-wi-confident-tesla-will-invest-indonesia-2023-02-01/</u>

7 See BMW examples here: <u>https://www.bmwgroup.com/en/news/general/2023/responsibi-lity-in-supply-chain.html</u>

8 See Tesla, Impact Report 2023: <u>https://www.tesla.com/ns_videos/2023-tesla-impact-report.</u> pdf

9 Ford, 2024 Integrated Sustainability and Financial Report 2024: <u>https://corporate.ford.com/</u> <u>content/dam/corporate/us/en-us/documents/reports/2024-integrated-sustainability-and-f inancial-re-</u> <u>port.pdf</u>

10 See Asia News Network, 2024 https://asianews.network/bmw-eyeing-ev-investment-in-in-donesia-ministry-says/

11 See Reuters, 2023 <u>https://www.reuters.com/business/autos-transportation/volkswagen-partn</u> <u>er-with-vale-ford-huayou-indonesia-ev-battery-ecosystem-minister-2023-04-17/</u>

12 See The Jakarta Post, 2024: <u>https://www.thejakartapost.com/business/2024/08/06/execu-tive-column-eramet-seeks-bigger-stake-in-indonesias-nickel-industry.html</u>

13 See Mongabay, 2024: <u>https://news.mongabay.com/2024/07/basf-eramet-drop-2-6b-indone-sian-nickel-project-that-threatens-isolated-tribe/</u>

14 See Reuters, 2023 <u>https://www.reuters.com/business/autos-transportation/volkswagen-partn</u> <u>er-with-vale-ford-huayou-indonesia-ev-battery-ecosystem-minister-2023-04-17/</u>

15 See South China Morning Post, 2024: <u>https://www.scmp.com/week-asia/health-environment/</u> <u>article/3269420/indonesia-gets-wake-call-step-sustainability-efforts-nickel-industry</u>

16 Nusantara Atlas, 2024.

17 See The Observers, France 24: <u>https://observers.france24.com/en/indonesia-rare-video-of-in-</u> <u>digenous-tribe-facing-down-bulldozer-shows-uncontacted-peoples-do-exist</u>

- 18 Personal communication, 2024
- **19** Personal communication, 2024

MAP is believed to be considering diversifying into mining and is said to be in discussions with IWIP.¹⁸ In 2023, around 40 uncontacted Hongana Manyawa are reported to have appeared at a MAP logging camp near the village of Sibenpopo. The camp was being guarded by members of the Indonesian Security Forces. According to eyewitnesses, those guarding the camp panicked and a member of BRIMOB shot and killed an uncontacted Hongana Manyawa elder. They are then reported to have ordered Sibenpopo residents to delete the footage they had taken of the killing to remove the evidence.¹⁹

As with mining companies operating on Halmahera, Survival is calling on the logging companies to immediately stop operating in these areas, to dismantle existing infrastructure and to encourage the Indonesian government to demarcate a comprehensive no-go zone for the uncontacted Hongana Manyawa (see Section <u>11</u>).



Fig. 18. Symbolic barrier erected by contacted Hongana Manyawa on the borders of their territory to warn outsiders to stay away. The uncontacted Hongana Manyawa erect similar barriers. Credit: Survival.

10 International and national laws and standards

10.1 International law

States have the primary responsibility to uphold international human rights law, but private companies also have the duty to respect human rights. Human rights norms and standards that apply to states and companies are those found in the International Bill of Rights¹, the United Nations Declaration on the Rights of Indigenous Peoples, the International Labor Organization's Indigenous and Tribal Peoples Convention 169 (ILO 169) and the United Nations Guiding Principles on Business and Human Rights.

The Hongana Manyawa's rights to self determination – to choose their ways of life, including to remain uncontacted, and for no developments to take place on their territories without their FPIC, are enshrined in international law. Forced contact is recognized as a violation of uncontacted peoples' right to life and forcing contact in order to achieve FPIC is described by the UN Human Rights Council as a serious violation "of their human rights, including the crime of genocide."² When Indigenous peoples are themselves forced to make contact with outsiders because of the destruction of their territory, this should also be viewed as forced contact.

