**UN Special Rapporteur on the Right to Food**

**Call for Input: Violence and the Right to Food**

**Submission by FIAN Indonesia**

**Please describe the nature and degree of violence prevalent in different parts of a food system in your country or community-based.**

* Food Estates are national government projects that aim to develop food barns in Indonesia. These projects existed since 1995 under various names and back with the name the Food Estate (FE) in 2020.
* Using the threat of a food crisis due to the pandemic Covid-19 that was warned by the Food and Agriculture Organization (FAO), FE projects were relaunched in the name of "national food security" and put as one of the Strategic National Projects. As a Strategic National Project, the FE project obtains facilities, such as all forms of licensing/non-licensing facilities provided to accelerate the planning, preparation, transaction, construction, and smooth operation control processes, including financing mechanisms. FE planned to develop in many places in Indonesia, such as North Sumatera, South Sumatera, Central Kalimantan, Papua, East Nusa Tenggara, and many more.
* Several policies were then passed to facilitate the implementation of this project, such as the promulgation of the Job Creation Law in October 2020 which then in November 2021, the Constitutional Court decided that the Job Creation Law is conditionally unconstitutional; and the Ministry of Environment and Forestry Regulation No. 7 of 2021 that allow FE development including in protected forest.
* Based on FIAN Indonesia’s field documentation, In Ria-Ria village in North Sumatera, peasants were pushed to plant limited to certain crops (onion, garlic, and industrial potatoes) without heed to their food and economic needs that usually combined among cultivating rice for their consumption with agroforestry cultivation as their cash-crop commodities.
* The projects are incorporated with private sectors using a contract-farming mechanism. Most peasants never received any contract letter. However, they are asked to sign a statement letter containing clauses that dictate what peasants may/may not do, but neither provisions governing the companies. Thus, it causes power imbalances.
* In Central Kalimantan, local and or Indigenous Peoples (IP)'s rights are violated through land grabbing. In Mantangai Hulu village, three hectares of land owned by one local family farmer was claimed by Food Estate officials, and hundreds of trees were cleared.
* The military has been engaged in the Food Estate project, in Central Kalimantan, since the very first introduction and socialization in October 2021. In Gunung Mas Regency, The Ministry of Defense is the main leading sector to manage this project therefore the involvement of the military apparatuses. The military attended dissemination meetings and was involved in guarding the land-clearing processes. Their presence and involvement in every process of FE made the local and or indigenous peoples feel scared and intimidated to voice their complaints.
* The FE project ignored the local food system by pushing local and or IPs to plant hybrid seeds that need chemical input, rather than using local seeds that have been planted by communities.
* The choices of commodities cultivated in Food Estate North Sumatera (industrial potatoes) and Central Kalimantan (industrial cassavas), as well as a partnership with private sectors rather than with farmers as the key decision-maker of the project, negate the initial discourse that Food Estate is meant to strengthen food supply for the people and anticipate food crises. It shows that the government still uses a market-based approach and industrial agriculture to solve food problems. This approach was not free from the interests, as food and agricultural issues are managed by the military sectors.
* In the food system, the FE case shows a violation of the right to food and nutrition in the aspect of production, mainly by ecological violence and systemic assault against people’s physical and mental integrity.
* The newest update about FE is that the projects are now paused, and many facilities and infrastructures aimed to assist farmers are abandoned.

**How have authorities and people created spaces of sanctuary or protection from violence within food systems?**

* Indonesia ratified The International Covenant on Economic, Social, and Cultural Rights (ESCR) in 2006, however, the state has not ratified the second optional protocol of that convention. This means that though the violation of the right to food and nutrition can be called a human right violation, the people cannot file their report to the UN treaty body.
* Both National Human Right Commission (NHRC) and Ombudsman RI as National Human Rights Institutions have provided channels for victims of the violation (as for Ombudsman, maladministration occurred in the public service sphere) to report individual or community cases. However, the mechanisms are non-binding.
* There is no legal mechanism for NHRC to force other ministries or national agencies as well as corporations to respect human rights. However, according to Presidential Regulation No. 53 of 2021 concerning RANHAM (the National Human Rights Action Plan), NHRC in collaboration with the Ministry of Law and Human Rights, Ministry of Foreign Affairs, local governments, etc are drafting new RANHAM by focusing on the protection, respect, and promotion of human rights for vulnerable groups including women, children, persons with disabilities, and indigenous groups.
* People of Sepang Kota with the village government submitted a letter to The Ministry of Defense through the Regent of Gunung Mas regarding the FE project. The Ministry of Defense was criticized by the people because the ministry did not conduct a study before determining the project site. The ministry claimed that the place is a state forest that is no longer managed by the community, however according to the community the area is a former forest that is currently being used by the people. The people then collected evidence (a certificate or letter of acknowledgment from the village head) and offered a choice to the ministry to demand compensation and involve the community to work in the project. However, their requests were not granted (information as of the end of October 2022). The Ministry of Defense then planned to find new land to be used as cassava plantations because the land was previously considered unprofitable.