

*(English translation below)*

## REPORT DETAILS

### Report Submission Date

5/25/2026

### Reported Company/Branch Information

Location Kompleks pertambangan Grasberg, yang dioperasikan oleh PT Freeport Indonesia (PTFI) dengan status partisipan The Copper Mark P0045

berada di Kabupaten Mimika, Provinsi Papua Tengah

City/State/Zip: KAB. Timika, papua tengah, Indonesia )

### Please identify the person(s) engaged in this behavior:

PT Freeport Indonesia - Partisipan P0045

Ernst & Young (EY) - Auditor

### Do you suspect or know that a supervisor or management is involved?

Do Not Know / Do Not Wish To Disclose

### Is management aware of this problem?

Yes

### What is the general nature of this matter?

Fokus utama dari pengaduan ini adalah penyingkapan atas policy-to-practice gap (kesenjangan antara kebijakan dan implementasi) yang sangat fundamental di dalam arsitektur tata kelola Lingkungan Kelola (ESG) PTFI.

Laporan Asesmen (Assessment Report) yang disusun oleh auditor independen firma Ernst & Young (EY) tertanggal 8 April 2026 menyimpulkan bahwa PTFI "Fully Meets" (Memenuhi Sepenuhnya) selu berkaitan dengan Hak Masyarakat Adat, Pelibatan Pemangku Kepentingan, dan Pengelolaan Tailing. Namun demikian, bukti dokumenter, arsip saintifik internasional, kartografi historis yang telah dil instrumen hukum tata negara Republik Indonesia membuktikan secara objektif bahwa Suku Aika telah mengalami marjinalisasi administratif dan eksklusif prosedural dari setiap tahapan Free, Prior a (FPIC). Wilayah ulayat historis mereka secara sepihak telah dialihfungsikan menjadi area deposit infrastruktur riverine tailings dan pelabuhan logistik tanpa adanya persetujuan yang sah.

Persetujuan sosial yang diklaim oleh PTFI terbukti bersandar pada instrumen "Representasi Proksi" (Proxy Representation) melalui Memorandum of Understanding (MoU) Tahun 2000. Skema ini secara mengeksklusif Suku Aika dan mengalihkan hak kompensasi ulayat kepada kelompok lain. Fakta ini telah divalidasi tidak hanya oleh catatan historis, tetapi juga melalui dekret resmi yang diterbitkan oleh (LEMASKO) pada April 2024, yang secara terbuka mengakui

bahwa teritorial tersebut merupakan hak mutlak Suku Aika dan menyiratkan adanya indikasi manipulasi struktural di masa lalu.

Kegagalan SPMS (Social Performance Management System) perusahaan maupun firma EY dalam memitigasi anomali ini merepresentasikan disfungsi sistemik dalam kerangka pemetaan pemangku k Melalui pengaduan ini, kami mendesak The Copper Mark untuk menindaklanjuti kasus ini berdasarkan prosedur Review for Admissibility sesuai The Copper Mark Grievance Mechanism v.3 (Maret 20 menangani pengaduan yang didukung oleh koherensi pembuktian ini tidak hanya berimplikasi pada terlanggarnya perlindungan Hak Masyarakat Adat, tetapi juga berpotensi memicu risiko kredibilitas risiko integritas jaminan mutu (assurance integrity risk) yang masif bagi The Copper Mark di mata rantai pasok global dan pemangku kepentingan internasional.

### Where did this incident or violation occur?

Kompleks pertambangan Grasberg, yang dioperasikan oleh PT Freeport Indonesia (PTFI) dengan status partisipan The Copper Mark P0045, merupakan salah satu deposit tembaga, emas, dan perak t Berdasarkan Laporan Asesmen (Assessment Report) dari auditor EY yang menyetujui sertifikasi lanjutan pada 8 April 2026, operasi ini berada di Kabupaten Mimika, Provinsi Papua Tengah. Operasi ini perputaran logistik yang kolosal, dengan lebih dari 27.000 pekerja (gabungan karyawan langsung dan kontraktor), serta transisi infrastruktur menuju penambangan bawah tanah berskala masif (Gra DMLZ, Big Gossan).

Please provide the specific or approximate time this incident occurred:

Pemahaman atas pelanggaran hak asasi dan kegagalan prosedural PTFI tidak dapat dipisahkan dari analisis temporal atas rentetan rekayasa sosiopolitik yang telah berlangsung lintas dekade, dengan (triggers) berkelanjutan yang memperbarui urgensi sengketa ini:

- 1623 & 1936-1938: Ekspedisi maritim Jan Carstensz (1623) dan ekspedisi geologis Colijn-Dozy (1936) menggunakan pemukiman Aika sebagai titik temu (contact point) awal menuju Ertsberg. Arsip kartografi kolonial Be dokumentasi fotografi Tropenmuseum memvalidasi kedaulatan Aika atas ruang navigasi dan struktur pemukiman, mengikat eksistensi mereka pada hukum sejarah internasional.
- Maret 1999: Harvard University merilis rekaman botani yang secara spesifik menyebutkan "PT-Freeport Indonesia Concession Area: Aika Estuary" [Gambar 3]. Hal ini membuktikan bahwa nomenkla secara administratif dan spasial sesaat sebelum marginalisasi sistemik dimulai.
- Juli 2000: Penandatanganan Memorandum of Understanding (MoU) 2000 oleh PTFI, LEMASA (Amungme), dan LEMASKO (Kamoro). MoU ini merupakan titik nol malapraktik FPIC. Tanpa konsultasi d Suku Aika, wilayah kompensasi ditetapkan secara eksklusif bagi Amungme dan Kamoro. Ini menciptakan kematian perdata (civil death) secara institusional bagi Suku Aika dan mengalokasikan triliuna (trust fund) berdasarkan asimilasi identitas yang keliru.
- Februari 2019: Majelis Rakyat Papua (MRP), instrumen otonomi khusus tertinggi, menerbitkan SK Nomor 116/201/MRP. Surat keputusan konstitusional ini mengakui dan mengesahkan seluruh ham Freeport tersebut sebagai "Tanah Ulayat Suku Aika Wee

Tipuka", yang secara de jure membongkar cacat hukum pada landasan kompensasi korporasi.

- April 2024: Penerbitan Surat Keputusan/Dekrit Badan Musyawarah LEMASKO Nomor 010/BM-LEMASKO/IV/2024. Dalam turning point yang krusial, institusi proksi (Kamoro) secara resmi menyatakan Suku Amungme "hanya dijadikan alat untuk menguasai pertambangan Freeport" oleh oknum di internal perusahaan, dan secara sepihak memvalidasi bahwa pemilik ulayat sah sesuai peta adalah Su efektif membatalkan legitimasi sosial MoU 2000.
- Agustus 2024: PTFI merencanakan proyek ekspansi pelebaran Pelabuhan Portsite. Masyarakat Adat Suku Aika (Tipuka-Ayuka) secara publik melakukan penolakan keras akibat ketiadaan pelibatan dan konsultasi publik, memperingatkan risiko konflik berdarah karena perusahaan kembali memanipulasi persetujuan menggunakan proksi yang tidak sah.
- Oktober 2025: Adanya manuver lanjutan dari entitas lokal untuk memaksakan peleburan identitas Suku Aika ke dalam institusi buatan bernama "Lembaga Masyarakat Hukum Adat (LMHA) Mimika menolak keras asimilasi paksa ini, menegaskan bahwa kebijakan tersebut mengaburkan hak ulayat otentik mereka di tengah derasnya arus kompensasi tambang.
- April 2026: Di tengah penolakan struktural Suku Aika dan ketegangan sosial mengenai perluasan aset PTFI yang mengabaikan dekret negara (MRP 2019), Laporan Asesmen EY disahkan dan The Cop memperpanjang sertifikasi dengan nilai "Fully Meets" pada Kriteria 8 dan 23.

How long do you think this problem has been going on?

More than a year

How did you become aware of this violation?

It happened to me

Please identify any persons who have attempted to conceal this problem and the steps they took to conceal it:

Sistem identifikasi PTFI dan metodologi auditor EY secara tidak wajar luput memasukkan atau mempertimbangkan Keputusan MRP No. 116/201/MRP Tahun 2019. Mengabaikan putusan resmi lembaga mengukuhkan kepemilikan teritorial suatu komunitas yang berdampingan langsung dengan tapak fasilitas adalah bentuk pelanggaran mendasar atas parameter Informed Consultation and Participa

## Details

# FORMAL GRIEVANCE SUBMISSION TO THE COPPER MARK

## Subject

Potential Material Non-Conformance with The Copper Mark Criteria, Procedural Deficiencies in FPIC, and Ongoing Indigenous Peoples Rights Violations by PT Freeport Indonesia (Grasberg) Si Date: 25 Mei 2026

### 1. Executive Summary

Pengaduan formal (formal grievance submission) yang diajukan kepada The Copper Mark Grievance Mechanism terhadap PT Freeport Indonesia (PTFI). PTFI adalah entitas korporasi yang mengoperasikan pertambangan tembaga dan emas Grasberg di Kabupaten Mimika, Provinsi Papua Tengah, Republik Indonesia, yang saat ini berstatus sebagai partisipan tersertifikasi dengan Copper Mark Unique ID ini dirumuskan untuk mengidentifikasi, menganalisis, dan memohon tinjauan akuntabilitas atas dugaan kegagalan prosedural yang sistemik, ketidaksesuaian material (material non-conformance), dan hak asasi manusia (Human Rights Due Diligence gap) yang secara langsung berdampak pada Masyarakat Adat Suku Aika.