In 2024, a report published by the United Nations Special Rapporteur on the Rights of Indigenous Peoples stated: "International standards for Indigenous Peoples living in voluntary isolation and initial contact mandate the protection of their territories, including the creation of intangible zones [no-go zones] and surrounding buffer areas and respect for mobility patterns." The report defines these intangible zones as areas "where outsider access and economic activity are forbidden."³

The Office of the UN High Commissioner for Human Rights

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has also issued guidelines for the protection of Indigenous peoples in voluntary isolation (a term which it recognizes as synonymous with 'uncontacted peoples') in which it emphasized the importance of protecting and monitoring their territories, including through establishing no-go zones.⁴

Finally, the UN Expert Mechanism on FPIC and the Rights of Indigenous Peoples has called for particular caution regarding uncontacted peoples, recognizing that "the decision and expression not to be in contact or not to have constant interaction with other societies and the Government can be an expression of non-consent". This is supported by the Inter-American Commission on Human Rights, which argues that states should, "consider these peoples' rejection of contact with persons from outside their people as assertions of their decision to remain isolated and their non-consent to such interventions or projects, and refrain from carrying them out".⁵ This position is reiterated by the UN Special Rapporteur on the Rights of Indigenous Peoples in 2024 where he states that in relation to extractive industries, "In the case of Indigenous Peoples in voluntary isolation, it should be presumed that consent is not given."6

Therefore any attempt to mine on the territory of the uncontacted Hongana Manyawa is a violation of their right to self-determination and to give or withhold FPIC. Any attempt to mine on their territory is therefore in violation of international law and risks the crime of genocide.

10.2 French law

Eramet is a French company (in which the French government has a 27.13% stake). It is therefore bound by French law, including the 2017 Law on the Duty of Vigilance, which specifically mandates large French companies to identify, analyze and take appropriate action "to mitigate risks or prevent serious violations" resulting from their own operations or the operations of their subsidiaries, subcontractors or suppliers.⁷ Although Eramet does not exercise exclusive control over PT Weda Bay Nickel Ltd (it indirectly holds 38.7% of its shares), it recognizes that its duty of vigilance obligations apply to the activities of this company (p. 303 of its 2024 Universal Registration Document). It is also important to note that Eramet is responsible for the mining activities within this joint venture.

Because of WBN's mining on the territories of uncontacted Indigenous people, Eramet appears to be in clear violation of this law – it is not taking appropriate action to mitigate risks or prevent serious human rights violations towards the uncontacted Hongana Manyawa. On the contrary, as has been illustrated throughout this report, WBN's activities are directly violating the rights of the uncontacted Hongana Manyawa people and risk their genocide. Specifically, in contravention of the 2017 law, Eramet's published vigilance plan lacks specific, differentiated measures to recognize and protect the uncontacted Hongana Manyawa and their right to remain uncontacted, in accordance with internationally recognized standards.⁸

Eramet denies there is any evidence of uncontacted Hongana Manyawa in or around its concession, and its vigilance plan states that "none of the tribes near the mine live in total isolation". While it is true that not all Hongana Manyawa are uncontacted, Eramet's own commissioned reports describe the presence of voluntarily isolating (uncontacted) Hongana Manyawa whose territories overlap with the WBN concession and who undertake activities inside the concession. Furthermore, as noted in Section <u>2.1</u> of this report, "total isolation" is not a prerequisite for being considered as uncontacted. Instead, as the UN describes, uncontacted people are those who "do not maintain regular contact with the majority population and tend to shun any type of contact with outsiders."⁹ This is clearly the case for the uncontacted Hongana Manyawa.

Eramet's vigilance plan also denies that FPIC is required from the Hongana Manyawa under Indonesian law. This is somewhat misleading (see Section <u>10.3</u>) but also fails to take wider issues into account. FPIC is an internationally mandated standard and should be respected regardless

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of its incorporation in national laws and of the ratification of ILO 169. It is also present in the United Nations Declaration on the Rights of Indigenous Peoples which France approved and is obliged to respect. The fact that FPIC is absent from Eramet's plan means this plan is not appropriate in safeguarding the rights of the Hongana Manyawa. In addition, Eramet's vigilance plan identifies nine contacted Hongana Manyawa within its concession and states: "The company is in the process of formalizing the dialogue with this group in accordance with international IRMA standards". IRMA standards, and indeed international law, do not require "dialogue" with affected Indigenous people, but FPIC. Eramet does not have FPIC from the contacted Hongana Manyawa, and, as IRMA recognizes, it is impossible to get it from uncontacted people.

The Duty of Vigilance Law does not allow companies to absolve themselves of all responsibility by relying on processes (codes of conduct, social audits, etc.) that have already proven inadequate or ineffective. Due diligence is required to be respected regardless of the national context, and however hard it may be to prevent risk or to work with the government on certain issues. Therefore, Eramet's actions appear to be in violation of French law.

10.3 Indonesian law

Indonesia does not yet have strong protections for the rights of Indigenous peoples (whom it describes as "Customary Communities"), although the Indonesian Constitution does specifically recognize the cultural identities and customary rights of Indigenous communities and protects these as a human right.¹⁰ The 1960 Agrarian Act Number 5 recognizes the existence of customary rights and affirms the application of customary law to the earth, water and natural resources contained therein.¹¹

Similarly, the 1999 Forestry Law entitles Indigenous communities to "manage forests according to the prevailing customary law."¹² Furthermore, in 2012 the Constitutional

Court affirmed that Indigenous forests belong to Indigenous communities and not the state.¹³ In 2001, the People's Consultative Assembly issued Decree No. IX/MPR/2001 on Agrarian Reform and Management of Natural Resources which states: "The conduct of agrarian reform and management of natural resources shall be based on... recognizing, respecting, and protecting the legal customary rights of the society."

Despite the growing recognition of customary rights in Indonesia, the government's process for formally recognizing Indigenous peoples and their territories is a slow and laborious consultative process. It is done on a case by case basis, which is completely impossible for the uncontacted Hongana Manyawa. However, there have been several times when senior Indonesian government figures and officials have acknowledged that the Hongana Manyawa are indeed an Indigenous people. Commenting on the 2024 viral video of uncontacted Hongana Manyawa people in the WBN concession, the Head of the Indonesian Senate, LaNyalla Mahmud Mattalitti directly referred to the Hongana Manyawa as an "Indigenous tribe" in need of protection from mining.¹⁴ Following a meeting with Survival in June 2024, in August he wrote to the then Indonesian President, stating, "The Hongana Manyawa Indigenous Community is an uncontacted tribe, or a tribe that deliberately isolates itself in the forest and does not make contact with the outside world." He called upon the President to ensure that the Hongana Manyawa's plight received "immediate attention and handling in accordance with applicable laws and regulations."15

Furthermore, in 2019, the Office of the Indonesian Presidential Staff wrote to the Heads of WBN and IWIP, calling upon them not to mine on the territory of the Hongana Manyawa without FPIC, in accordance with Indonesian and international standards and laws. The letter called on both companies to: "Respect and comply with ILO Convention 169 concerning Indigenous Law Communities; the 2007 UN Declaration on the Rights of Indigenous Peoples; The Law Number 39 of 1999 concerning Human Rights (especially Article 6 paragraphs 1 and 2); and The Constitutional Court Decision Number: 35/PUU-X/2012 which confirms the status of customary forests;".¹⁶ In sum, under Indonesian law, there are already protocols in place which recognize Indigenous people's rights to their forests and prohibit mining on Indigenous People's territories without their consent.