Fokus utama dari pengaduan ini adalah penyingkapan atas policy-to-practice gap (kesenjangan antara kebijakan dan implementasi) yang sangat fundamental di dalam arsitektur tata kelola Lingkungan Kelola (ESG) PTFI. Laporan Asesmen (Assessment Report) yang disusun oleh auditor independen firma Ernst & Young (EY) tertanggal 8 April 2026 menyimpulkan bahwa PTFI "Fully Meets" (Memenuhi kriteria inti yang berkaitan dengan Hak Masyarakat Adat, Pelibatan Pemangku Kepentingan, dan Pengelolaan Tailing. Namun demikian, bukti dokumenter, arsip saintifik internasional, kartografi historis dilegalisasi, serta instrumen hukum tata negara Republik Indonesia membuktikan secara objektif bahwa Suku Aika telah mengalami marginalisasi administratif dan eksklusif prosedural dari setiap tahap Informed Consent (FPIC). Wilayah ulayat historis mereka secara sepihak telah dialihfungsikan menjadi area deposit infrastruktur riverine tailings dan pelabuhan logistik tanpa adanya persetujuan yang

Persetujuan sosial yang diklaim oleh PTFI terbukti bersandar pada instrumen "Representasi Proksi" (Proxy Representation) melalui Memorandum of Understanding (MoU) Tahun 2000. Skema ini secara mengeksklusif Suku Aika dan mengalihkan hak kompensasi ulayat kepada kelompok lain. Fakta ini telah divalidasi tidak hanya oleh catatan historis, tetapi juga melalui dekret resmi yang diterbitkan oleh (LEMASKO) pada April 2024, yang secara terbuka mengakui bahwa teritorial tersebut merupakan hak mutlak Suku Aika dan menyiratkan adanya indikasi manipulasi struktural di masa lalu. Kegagalan Performance Management System) perusahaan maupun firma EY dalam memitigasi anomali ini merepresentasikan disfungsi sistemik dalam kerangka pemetaan pemangku kepentingan.

Melalui pengaduan ini, kami mendesak The Copper Mark untuk menindaklanjuti kasus ini berdasarkan prosedur Review for Admissibility sesuai The Copper Mark Grievance Mechanism v.3 (Maret 2020) menangani pengaduan yang didukung oleh koherensi pembuktian ini tidak hanya berimplikasi pada terlanggarnya perlindungan Hak Masyarakat Adat, tetapi juga berpotensi

memicu risiko kredibilitas risiko integritas jaminan mutu (assurance integrity risk) yang masif bagi The Copper Mark di mata rantai pasok global dan pemangku kepentingan internasional.

## 2. Identity of Complainants

Pengaduan ini diajukan secara resmi atas nama Masyarakat Adat Suku Aika, sebuah entitas Masyarakat Hukum Adat ( Indigenous Peoples ) yang memegang kedaulatan historis dan yurisdiksi ulayat wilayah operasi pertambangan PTFI. Aspirasi dan kedaulatan Suku Aika direpresentasikan secara institusional oleh Lembaga Musyawarah Adat Suku Aika (LEMASAI), yang secara sah telah menerima para Kepala Taparu (marga), tetua adat, dan perwakilan kampung-kampung terdampak (termasuk Kampung Tipuka dan Ayuka) melalui Berita Acara Musyawarah Adat tertanggal 19 Mei 2026.

Kapasitas hukum (legal standing) Pengadu sebagai Affected Stakeholders (Pemangku Kepentingan Terdampak) berpijak pada fondasi konstitusional Negara Kesatuan Republik Indonesia yang tidak secara sepihak oleh instrumen korporasi. Pengakuan tertinggi tersebut termaktub dalam Keputusan Pengesahan Majelis Rakyat Papua (MRP) Nomor 116/201/MRP tertanggal 9 Februari 2019. MRP, s negara representasi kultural yang dibentuk berdasarkan Undang-Undang Otonomi Khusus Papua, secara definitif menetapkan dan mengesahkan bahwa kawasan operasional PTFI tersebut merupakan Suku Aika Wee Tipuka Mimika. Penetapan ini memberikan legitimasi perdata yang absolut bagi Suku Aika.

Berdasarkan definisi komprehensif dalam The Copper Mark Grievance Mechanism v.3 (Bagian 2: Complainants) , Pengadu sepenuhnya memenuhi kriteria kualifikasi sebagai "community groups or m impacted by a Copper Mark Participant's site". LEMASAI bertindak dalam kapasitas mengadvokasi hak subsisten, lingkungan, dan kultural komunitasnya yang berdiam tepat di dalam wilayah deposisi (ModADA) dan infrastruktur pelabuhan Amamapare, yang merupakan area of influence paling berdampak dari operasi Partisipan (P0045).

Eksistensi LEMASAI sebagai representasi otentik juga didukung oleh konsensus lintas-suku terkini. Dekrit resmi dari Badan Musyawarah LEMASKO Nomor 010/BM-LEMASKO/IV/2024 secara eksplisit m pengakuan antar-entitas adat (inter-tribal declaration) yang menegaskan bahwa Suku Aika adalah pemilik tunggal wilayah teritorial tersebut. Keseluruhan bukti legal ini meruntuhkan argumen prose mungkin digunakan oleh Partisipan untuk menolak legitimasi Pengadu dalam forum akuntabilitas internasional ini.

## 3. Background of the Indigenous Community and Affected Area

Suku Aika (merujuk pada nomenklatur historis Suku Aika 1623) bukanlah faksi demografis marginal atau sempalan identitas yang muncul pasca-beroperasinya industri ekstraktif. Analisis antropologi historiografi membuktikan bahwa mereka adalah entitas sosiokultural primer yang mengonseptualisasikan dan menguasai ruang geografis yang kini menjadi lokasi operasi PTFI, membentang secara ekosistem alpine (Gunung Naina/Ngga Poeloe) hingga pesisir estuari Laut Arafura. Kedaulatan ruang trans-ekosistemik ini tidak didasarkan pada mitologi belaka, melainkan dibuktikan oleh rekam jejak internasional.

Secara historiografis, nomenklatur Suku Aika terdokumentasi dalam literatur penjelajahan sejak kontak maritim armada VOC yang dipimpin oleh Jan Carstenz pada tahun 1623. Keberadaan

dan kep mereka kemudian direkam secara presisi oleh administrasi kolonial Hindia Belanda (Nederlands Nieuw-Guinea). Bukti kartografis berupa peta kolonial seperti Overzichtskaart Zuidkust Omgeving Aik Schetskaart van het Nassau Gebergte (1937) memvalidasi dominasi Suku Aika di sepanjang pesisir selatan dan rute logistik menuju Pegunungan Nassau (lokasi cadangan Ertsberg).

Bukti sosiologis atas peradaban Suku Aika yang terstruktur dan menetap didokumentasikan dengan sangat tajam dalam arsip fotografi etnografis yang dikurasi oleh institusi Eropa bereputasi, Tropenmuseum/Wereldmuseum Amsterdam (1937-1938). Arsip Inventaris No. 30004679 secara empiris memperlihatkan infrastruktur pemukiman (rumah vernakular), membuktikan bahwa mereka nomaden. Lebih relevan lagi dengan area terdampak operasional PTFI, Arsip Inventaris No. 30004661 menangkap kemampuan navigasi maritim tingkat lanjut Suku Aika menggunakan armada perah (Ku) di atas perairan laut dangkal dan estuari. Estuari yang sama saat ini digunakan sebagai zona deposisi limbah tambang raksasa. Hal ini mendekonstruksi secara telak doktrin hukum terra nullius ( kerap dijadikan asumsi operasi pada awal berdirinya konsesi).

Integritas empiris atas kedaulatan Aika lebih jauh dikonfirmasi oleh komunitas saintifik internasional. Dokumen indeks spesimen dari Harvard University Herbaria (Barcode: 02477387) yang dikumpu Johns pada 6 Maret 1999, mencantumkan georeferensi lokalitas sebagai "PT-Freeport Indonesia Concession Area: Aika Estuary" [Gambar 3]. Bukti saintifik yang diterbitkan hanya satu tahun sebelum MoU 2000 ini merepresentasikan smoking gun yang tak terbantahkan: nomenklatur geografis wilayah ulayat Suku Aika diakui secara global dan presisi oleh dunia akademik tepat sebelum entitas ko rekayasa administratif yang menghapus identitas mereka dari peta kompensasi. Penolakan atas eksistensi historis Suku Aika bertentangan secara langsung dengan bukti arkeologis, kartografis, dan

#### 4. Overview of the Mining Project / Site

Kompleks pertambangan Grasberg, yang dioperasikan oleh PT Freeport Indonesia (PTFI) dengan status partisipan The Copper Mark P0045, merupakan salah satu deposit tembaga, emas, dan perak t Berdasarkan Laporan Asesmen (Assessment Report) dari auditor EY yang menyetujui sertifikasi lanjutan pada 8 April 2026, operasi ini berada di Kabupaten Mimika, Provinsi Papua Tengah. Operasi in perputaran logistik yang kolosal, dengan lebih dari 27.000 pekerja (gabungan karyawan langsung dan kontraktor), serta transisi infrastruktur menuju penambangan bawah tanah berskala masif (Gra DMLZ, Big Gossan).

Ruang lingkup operasi PTFI yang paling material dampaknya terhadap Suku Aika adalah modifikasi drastis atas sistem hidrologis. PTFI mengaplikasikan mekanisme pembuangan limbah batuan sisa m (controlled riverine tailings system) yang memanfaatkan arus deras Sungai Ajkwa menuju dataran rendah pesisir. Sistem pengangkutan limbah alami ini berakhir di Modified Ajkwa Deposition Area (M pengendapan raksasa yang terletak secara spesifik di atas ruang ekologis estuari. Ekosistem perairan estuari ini terhubung langsung dengan Pelabuhan Amamapare (Portsite), tempat material konse diekspor ke pasar global.

Seluruh rentang tapak ekologis (ecological footprint) PTFI—dari zona alpine ekskavasi hingga infrastruktur pelabuhan dan zona deposit tailing di dataran rendah—bertumpang tindih secara absolut d yang didefinisikan oleh Suku Aika sebagai wilayah "Mimi Aika" (gradien hidrologis

kepemilikan Suku Aika) dan jejak toponimi migrasi 11 kampung adat mereka (seperti Aruka, Amampare, hingga Tipu korporasi dalam memfasilitasi rekonsiliasi yang sah dengan pemegang ulayat primer dari hamparan ini menghasilkan anomali etika operasi ekstraktif yang mengancam prinsip-prinsip produksi temb jawab.

## 5. Chronology of Relevant Events

Pemahaman atas pelanggaran hak asasi dan kegagalan prosedural PTFI tidak dapat dipisahkan dari temporal atas rentetan rekayasa sosiopolitik yang telah berlangsung lintas dekade, dengan serang (triggers) berkelanjutan yang memperbarui urgensi sengketa ini:

- 1623 & 1936-1938: Pembentukan basis bukti empiris. Ekspedisi maritim Jan Carstenz (1623) dan ekspedisi geologis Colijn-Dozy (1936) menggunakan pemukiman Aika sebagai titik temu (contact p Ertsberg. Arsip kartografi kolonial Belanda dan dokumentasi fotografi Tropenmuseum memvalidasi kedaulatan Aika atas ruang navigasi dan struktur pemukiman, mengikat eksistensi mereka pada h internasional.
- Maret 1999: Harvard University merilis rekaman botani yang secara spesifik menyebutkan "PT-Freeport Indonesia Concession Area: Aika Estuary" [Gambar 3]. Hal ini membuktikan bahwa nomenkla secara administratif dan spasial sesaat sebelum marginalisasi sistemik dimulai.
- Juli 2000: Penandatanganan Memorandum of Understanding (MoU) 2000 oleh PTFI, LEMASA (Amungme), dan LEMASKO (Kamoro). MoU ini merupakan titik nol malapraktik FPIC. Tanpa konsultasi d Suku Aika, wilayah kompensasi ditetapkan secara eksklusif bagi Amungme dan Kamoro. Ini menciptakan kematian perdata (civil death) secara institusional bagi Suku Aika dan mengalokasikan triliuna (trust fund) berdasarkan asimilasi identitas yang keliru.
- Februari 2019: Majelis Rakyat Papua (MRP), instrumen otonomi khusus tertinggi, menerbitkan SK Nomor 116/201/MRP. Surat keputusan konstitusional ini mengakui dan mengesahkan seluruh ham Freeport tersebut sebagai "Tanah Ulayat Suku Aika Wee Tipuka", yang secara de jure membongkar cacat hukum pada landasan kompensasi korporasi.
- April 2024: Penerbitan Surat Keputusan/Dekrit Badan Musyawarah LEMASKO Nomor 010/BM-LEMASKO/IV/2024. Dalam turning point yang krusial, institusi proksi (Kamoro) secara resmi menyatakan Suku Amungme "hanya dijadikan alat untuk menguasai pertambangan Freeport" oleh oknum di internal perusahaan, dan secara sepihak memvalidasi bahwa pemilik ulayat sah sesuai peta adalah Su efektif membatalkan legitimasi sosial MoU 2000.
- Agustus 2024: PTFI merencanakan proyek ekspansi pelebaran Pelabuhan Portsite. Masyarakat Adat Suku Aika (Tipuka-Ayuka) secara publik melakukan penolakan keras akibat ketiadaan pelibatan m dan konsultasi publik, memperingatkan risiko konflik berdarah karena perusahaan kembali memanipulasi persetujuan menggunakan proksi yang tidak sah.
- Oktober 2025: Adanya manuver lanjutan dari entitas lokal untuk memaksakan peleburan identitas Suku Aika ke dalam institusi buatan bernama "Lembaga Masyarakat Hukum Adat

(LMHA) Mimika menolak keras asimilasi paksa ini, menegaskan bahwa kebijakan tersebut mengaburkan hak ulayat otentik mereka di tengah derasnya arus kompensasi tambang.

- April 2026: Di tengah penolakan struktural Suku Aika dan ketegangan sosial mengenai perluasan aset PTFI yang mengabaikan dekrit negara (MRP 2019), Laporan Asesmen EY disahkan dan The Cop memperpanjang sertifikasi dengan nilai "Fully Meets" pada Kriteria 8 dan 23.

## 6. Summary of Documented Concerns and Impacts

Dokumentasi lapangan, arsip yurisprudensial, dan kajian sosial membuktikan bahwa operasi PTFI di atas wilayah kedaulatan yang dirampas kelayakannya telah melahirkan dislokasi yang material, si ternetralisasi ( unremedied material impacts ) bagi Suku Aika. Dampak ini jauh melampaui sengketa batas tanah konvensional, dan bermanifestasi pada tiga pilar kerugian esensial:

### A. Dislokasi Ekonomi Subsisten (Economic Displacement):

Mekanisme pembuangan limbah riverine tailings ke Modified Ajkwa Deposition Area (ModADA) tidak hanya merupakan masalah polusi air secara teknis. Secara sosiologis, pembuangan ratusan ribu limbah ini secara fisik menyumbat dan merusak kontur kedalaman perairan estuari. Arsip fotografi Tropenmuseum tahun 1937 [Gambar 7] secara empiris mendokumentasikan kedalaman air yang s armada perahu (Ku) Suku Aika dengan nyaman, yang kini telah berubah menjadi lahan sedimen yang merintang rute navigasi dan berburu. Ini memotong denyut nadi rantai pasokan makanan tradi pangan), memicu perampasan ruang ekonomi (spatial dispossession) secara mutlak tanpa prosedur penempatan kembali atau restitusi yang sepadan.

### B. Marjinalisasi Epistemik dan Asimilasi Paksa (Cultural Erasure):

Guna meredam komplikasi ganti rugi, aparat korporasi berkolaborasi dengan institusi lokal untuk mengintegrasikan identitas Suku Aika ke dalam nomenklatur artifisial seperti "Kamoro" atau "Mim asimilasi administratif ini merupakan bentuk dari kekerasan struktural yang menargetkan identitas kultural. Di dalam ilmu sosiologi hukum, kondisi ini menempatkan Suku Aika dalam keadaan "mati suatu kondisi di mana sebuah kelompok tidak eksis dalam kerangka hukum perdata yang diakui korporasi, sehingga membatalkan hak konstitusional mereka untuk mengajukan keluhan secara otan situs leluhur atau 11 toponimi historis mereka.

### C. Deprivasi Kompensasi yang Asimetris (Inequitable Remedy Distribution):

Implikasi paling tangible dari kegagalan prosedural PTFI adalah pada dimensi finansial. Berlandaskan MoU 2000, perusahaan merekayasa pencairan Dana Perwalian 1% (1% Trust Fund) dan berbagai yang mendistribusikan triliunan rupiah uang rehabilitasi. Dana ini dialokasikan secara eksklusif untuk entitas masyarakat adat di luar Suku Aika. Fakta bahwa Suku Aika menanggung kerusakan lingkup primer—namun didepak secara total dari struktur kemitraan tersebut akibat kelemahan uji tuntas perusahaan—menjadikan penyelesaian kompensasi ini asimetris, cacat etika, dan melanggar prinsip dalam standar responsible mining.