10.4 IRMA Standard

The Initiative for Responsible Mining Assurance (IRMA) describes itself as defining "best practices for what responsible mining should look like at the industrial-scale".¹⁷ Several EV manufacturing companies, including Tesla, Ford, BMW and Volkawagen are members of IRMA, and Eramet regularly touts its commitment to the IRMA Standard. Eramet has repeatedly stated its commitment to a full IRMA audit of WBN in 2025.¹⁸

The IRMA Standard has strong wording on the rights of uncontacted Indigenous peoples, and in particular, its 2018 Standard states "IRMA will not certify a mine if affected communities include indigenous peoples living in voluntary isolation."¹⁹ While IRMA's latest Standard has not yet been published, the draft updated Standard reads: "If proposed activities may affect any Indigenous Peoples living in voluntary isolation, the entity redesigns the project to avoid all such impacts, or, if avoidance is not possible, ceases to pursue the proposed activities".²⁰

Therefore, through mining on the territories of the uncontacted Hongana Manyawa, Eramet and other companies are also in clear violation of the IRMA Standard.

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10.5 Recognition processes for uncontacted people's territories

While the Indonesian government currently has no specific policy on the rights of uncontacted peoples, around the world where uncontacted peoples are known to live, there are national government protocols in place to protect their territorial rights and to stop outsiders from making contact with them – through no-go zones. Such protocols can be seen in the Tribal Reserves of India's Andaman and Nicobar Islands²¹, or in the Peruvian government's Indigenous Reserves on uncontacted people's territories.²² While implementation may sometimes be poor, such legal regulations provide a vital framework to ensure the recognition and protection of uncontacted peoples.

In Brazil, which has more uncontacted peoples than any other country, the government's Indigenous Affairs Department (FUNAI) has a policy of immediately taking action whenever there are credible reports of uncontacted people in an area. FUNAI's policies mandate them to immediately set up a Socio-environmental Protection Team, made up of both Indigenous and non-Indigenous experts on uncontacted Indigenous peoples, to survey the area and determine the approximate territory of the uncontacted population. They then issue a Land Protection Order which effectively cordons off the entire area, and prevents people from entering it. Companies operating in the area are then to be immediately expelled and made to dismantle existing infrastructure in the area. Finally, once enough data has been gathered, the process is launched to officially recognize and permanently demarcate the territory of the uncontacted people for their exclusive use.²³ Such protocols provide a useful framework for how the Indonesian government could demarcate the territory of the uncontacted Hongana Manyawa and create a no-go zone to ensure their survival.

Driven to the edge

Section 10 endnotes

1 Consisting of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

2 United Nations Human Rights Council - Expert Mechanism on the Rights of Indigenous Peoples Second session 10-14 August 2009 <u>https://www2.ohchr.org/english/issues/indigenous/Ex-</u> pertMechanism/2nd/docs/A HRC EMRIP 2009 6.pdf

3 See United Nations, 2024: <u>https://documents.un.org/doc/undoc/gen/n24/210/27/pdf/n2421027.pdf</u>

4 United Nations Office of the High Commissioner for Human Rights (OHCHR), "Guidelines for Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon Region, Gran Chaco and Oriental Region of Paraguay," (in Spanish: "Directrices de Protección para los Pueblos Indígenas en Aislamiento y en Contacto Inicial de la Región Amazónica, el Gran Chaco y la región oriental de Paraguay") ("OHCHR Guidelines"), Geneva, February 2012

5 Inter-American Commission on Human Rights - Indigenous Peoples in voluntary isolation and initial contact, 2013. http://www.oas.org/en/iachr/indigenous/docs/pdf/report-indigenous-peoples-voluntary-isolation.pdf

6 United Nations, 2024: https://documents.un.org/doc/undoc/gen/n24/210/27/pdf/n2421027. pdf

7 Gouvernement de la République française, LOI n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre (1). See: <u>https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034290626/2017</u>

8 See Eramet, 2024 for the lack of such measures: <u>https://www.eramet.com/wp-content/</u> <u>uploads/2024/04/2024-04-17-Eramet-DEU-2023-EN.pdf.pdf</u>

9 See United Nations Human Rights Council, 2009: <u>https://www2.ohchr.org/english/issues/indi-genous/ExpertMechanism/2nd/docs/A_HRC_EMRIP_2009_6.pdf</u>

10 See Constitution of the Unitary Republic of Indonesia. Article 18B(2) and Article 28I(3).

11 See Law No. 5 of Basic Agrarian Law, 1960, Article 3 and Article 5.

12 See Law No. 41 of 1999 on Forestry, Article 67 1B

13 See Constitutional Court Decision Number: 35/PUU-X/2012

14 See LaNyalla Center, 2024: <u>https://lanyallacenter.id/suku-asli-tergusur-tambang-ketua-dpd-ri-minta-pemda-maluku-utara-beri-perlindungan/</u>

15 LaNyalla, 2024. Letter to the Indonesian President - Delivery of Aspirations for the protection of the Hongana Manyawa tribe from the impact of nickel mining in Halmahera - North Maluku.

16 Letter from the Indonesian Presidential Staff. Penghormatan dan Perlindungan bagi Masyarakat Adat Tobelo Dalam Akejira di Halmahera. 2019.

17 See IRMA: <u>https://responsiblemining.net/what-we-do/standard/</u>

18 See Eramet: <u>https://www.eramet.com/en/eramet-group/sites/eramet-in-indonesia/eramet-in-indonesia-a-responsible-and-transparent-approach/</u>

19 See IRMA, STANDARD v.1.0 - JUNE 2018. Chapter 2.2 Free, Prior and Informed Consent

(FPIC): https://responsiblemining.net/wp-content/uploads/2018/08/Chapter 2.2 FPIC.pdf

20 See draft IRMA, 2023: Draft Standard for Responsible Mining and Mineral Processing 2.0 October 2023: <u>https://responsiblemining.net/wp-content/uploads/2023/10/IRMA-Standard-for-Responsible-Mining-and-Mineral-Processing-2.0-DRAFT-20231026.pdf</u>

21 The uncontacted Sentinelese for example, have a Tribal Reserve with a 5.6 km buffer zone around the ocean, to protect them from outside contact. See more here: <u>https://survivalinternational.org/tribes/sentinelese</u>

22 See Mongabay, 2024: <u>https://news.mongabay.com/2024/07/new-indigenous-reserve-in-the-amazon-among-first-steps-to-protect-peoples-in-isolation/#:~:text=Indigenous%20peoples%20</u> <u>living%20in%20isolation,pressures%20that%20threaten%20their%20existence.</u>

23 Established protocols of CGIIRC in FUNAI. See more here: https://www.gov.br/funai/pt-br



Fig. 19.

Ngawate, a recently contacted Hongana Manyawa woman who has lived her entire life in the Halmahera rainforest. Her homeland is now being destroyed by the Weda Bay Nickel mine. Credit: Survival.

Solutions 11

The information in this report provides key evidence that there are uncontacted (voluntarily isolating) Hongana Manyawa people in Halmahera and that their territory significantly overlaps with WBN and other concessions. This report also shows that WBN has known this since at least 2013, yet it has continued to not only mine on their territory but also employ researchers who advocate for their forced contact and settlement.

It also makes clear how this situation is a violation of their human rights; is a violation of international law; and risks wiping out the uncontacted Hongana Manyawa.

Based on many decades of internationally recognized expertise on the issues faced by uncontacted Indigenous peoples, Survival is calling for the following solutions which are urgently needed to prevent the genocide of the Hongana Manyawa.

The Indonesian government must 11.1

- Immediately stop all mining on the territories of the uncontacted Hongana Manyawa and order the removal of any infrastructure from this territory.
- uncontacted Hongana Manyawa and their territory from mining and other threats.
- Formally recognize the Hongana Manyawa as an Indigenous community (Masyarakat Adat) and demarcate their full territories.
- people.
- Commit to stop and prevent any attempts to settle the nomadic Hongana Manyawa.
- Commit to not allow mining, or other developments, on the territories of Indigenous peoples in Halmahera without their Free Prior and Informed Consent (which by default means any territory of the uncontacted Hongana Manyawa).