## 7. Indigenous Peoples Rights and FPIC Concerns

Prinsip Free, Prior and Informed Consent (FPIC) berkedudukan sebagai jantung tata kelola hak masyarakat adat yang modern. Laporan Asesmen EY Tahun 2026 memberikan nilai kepatuhan "Fully M PTFI, dengan klaim bahwa FPIC telah diintegrasikan sejak awal dan dikelola melalui "implementasi perjanjian tahunan dengan dewan adat". Kesimpulan audit ini adalah produk yang terlepas dari rea dikarenakan instrumen FPIC PTFI disandarkan pada sebuah kecacatan fatal berupa Representasi Proksi (Proxy Representation).

Kesepakatan MoU 2000 dinegosiasikan dan ditandatangani oleh pemimpin LEMASA dan LEMASKO tanpa searik pun persetujuan dari struktur konstitusi kekerabatan Taparu milik Suku Aika. Ketidak didasarkan pada opini semata, melainkan dibuktikan secara yurisprudensial oleh Dekrit LEMASKO 2024 (Nomor 010/BM-LEMASKO/IV/2024). Dalam pengakuan resmi tersebut, institusi LEMASKO sen legitimasi historisnya atas wilayah tersebut, mendeklarasikan bahwa mereka hanyalah "alat" atau instrumen (instrumentalized) dari faksi mafia di internal korporasi pertambangan, dan bahwa kepem ulayat tersebut adalah mutlak milik Suku Aika.

Ketika pihak penandatanganan asli (LEMASKO) secara sukarela mendelegitimasi kompetensi perdatanya atas objek persetujuan, maka seluruh Consent (Persetujuan) dan kemitraan sosial yang dibangun tersebut batal demi hukum (void ab initio). Tanpa persetujuan eksplisit dari LEMASAI sebagai representasi otentik Suku Aika, setiap perluasan jejak ekologis PTFI—seperti perencanaan perluasan Pela Agustus 2024 —adalah murni operasi perampasan teritorial. Mengesahkan sertifikasi ESG yang secara faktual melanggengkan ketiadaan FPIC dari pemegang ulayat absolut merupakan kegagalan ins kerangka jaminan ( assurance framework ) yang mencederai integritas pemenuhan Kriteria Hak Masyarakat Adat The Copper Mark.

## 8. Stakeholder Engagement and Consultation Issues

Kepatuhan tata kelola sosial yang mumpuni bertumpu pada pelibatan masyarakat yang inklusif dan transparan. Dalam audit tahun 2026, EY menyatakan bahwa Kriteria 8 (Stakeholder Engagement) Meets", berargumen bahwa Social Performance Management System (SPMS) mereka secara proaktif memetakan masyarakat terdampak dan memfasilitasi partisipasi bermakna. Realitas terdokume indikasi kegagalan serius atas integritas metodologi SPMS tersebut, memanifestasikan kecacatan pemetaan pemangku kepentingan (flawed stakeholder mapping).

1. Willful Blindness (Kebutaan Sistemik) terhadap Instrumen Publik: Sistem identifikasi PTFI dan metodologi auditor EY secara tidak wajar luput memasukkan atau mempertimbangkan Keputusan MR Tahun 2019. Mengabaikan putusan resmi lembaga tinggi negara yang mengukuhkan kepemilikan teritorial suatu komunitas yang berdampingan langsung dengan tapak fasilitas adalah bentuk pelan parameter Informed Consultation and Participation (ICP).

2. Bias Sampel Audit (Audit Sample Bias): Klaim bahwa proses Penilaian Dampak Hak Asasi Manusia (HRIA) PTFI tahun 2023 dan wawancara auditor EY (yang melibatkan 16 pemangku kepentingan ekste menjangkau masyarakat asli adalah argumen yang tersortir secara bias. Karena auditor menggunakan kerangka database SPMS PTFI yang sejak awal direkayasa membuang identitas "Aika", para ase hanya mengaudit "faksi yang diakui dan dikompensasi oleh korporasi" ( gatekeeping ).

3. Konsultasi Fiktif Perluasan Tambang: Proyeksi perluasan fasilitas strategis Pelabuhan Portsite pada Agustus 2024 disinyalir memanipulasi ruang publik AMDAL dengan hanya melibatkan oknum-ok diarahkan, sembari mengunci akses bagi pemimpin Taparu dari kampung terdampak langsung seperti Tipuka dan Ayuka. Fakta-fakta ini menegaskan bahwa mekanisme keterlibatan publik PTFI diran mengisolasi potensi disrupsi hukum atas hak lahan, bukan mendengarkan aspirasi yang bermakna.

## 9. Human Rights and Environmental Concerns

Aktivitas pengerukan sumber daya dan modifikasi bentang alam oleh PTFI menimbulkan tegangan eksistensial bagi komunitas yang ruang penghidupannya bersandar pada tata kelola lingkungan es Controlled Riverine Tailings PTFI dipresentasikan di hadapan auditor sebagai sistem pengelolaan limbah yang efektif. Namun, narasi tersebut secara esensial menutupi dampak kerusakan struktural lingkungan (environmental and economic human rights).

Sungai "Mimi Aika" merupakan infrastruktur alami yang tidak tergantikan bagi subsistensi perikanan dan navigasi maritim lokal. Kontradiksi material terlihat amat tajam: arsip visual Tropenmuseum gamblang mengonfirmasi kapasitas daya dukung perairan sungai dan pesisir tersebut untuk memfasilitasi pelayaran logistik perahu panjang Suku Aika tanpa rintangan [Gambar 7]. Saat ini, beban de miliar ton pasir limbah sedimen selama dekade terakhir ke ModADA tidak saja memodifikasi topografi pesisir secara permanen, tetapi juga melumpuhkan kemandirian ekonomi perikanan pesisir. Modifikasi yang memangkas rute penghidupan masyarakat tanpa adanya kompensasi restitutif yang diarahkan pada kelompok etnis ulayat (karena kompensasi salah sasaran akibat MoU 2000) terkl pelumpuhan HAM struktural. Meskipun laporan mengindikasikan program restorasi mangrove di kawasan pesisir, inisiatif ini tidak serta-merta menggugurkan kewajiban due diligence untuk mereko pemiskinan yang dialami Suku Aika secara ekonomi; sebuah dimensi yang dihiraukan oleh SPMS perusahaan.

## 10. ESG Contradiction Analysis (Policy vs Practice)

Inti dari defisiensi tata kelola yang memicu pengaduan ini terletak pada tingginya anomali atau kesenjangan (policy-to-practice gap) antara laporan kebijakan Sustainability Risk Register (SRR) PTFI de operasionalnya:

- Policy Claim (Kriteria 7 & 23):  
Laporan EY (2026) menarasikan bahwa SPMS PTFI, Community Grievance SOP, serta Human Rights Policy beroperasi penuh menghormati koneksi sosiokultural suku asli, dan meremediasi sengketa berbasis pedoman UNGP 31.
- Actual Practice:

Akses terhadap mekanisme keluhan level operasional ( Operational-level Grievance Mechanism ) terbukti tumpul dan bersifat menolak keluhan sistemik (ineffective). Ketidakmampuan PTFI mengako yurisprudensi MRP 2019 dan Dekrit 2024 memaksa delegasi Suku Aika melakukan advokasi vertikal, bermuara pada pelaporan langsung sengketa perampasan ulayat tersebut ke tingkat parlemen na Badan Akuntabilitas Publik (BAP) Dewan Perwakilan Daerah (DPD) RI di Jakarta. Ketika masyarakat adat harus meminta perlindungan politik di level senat nasional akibat tertutupnya pintu penyelesaian perusahaan, mekanisme

pengaduan internal (Kriteria 7) secara de facto tidak memenuhi prasyarat legitimate, accessible, dan predictable menurut standar global.

- Policy Claim (Kriteria 24 - Land Acquisition):  
Dokumen asersi mengklaim bahwa PTFI berhasil menghindari physical and economic displacement dan mengelola program peminjaman/akuisisi tanah melalui persetujuan.
- Actual Practice:  
Pemanfaatan ribuan hektar sungai dan daratan pesisir untuk perluasan infrastruktur tambang tidak hanya merupakan perampasan properti trans-ekosistemik, melainkan direstui menggunakan perj 2000). Eksploitasi yang didasari pada proxy agreement merupakan bentuk akuisisi yang eksploitatif. Kegagalan auditor mengevaluasi cacat representasi ini mengkompromikan validitas status confor

## 11. Potential Non-Conformance with Copper Mark Criteria

Kami menyajikan indikasi kuat dan beralasan (documented concerns) bahwa PTFI memiliki potensi ketidaksesuaian material (material non-conformance) terhadap pilar sentral The Copper Mark Risk (Versi 3.0), meliputi:

### 1. Criterion 23 (Indigenous Peoples' Rights):

Potensi pelanggaran absolut. PTFI terbukti tidak memiliki ikatan hukum adat (FPIC) yang sah dengan Suku Aika, entitas pemilik ulayat historis yang divalidasi putusan MRP 2019 dan Dekrit LEMASKO 2 secara demografis untuk menghapus toponimi Aika melanggar hak penentuan identitas kultural.

### 2. Criterion 8 (Stakeholder Engagement):

Kegagalan prosedural. Implementasi identifikasi pihak terdampak ( SPMS Stakeholder Mapping ) direayasa untuk secara preventif mengeluarkan kelompok masyarakat yang memiliki yurisdiksi laha diskusi ( gatekeeping ), menodai integritas parameter keterlibatan yang inklusif.

### 3. Criterion 24 (Land Acquisition and Resettlement):

Dislokasi ekonomi (economic displacement). Tanpa FPIC dan tanpa kompensasi restitutif atas penumpukan masif tailing di zona laut dangkal dan estuari subsisten (wilayah kelola "Mimi Aika"), opera menginisiasi proses pemiskinan struktural.

### 4. Criterion 7 (Grievance Mechanism):

Defisiensi aksesibilitas. Institusi internal menolak mendaftarkan atau mengevaluasi ulang kesalahan alokasi hak kompensasi (MoU 2000) kendati bukti baru yang meyakinkan—termasuk pengakuan p bersengketa (LEMASKO)—telah diungkapkan ke publik. Kegagalan saluran ini memicu kebutuhan mendesak bagi intervensi Copper Mark.

## 12. Alignment with International Standards

Pengaduan atas praktik eksklusi dan peminggiran Suku Aika memperlihatkan deviasi (divergence) ekstrem dari konsensus akuntabilitas bisnis dan HAM tingkat dunia:

- UN Guiding Principles on Business and Human Rights (UNGPR):

- Prinsip 18 (Human Rights Due Diligence): Mewajibkan korporasi mengidentifikasi potensi dampak HAM dengan melibatkan pakar dan kelompok paling rentan. Kegagalan PTFI dan EY dalam mengid perdata dari negara (Dekrit MRP 2019) dan sejarah arsip yang sah merepresentasikan kebutaan uji tuntas yang melanggar standar pelaporan UNGP.
- Prinsip 31 (Effectiveness of Grievance Mechanisms): Mewajibkan mekanisme yang berdasarkan hak yang setara (equitable rights). Mekanisme PTFI yang hanya melayani kelompok proksi terbukti sa pada HAM.
- UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples):
  - Pasal 8: Memberikan proteksi absolut terhadap asimilasi paksa (forced assimilation) dan penghancuran kultur. Upaya mereduksi Suku Aika menjadi identitas amalgamasi ("Mimika Wee" atau "Kam pelanggaran genosida budaya administratif yang eksplisit).
  - Pasal 26 & 28: Mengafirmasi hak kompensasi dan restitusi yang adil atas lahan dan air yang dirampas tanpa prinsip kebebasan (FPIC).
- IFC Performance Standard 7 (Indigenous Peoples): Mengharuskan Partisipan memperoleh Konsultasi Berbasis Informasi (ICP) dan FPIC tatkala mengeksploitasi lahan adat secara signifikan. Mentra ganti rugi (berupa saham dan trust fund) kepada institusi tanpa hak sejarah (Amungme/Kamoro) adalah manipulasi kepatuhan mitigasi dari pedoman pinjaman korporasi IFC.
- OECD Due Diligence Guidance:
  - Sistem identifikasi risiko korporat gagal memetakan kerawanan "kematian perdata" (civil death) yang memfasilitasi kelancaran izin logistik dan ekskavasi. Ini tergolong pada pelanggaran tata kelola s rantai pasokan.

### 13. Admissibility Justification

Berdasarkan tinjauan prosedural The Copper Mark Grievance Mechanism v.3 (Maret 2024), khususnya pada bagian ke-6 mengenai "Review for Admissibility" , Pengaduan ini menjustifikasi parameter sepenuhnya (Fully Admissible):

1. Relevansi Scope: Pengaduan ditujukan spesifik pada fasilitas pertambangan milik PTFI (P0045), sebuah site partisipan aktif The Copper Mark. Titik tumpu persengketaan adalah pada pelanggaran k Hak Masyarakat Adat dan Keterlibatan Pemangku Kepentingan) dari Assurance Framework Copper Mark yang diagungkan oleh Partisipan.
2. Superioritas Objective Evidence: Bukti yang dilampirkan tidak mengandalkan sentimen rumor. Pengaduan divalidasi oleh instrumen negara (Putusan MRP 2019) , deklarasi notariil antar-lembaga a LEMASKO April 2024) , dokumen saintifik mutakhir (Sertifikat Indeks Harvard Herbaria 1999) [Gambar 3], dan bukti fisik fotografi dari Museum di Eropa (1937) [Gambar 4, 5, 7].
3. Tidak Terdampak Statute of Limitations (Kedaluwarsa 5 Tahun): Kendati akar perampasan terkonfigurasi dalam Kontrak Karya I (1967) dan rekayasa MoU (2000), kerugian yang ditimbulkan diklasifi Ongoing Structural Violation (Pelanggaran Berkelanjutan). Pemicu-pemicu aktual yang membuktikan penolakan dan pelanggaran prosedural termutakhir terjadi mutlak di dalam rentang waktu lima t Penegasan Hak MRP (2019) , Pengakuan manipulasi

oleh proksi LEMASKO pada April 2024 , Eksekusi proyek tanpa FPIC di Portsite pada Agustus 2024 , dan pemberian cap stempel "Fully Meets" oleh pada April 2026.

4. Prior Action Exhausted: Suku Aika secara berturut-turut menempuh itikad baik dengan mengupayakan mediasi kepada birokrasi pemerintahan lokal dan perwakilan manajemen PTFI. Karena kebu mereka membawa pengaduan hak HAM tersebut ke instansi BAP DPD RI di tahun ini. Dengan ini, perbaikan jalur birokrasi telah tereskalasi sepenuhnya tanpa komitmen restorasi dari PTFI, membuk internal.

## 14. Credibility and Assurance Integrity Concerns

The Copper Mark dikonseptualisasikan sebagai panji bagi Responsible Supply Chains, menjadi standar acuan yang menentukan bagi korporasi pabrikan multinasional, sektor rantai pasok kendaraan kerangka green finance. Memvalidasi status perpanjangan sertifikasi bagi PTFI berdasarkan Assurance Report EY yang cacat secara metodologis (dengan mengabaikan Putusan resmi MRP dan ekslu mendedahkan The Copper Mark pada tingkat Assurance Integrity Risk dan Reputational Risk berskala eksponensial.

Mebiarkan operasi mega-tambang yang menormalisasi skema "Representasi Proksi" atas teritori yang secara sejarah dan legal dimenangkan hak konstitusionalnya oleh Suku Aika, berpotensi sang dikonstruksikan sebagai instrumen greenwashing. Kegagalan mekanisme tata kelola sertifikasi untuk mendeteksi atau merektifikasi anomali sosiopolitik ini akan menurunkan kepercayaan para pem global terhadap efektivitas dan objektivitas label The Copper Mark di kancah transisi energi.

## 15. Requested Actions from The Copper Mark

Demi memitigasi risiko material terhadap rantai pasok tembaga yang memegang klaim akuntabilitas, kami mendorong agar badan perumus kebijakan tata kelola keluhan (Grievance Mechanism) me struktural yang selaras dengan kapabilitas pemulihan HAM internasional, meliputi:

1. 1. Procedural Declaration (Admissibility): Segera mendeklarasikan penerimaan aduan ini secara formal (Admissible) karena disokong oleh bukti yang konklusif dan tak terbantahkan yang lolos batas k
2. Independent Fact-Finding Review: Menyelenggarakan mandat Panel of Experts atau Third-party Investigator (Penyelidik Pihak Ketiga Independen) untuk secara objektif mengkaji dan membongkar metodologis (due diligence gap) atas proses wawancara EY 2026 yang menghasilkan justifikasi Fully Meets bagi Kriteria 8 dan 23 meskipun ditolak eksistensinya oleh instrumen negara.
3. Stakeholder Engagement Dialogue (Course of Action C): Memfasilitasi mediasi dan meja bundar resolusi, yang memaksa PTFI berunding face-to-face dengan LEMASAI, guna mendemonstrasikan iti atas dekonstruksi MoU 2000. Resolusi tripartit (bersama perwakilan MRP atau DPD RI) diwajibkan untuk merevisi alokasi dana perwalian (trust fund) dan ganti rugi area estuari.
4. Reassessment Request: Memberlakukan status Conditional Admissibility atau menanggukhan rating "Fully Meets" pada Kriteria 23 (Indigenous Peoples) di fasilitas site

P0045, mereduksinya menja Meets/Does Not Meet" hingga Partisipan merevisi peta pemangku kepentingan Social Performance Management System (SPMS)-nya dan membubuhkan persetujuan FPIC partisipatoris dengan otoritas Aika.