• Establish and enforce a comprehensive 'no-go zone' (including a necessary buffer zone) to protect the

• Commit to stop and prevent any attempts of forced contact with any uncontacted Hongana Manyawa

11.2 Eramet/WBN and other companies on Hongana Manyawa territories must

- Permanently end all operations on all territory belonging to uncontacted Hongana Manyawa (which includes all territory they have historically used) and remove existing infrastructure from this territory.
- Only operate on territories where there is FPIC of the Indigenous population, which therefore rules out any uncontacted Hongana Manyawa people's territory.
- Permanently refrain from any attempt to forcibly contact any uncontacted Hongana Manyawa. •
- Permanently refrain from any attempt to settle the nomadic Hongana Manyawa.
- Use their influence over company partners, IWIP and the Indonesian government to call for the • recognition of the Hongana Manyawa's territorial rights to their lands and for a no-go zone for the uncontacted Hongana Manyawa to be established and enforced.

Nickel and cobalt processing companies must 11.3

- Publicly commit to ensure that none of the materials the company processes ever come from the territories of uncontacted Indigenous peoples, or from companies operating on (or sourcing from) the territories of uncontacted peoples, including the Hongana Manyawa.
- Use their influence to educate company suppliers on the mandatory importance of FPIC (including the impossibility of getting consent from uncontacted peoples) and on the rights of Indigenous peoples, including uncontacted peoples.
- Use their influence over the Indonesian government to call for the recognition of the Hongana Manyawa's territorial rights to their lands and for a no-go zone for the uncontacted Hongana Manyawa to be established and enforced.

Mining and mineral standards organizations ^a must 11.4

- Update all relevant organizational policies, standards and guidelines to stipulate the mandatory importance of all companies only operating on (or sourcing from) Indigenous territories with FPIC, and the impossibility of operating on (or sourcing from) the territories of uncontacted people as they cannot give FPIC.
- Introduce clear educational materials for members on the rights of Indigenous peoples, including uncontacted peoples, and the need for no-go zone protocols for cases of uncontacted territories.
- Use their influence over the Indonesian government to call for the recognition of the Hongana to be established and enforced.

Electric vehicle manufacturers must 11.5

- Publicly commit to ensuring that their supply chains are entirely free of materials coming from the territories of uncontacted Indigenous peoples, or from companies operating on (or sourcing from) the territories of uncontacted peoples, including the Hongana Manyawa.
- Use their influence to educate company suppliers on the mandatory importance of FPIC (including the impossibility of getting consent from uncontacted peoples) and on the rights of Indigenous peoples, including uncontacted peoples.
- Use their influence over the Indonesian government to call for the recognition of the Hongana to be established and enforced.

Manyawa's territorial rights to their lands and for a no-go zone for the uncontacted Hongana Manyawa

Manyawa's territorial rights to their lands and for a no-go zone for the uncontacted Hongana Manyawa

a. Including but not limited to: The Initiative for Responsible Mining Assurance (IRMA), the Responsible Minerals

Initiative (RMI), the London Metals Exchange (LME), the China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters (CCCMC), the Organisation for Economic Co-operation and Development (OECD) and the International Council of Mining and Metals (ICMM).

11.6 Conclusion

The above solutions are the only means by which the uncontacted Hongana Manyawa will be able to survive and thrive and for international law to be upheld. While the situation facing the uncontacted Hongana Manyawa is dire, their continued resistance to outside interference and in the face of the deadly destruction of their rainforest is an inspiring testimony to their resilience and to the resilience of uncontacted peoples globally.

Since 1969, Survival has led the way as the only organization dedicated to supporting the rights of uncontacted peoples around the world. Since that time, there have been many victories for the rights of uncontacted peoples against companies exploiting their territories.

Survival will continue to stand in solidarity with the Hongana Manyawa, campaigning for their rights, until their territory is fully recognized and demarcated and with an effective and properly enforced no-go zone, so that the uncontacted Hongana Manyawa can live in peace in their rainforest once again.

"If they destroy the rainforest, where will my uncontacted Hongana Manyawa family go?"

Niklas, a contacted Hongana Manyawa man,

voicing his concerns about companies operating on the territory of his uncontacted relatives in the Halmahera rainforest