5. Ongoing Monitoring Framework: Mendelegasikan laporan kemajuan dan verifikasi perbaikan kepatuhan ( Corrective Action Plan ) setiap triwulan untuk menjamin transisi hak ganti rugi ekologis (re manipulasi proksi berjalan komprehensif).

## 16. Supporting Evidence and Annexes

Pengaduan ini didukung oleh deposit komprehensif dari instrumen yurisprudensial dan visual (akan diserahkan sepenuhnya dalam arsip bundel penyelidikan The Copper Mark), yang dikurasi sebagai Evidence:

- Evidentiary Matrix A (Dokumentasi Hukum Negara & Surat Pengakuan Adat): Keputusan Majelis Rakyat Papua Nomor 116/201/MRP (9 Februari 2019) yang mengakui legitimasi ulayat kedaulatan Ai Mimika. Serta Dekrit Pengakuan Batas dari Badan Musyawarah LEMASKO (No. 010/BM-LEMASKO/IV/2024), yang mengesahkan ulayat Aika dan merekam indikasi rekayasa oleh entitas internal PTFI at (proxy representation).
- Evidentiary Matrix B (Arsip Bukti Saintifik dan Historiografis Internasional): Dokumen Peta Kolonial berstempel resmi dari Nederlands Nieuw-Guinea (Peta P-9 & P-10, dicetak ca. 1936-1937) yang m spasial pemukiman Suku Aika [Gambar 2, Gambar 6]. Serta Salinan digital basis data Harvard University Herbaria (Barcode: 02477387) untuk spesimen *Diospyros maritima* Blume tertanggal 6 Maret lokasi pengambilan pada kawasan "Aika Estuary" di dalam konsesi Freeport [Gambar 3].
- Evidentiary Matrix C (Rekaman Visual Antropologi): Arsip fotografi yang tervalidasi secara publik dari Tropenmuseum/Wereldmuseum Amsterdam (Inv. 30004661, 30004679, 30029070), yang memb masyarakat berperadaban menetap, interaksi dengan bangsa Eropa, dan dominasi armada kapal tradisional atas sungai (sistem hidrologis alami) yang kini digunakan sebagai sarana riverine tailings Gambar 5, Gambar 7]. Termasuk peta laut kontemporer Sungai Aika to Selat Muli yang sah digunakan dalam pelayaran internasional [Gambar 1].
- Evidentiary Matrix D (Grievance Mandate): Salinan Berita Acara Musyawarah Adat Suku Aika dan Pemberian Mandat kepada Tim Resolusi LEMASAI (19 Mei 2026), yang memenuhi prasyarat pelapor entitas terdampak.
- Evidentiary Matrix E (Bukti Eskalasi Keluhan Terkini): Laporan audiensi Suku Aika pada Badan Akuntabilitas Publik (BAP) DPD RI (2025/2026) atas perampasan ulayat dan pelanggaran HAM di ruang laporan terkait protes proyek pelabuhan.

## 17. Conclusion

Penghapusan paksa secara institusional terhadap sebuah kelompok entitas adat yang hak ulayatnya dilindungi secara historis (sejak prapendudukan pertambangan 1936) dan dikukuhkan secara kon negara (MRP 2019) menghadirkan sebuah indikator ketidakpatuhan absolut yang tak terbantahkan terhadap standar kepatuhan internasional (UNGP, UNDRIP, dan IFC Performance Standards). Fakta Indonesia (P0045) mampu merekayasa laporan kepatuhan

yang berujung pada penganugerahan status Fully Meets untuk Tata Kelola Pemangku Kepentingan dan Hak Masyarakat Adat oleh The Cop fondasi Free, Prior and Informed Consent (FPIC) beroperasi mutlak menggunakan "Kelompok Proksi" yang dikerahkan untuk mendevaluasi pewaris sah Suku Aika—merupakan manifestasi terkelamauditor independen dalam memetakan HAM di kawasan berisiko tinggi.

Pembiaran atas deviasi kompensasi raksasa yang dialihkan secara eksklusif ke luar tapak ekologis pewaris yang sesungguhnya bukan sekadar kasus penyelesaian perselisihan batas tanah. Ini merupakan pengawasan bagi otoritas jaminan The Copper Mark yang harus memastikan tidak ada material kendaraan nol-emisi (electric vehicle) dari rantai pasok global yang diproduksi di atas pemiskinan stru asimilasi artifisial. Masyarakat Hukum Adat Suku Aika menyerahkan pengaduan terperinci dan berbasis bukti otentik ini, mengharapkan agar The Copper Mark menggunakan kekuatan asuransinya untuk investigasi objektif, menanggukkan keabsahan sertifikasi sepihak, dan memaksa terjadinya mediasi keadilan restoratif secara otonom di Mimika tanpa manipulasi representasi ulayat lagi.

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## Uploaded Files

1. keputusan MRP Suku aika.pdf

Evidentiary Matrix A (Dokumentasi Hukum Negara & Surat Pengakuan Adat): Keputusan Majelis Rakyat Papua Nomor 116/201/MRP (9 Februari 2019) yang mengakui legitimasi ulayat kedaulat kawasan Mimika. Serta Dekrit Pengakuan Batas dari Badan Musyawarah LEMASKO (No. 010/BM-LEMASKO/IV/2024), yang mengesahkan ulayat Aika dan merekam indikasi rekayasa oleh entita persetujuan ulayat (proxy representation).

2. 2.jpeg

3. 4.jpeg

4. 5.jpeg

5. 6.jpeg

6. 7.jpeg

7. 9.jpeg

8. pata aika.jpeg

9. pet.jpeg

10. a. BERITA ACARA MUSYAWARAH ADAT DAN PEMBERIAN MANDAT 1.pdf

11. b, BERITA ACARA MUSYAWARAH ADAT DAN PEMBARIAN MANDAT.pdf

### Follow-Up Notes

There are no additional notes for this report.

### Follow-Up Questions/Comments

There are no questions asked or comments from the organization.

### Chat Transcripts

There are no chat transcripts for this incident.

English translation by Earthworks

## REPORT DETAILS

### Report Submission Date

5/25/2026

### Reported Company/Branch Information

Location The Grasberg mining complex, operated by PT Freeport Indonesia (PTFI) with The Copper Mark participant status P0045, is located in Mimika Regency, Central Papua Province  
City/State/Zip: Mimika Regency, Central Papua, Indonesia

Please identify the person(s) engaged in this behavior:

PT Freeport Indonesia - Participant P0045 Ernst & Young (EY) - Auditor

Do you suspect or know that a supervisor or management is involved?

Do Not Know / Do Not Wish to Disclose

Is management aware of this issue?

Yes

What is the general nature of this matter?

The primary focus of this complaint is the exposure of a fundamental policy-to-practice gap within PTFI's Environmental, Social, and Governance (ESG) governance framework.

The Assessment Report prepared by the independent auditor Ernst & Young (EY) dated April 8, 2026, concluded that PTFI "Fully Meets" all requirements regarding Indigenous Peoples' Rights, Stakeholder Engagement, and Tailings Management. However, documentary evidence, international scientific archives, and historical cartography—all of which have been incorporated into the legal instruments of the Republic of Indonesia—objectively demonstrate that the Aika Tribe has experienced administrative marginalization and procedural exclusion from every stage of Free, Prior, and Informed Consent (FPIC). Their historical customary territory has been unilaterally rezoned into an area for riverine tailings infrastructure and a logistics port without valid consent.

The social consent claimed by PTFI is proven to rely on a "Proxy Representation" mechanism through the 2000 Memorandum of Understanding (MoU). This scheme effectively excludes the Aika Tribe and transfers customary compensation rights to other groups. This fact has been validated not only by historical records but also through an official decree issued by LEMASKO

in April 2024, which openly acknowledges that the territory is the Aika Tribe's absolute right and implies indications of past structural manipulation.

The failure of the company's SPMS (Social Performance Management System) and EY to mitigate this anomaly represents a systemic dysfunction within the stakeholder mapping framework. Through this complaint, we urge The Copper Mark to address this case in accordance with the Review for Admissibility procedure under The Copper Mark Grievance Mechanism v.3 (March 20). Addressing this complaint, supported by this coherent evidence, not only implies a violation of Indigenous Peoples' rights but also has the potential to trigger massive assurance integrity risks for The Copper Mark within the global supply chain and among international stakeholders.

### Where did this incident or violation occur?

The Grasberg mining complex, operated by PT Freeport Indonesia (PTFI) with The Copper Mark participant status P0045, is one of the largest copper, gold, and silver deposits. According to the Assessment Report from auditor EY, which approved the recertification on April 8, 2026, this operation is located in Mimika Regency, Central Papua Province. The operation involves a massive logistics operation, with more than 27,000 workers (a combination of direct employees and contractors), as well as an infrastructure transition toward massive-scale underground mining (Gra DMLZ, Big Gossan).

### Please provide the specific or approximate time this incident occurred:

Understanding PTFI's human rights violations and procedural failures cannot be separated from a temporal analysis of the socio-political engineering that has unfolded across decades, with ongoing triggers that renew the urgency of this dispute:

- 1623 & 1936–1938: Jan Carstensen's maritime expedition (1623) and the Colijn-Dozy geological expedition (1936) used the Aika settlement as an initial contact point en route to Ertzberg. Colonial cartographic archives and photographic documentation from the Tropenmuseum validate Aika's sovereignty over navigational space and settlement structures, anchoring their existence in international historical law.
- March 1999: Harvard University released botanical records specifically mentioning the "PT-Freeport Indonesia Concession Area: Aika Estuary" [Figure 3]. This proves the administrative and spatial nomenclature immediately prior to the onset of systemic marginalization.
- July 2000: Signing of the 2000 Memorandum of Understanding (MoU) by PTFI, LEMASA (Amungme), and LEMASKO (Kamoro). This MoU marked the starting point of FPIC malpractice. Without consulting the Aika Tribe, the compensation area was designated exclusively for the Amungme and Kamoro. This created an institutional "civil death" for the Aika Tribe and allocated a trust fund based on a false assimilation of identity.
- February 2019: The Papuan People's Assembly (MRP), the highest instrument of special autonomy, issued Decision No. 116/201/MRP. This constitutional decree recognizes and

validates all of Freeport’s land as “Aika Wee Tipuka Tribal Customary Land,” which de jure exposes the legal flaws in the foundation of corporate compensation.

- April 2024: Issuance of LEMASKO Consultative Body Decision/Decree No. 010/BM-LEMASKO/IV/2024. In a crucial turning point, the proxy institution (Kamoro) officially stated that the Amungme Tribe was “merely used as a tool to control Freeport’s mining operations” by individuals within the company, and unilaterally validated that the legitimate customary landowners according to the map are the S, effectively nullifying the social legitimacy of the 2000 MoU.
- August 2024: PTFI plans an expansion project to widen the Portsite Port. The Aika Indigenous Community (Tipuka-Ayuka) publicly and strongly rejected the plan due to the lack of public involvement and consultation, warning of the risk of bloody conflict as the company once again manipulates consent using an illegitimate proxy.
- October 2025: Further maneuvers by local entities to force the assimilation of the Aika Tribe’s identity into an artificial institution named the “Mimika Indigenous Customary Law Institution (LMHA)” are met with strong rejection by the tribe, which asserts that this policy obscures their authentic customary rights amid the flood of mining compensation.
- April 2026: Amid the Aika Tribe’s structural resistance and social tensions regarding PTFI’s asset expansion—which disregards the state decree (MRP 2019)—the EY Assessment Report is approved, and The Cop extends certification with a “Fully Meets” rating on Criteria 8 and 23.

How long do you think this problem has been going on?

More than a year

How did you become aware of this violation?

It happened to me

Please identify any persons who have attempted to conceal this problem and the steps they took to conceal it:

PTFI’s identification system and EY’s audit methodology unreasonably failed to include or consider MRP Decision No. 116/201/MRP of 2019. Ignoring an official decision that affirms the territorial ownership of a community directly adjacent to the facility site constitutes a fundamental violation of the parameters of Informed Consultation and Participation

## Details

### FORMAL GRIEVANCE SUBMISSION TO THE COPPER MARK

## Subject

Potential Material Non-Conformance with The Copper Mark Criteria, Procedural Deficiencies in FPIC, and Ongoing Indigenous Peoples Rights Violations by PT Freeport Indonesia (Grasberg Site) Date: May 25, 2026

#### **1. Executive Summary**

Formal grievance submission filed with The Copper Mark Grievance Mechanism against PT Freeport Indonesia (PTFI). PTFI is the corporate entity operating the Grasberg copper and gold mine in Mimika Regency, Central Papua Province, Republic of Indonesia, which currently holds certified participant status with The Copper Mark. This Unique ID is intended to identify, analyze, and request an accountability review regarding alleged systemic procedural failures, material non-conformances, and gaps in human rights due diligence that directly impact the Aika Indigenous Community.

The primary focus of this complaint is the revelation of a fundamental policy-to-practice gap within PTFI's Environmental, Social, and Governance (ESG) governance framework. The Assessment Report prepared by the independent auditor Ernst & Young (EY) dated April 8, 2026, concluded that PTFI "Fully Meets" the core criteria related to Indigenous Peoples' Rights, Stakeholder Engagement, and Tailings Management. However, documentary evidence, international scientific archives, legally validated historical cartography, and the constitutional legal instruments of the Republic of Indonesia objectively demonstrate that the Aika Tribe has experienced administrative marginalization and procedural exclusion from every stage of the Free, Prior, and Informed Consent (FPIC) process. Their historical customary territory has been unilaterally rezoned into an area for riverine tailings infrastructure and a logistics port without their consent.

The social consent claimed by PTFI is proven to rely on the "Proxy Representation" mechanism through the 2000 Memorandum of Understanding (MoU). This scheme effectively excludes the Aika Tribe and transfers customary compensation rights to other groups. This fact has been validated not only by historical records but also through an official decree issued by LEMASKO in April 2024, which openly acknowledges that the territory is the absolute right of the Aika Tribe and implies indications of past structural manipulation. The failure of the company's Performance Management System and EY to mitigate this anomaly represents a systemic dysfunction within the stakeholder mapping framework.

Through this complaint, we urge The Copper Mark to follow up on this case in accordance with the Review for Admissibility procedure under The Copper Mark Grievance Mechanism v.3 (March 2020). Addressing this complaint, supported by this coherent body of evidence, not only implies a violation of the protection of Indigenous Peoples' rights but also has the potential to trigger massive assurance integrity risks for The Copper Mark within the global supply chain and among international stakeholders.

## **2. Identity of Complainants**

This complaint is formally filed on behalf of the Aika Indigenous Community, an Indigenous Peoples' legal entity holding historical sovereignty and customary jurisdiction over the operational mining area of PTFI. The aspirations and sovereignty of the Aika Tribe are institutionally represented by the Aika Tribe Customary Council (LEMASAI), which has legally received the Taparu (clan) Chiefs, traditional elders, and representatives of the affected villages (including Tipuka and Ayuka villages) through the Minutes of the Indigenous Consultation dated May 19, 2026.

The legal standing of the Petitioners as Affected Stakeholders is grounded in the constitutional foundation of the Unitary State of the Republic of Indonesia, which cannot be unilaterally overridden by corporate instruments. This highest recognition is enshrined in the Papuan People's Assembly (MRP) Ratification Decision No. 116/201/MRP dated February 9, 2019. The MRP, as the cultural representative body established under the Papua Special Autonomy Law, definitively determines and ratifies that the operational area of PTFI constitutes the territory of the Aika Wee Tipuka Mimika Tribe. This determination grants absolute civil legitimacy to the Aika Tribe.

Based on the comprehensive definition in The Copper Mark Grievance Mechanism v.3 (Section 2: Complainants), the Complainant fully meets the qualification criteria as "community groups or those impacted by a Copper Mark Participant's site." LEMASAI acts in the capacity of advocating for the subsistence, environmental, and cultural rights of its community residing directly within the deposit area (ModADA) and the Amamapare port infrastructure, which constitutes the most significantly impacted area of influence from the Participant's operations (P0045).

LEMASAI's status as an authentic representative is further supported by a recent cross-tribal consensus. The official decree from the LEMASKO Consultative Body No. 010/BM-LEMASKO/IV/2024 explicitly recognizes an inter-tribal declaration affirming that the Aika Tribe is the sole owner of that territorial area. This body of legal evidence undermines any arguments that Participants might use to challenge the Complainant's legitimacy in this international accountability forum.

## **3. Background of the Indigenous Community and Affected Area**

The Aika Tribe (referring to the historical nomenclature of the Aika Tribe from 1623) is not a marginal demographic faction or a splinter group that emerged after the operation of the extractive industry. Historical anthropological analysis demonstrates that they are a primary sociocultural entity that conceptualized and controlled the geographical space that is now the site of PTFI's operations, stretching from the alpine ecosystem (Mount Naina/Ngga Poeloe) to the Arafura Sea estuary coast. Sovereignty over this trans-ecosystemic space is not based on mere mythology, but is substantiated by international records.

Historically, the Aika people's designation is documented in exploration literature dating back to the maritime contact of the VOC fleet led by Jan Carstensz in 1623. Their existence and territory were subsequently recorded in detail by the Dutch East Indies colonial administration (Nederlands Nieuw-Guinea). Cartographic evidence in the form of colonial maps, such as the \*Overzichtskaart Zuidkust Omgeving Aik Schetskaart van het Nassau Gebergte\* (1937),

validates the Aika Tribe's dominance along the southern coast and the logistical routes leading to the Nassau Mountains (the location of the Ertzberg ore deposit).

Sociological evidence of the Aika people's structured and sedentary civilization is sharply documented in the ethnographic photographic archives curated by the reputable European institution, the Tropenmuseum/Wereldmuseum Amsterdam (1937–1938). Inventory Archive No. 30004679 empirically demonstrates settlement infrastructure (vernacular houses), proving that they were nomadic. Even more relevant to the area impacted by PTFI's operations, Inventory Archive No. 30004661 captures the Aika people's advanced maritime navigation skills using a fleet of canoes (Ku) on shallow coastal waters and estuaries. The same estuary is currently used as a waste disposal zone for a massive mining operation. This decisively deconstructs the legal doctrine of terra nullius, which was frequently used as the operational assumption at the outset of the concession.

The empirical integrity of Aika sovereignty is further confirmed by the international scientific community. A specimen index document from the Harvard University Herbaria (Barcode: 02477387), collected by Johns on March 6, 1999, lists the locality's georeference as "PT-Freeport Indonesia Concession Area: Aika Estuary" [Figure 3]. This scientific evidence, published just one year before the 2000 MoU, represents an irrefutable smoking gun: the geographical nomenclature of the Aika Tribe's customary territory was globally and precisely recognized by the academic world just before the administratively engineered entity erased their identity from the compensation map. The denial of the Aika Tribe's historical existence directly contradicts archaeological, cartographic, and

#### **4. Overview of the Mining Project / Site**

The Grasberg mining complex, operated by PT Freeport Indonesia (PTFI) as a participant in The Copper Mark P0045, is one of the world's largest copper, gold, and silver deposits. According to the Assessment Report by auditor EY, which approved continued certification on April 8, 2026, the operation is located in Mimika Regency, Central Papua Province. The operation involves a colossal logistics cycle, with over 27,000 workers (a combination of direct employees and contractors), as well as an infrastructure transition toward massive-scale underground mining (Gra DMLZ, Big Gossan).

The aspect of PTFI's operations with the most significant impact on the Aika Tribe is the drastic modification of the hydrological system. PTFI employs a controlled riverine tailings system (controlled riverine tailings system) that utilizes the swift current of the Ajkwa River toward the coastal lowlands. This natural waste transport system terminates at the Modified Ajkwa Deposition Area—a massive deposition site situated specifically over the estuarine ecological zone. This estuarine aquatic ecosystem is directly connected to Amamapare Port (Portsite), where the ore is exported to global markets.

The entire ecological footprint of PTFI—from the alpine excavation zone to the port infrastructure and the lowland tailings deposit zone—overlaps entirely with what the Aika Tribe defines as the "Mimi Aika" (the Aika Tribe's hydrological gradient of ownership) and the toponymic migration trail of their 11 traditional villages (such as Aruka, Amampare, and Tipu). The corporation's failure to facilitate legitimate reconciliation with the primary customary

landowners of this expanse results in an ethical anomaly in extractive operations that threatens the principles of responsible production.

## 5. Chronology of Relevant Events

Understanding of PTFI's human rights violations and procedural failures cannot be separated from the temporal sequence of sociopolitical engineering that has unfolded across decades, with continuous triggers renewing the urgency of this dispute:

- 1623 & 1936–1938: Establishment of an empirical evidence base. Jan Carstensen's maritime expedition (1623) and the Colijn-Dozy geological expedition (1936) used the Aika settlement as a point of contact with Ertsherg. Dutch colonial cartographic archives and photographic documentation from the Tropenmuseum validate Aika's sovereignty over navigational space and settlement structures, anchoring their existence in international law.
- March 1999: Harvard University released botanical records specifically mentioning the "PT-Freeport Indonesia Concession Area: Aika Estuary" [Figure 3]. This demonstrates that the administrative and spatial nomenclature existed just before the onset of systemic marginalization.
- July 2000: Signing of the 2000 Memorandum of Understanding (MoU) by PTFI, LEMASA (Amungme), and LEMASKO (Kamoro). This MoU marked the starting point of FPIC malpractice. Without consulting the Aika Tribe, the compensation area was designated exclusively for the Amungme and Kamoro. This created an institutional "civil death" for the Aika Tribe and allocated a trust fund based on a false assimilation of identity.
- February 2019: The Papuan People's Assembly (MRP), the highest instrument of special autonomy, issued Decision No. 116/201/MRP. This constitutional decree recognizes and validates all of Freeport's land as "Aika Wee Tipuka Tribal Customary Land," which de jure exposes the legal flaws in the foundation of corporate compensation.
- April 2024: Issuance of LEMASKO Consultative Body Decision/Decree No. 010/BM-LEMASKO/IV/2024. In a crucial turning point, the proxy institution (Kamoro) officially stated that the Amungme Tribe was "merely used as a tool to control Freeport's mining operations" by individuals within the company, and unilaterally validated that the legitimate customary landowners according to the map are the S, effectively nullifying the social legitimacy of the 2000 MoU.
- August 2024: PTFI plans an expansion project to widen the Portsite Port. The Aika Indigenous Community (Tipuka-Ayuka) publicly and strongly rejects the plan due to the lack of public involvement and consultation, warning of the risk of bloody conflict as the company once again manipulates consent using an illegitimate proxy.
- October 2025: Further maneuvers by local entities to force the assimilation of the Aika Tribe's identity into an artificial institution named the "Mimika Indigenous Legal Community Institution (LMHA)" are met with strong opposition; the tribe vehemently rejects this forced assimilation, asserting that such policies obscure their authentic customary rights amidst the flood of mining compensation.
- April 2026: Amid structural resistance from the Aika Tribe and social tensions over PTFI's asset expansion—which disregarded the state decree (MRP 2019)—the EY Assessment

Report was approved, and The Cop extended the certification with a “Fully Meets” rating for Criteria 8 and 23.

## **6. Summary of Documented Concerns and Impacts**

Field documentation, jurisprudential records, and social studies demonstrate that PTFI’s operations on land whose sovereignty has been unlawfully seized have caused material, unremedied impacts on the Aika Tribe. These impacts far exceed conventional land boundary disputes and manifest in three pillars of essential harm:

### **A. Economic Displacement:**

The mechanism for discharging riverine tailings into the Modified Ajkwa Deposition Area (ModADA) is not merely a technical issue of water pollution. Sociologically, the disposal of hundreds of thousands of tons of this waste physically clogs and alters the depth contours of the estuarine waters. Photographic archives from the Tropenmuseum in 1937 [Figure 7] empirically document water depths where the Aika Tribe’s boat fleet (Ku) once navigated comfortably—areas that have now transformed into sediment-filled lands obstructing navigation and hunting routes. This severs the lifeline of the traditional food supply chain, triggering absolute spatial dispossession without any corresponding resettlement procedures or restitution.

### **B. Epistemic Marginalization and Forced Assimilation (Cultural Erasure):**

To mitigate compensation complications, corporate officials collaborate with local institutions to integrate the Aika Tribe’s identity into artificial designations such as “Kamoro” or “Mim.” This administrative assimilation constitutes a form of structural violence targeting cultural identity. In the sociology of law, this places the Aika people in a state of “legal non-existence”—a condition where a group does not exist within the civil legal framework recognized by corporations, thereby nullifying their constitutional right to autonomously file claims regarding their ancestral sites or 11 historical toponyms.

### **C. Asymmetrical Compensation Deprivation (Inequitable Remedy Distribution):**

The most tangible implication of PTFI’s procedural failures lies in the financial dimension. Based on the 2000 MoU, the company engineered the disbursement of the 1% Trust Fund and various other funds distributing trillions of rupiah in rehabilitation funds. These funds were allocated exclusively to indigenous community entities outside the Aika Tribe. The fact that the Aika Tribe bore the brunt of the primary environmental damage—yet was entirely excluded from the partnership structure due to the company’s due diligence failures—makes this compensation arrangement asymmetrical, ethically flawed, and in violation of principles in responsible mining standards.

## **7. Indigenous Peoples’ Rights and FPIC Concerns**

The principle of Free, Prior, and Informed Consent (FPIC) stands as the cornerstone of modern governance of indigenous peoples’ rights. The 2026 EY Assessment Report assigns a “Fully Compliant” rating to PTFI, claiming that FPIC has been integrated from the outset and managed through “the implementation of annual agreements with the indigenous council.” The conclusion of this audit is a product detached from reality because PTFI’s FPIC instrument is based on a fatal flaw: Proxy Representation.

The 2000 MoU was negotiated and signed by the leaders of LEMASA and LEMASKO without a single shred of approval from the Taparu kinship structure of the Aika Tribe. This is not based on mere opinion, but is proven jurisprudentially by the 2024 LEMASKO Decree (No. 010/BM-LEMASKO/IV/2024). In this official acknowledgment, the LEMASKO institution, despite its historical claim to the territory, declared that it is merely a “tool” or instrument (instrumentalized) of a mafia faction within the mining corporation, and that the customary rights to the land are the absolute property of the Aika Tribe.

When the original signatory (LEMASKO) voluntarily delegitimizes its civil jurisdiction over the subject of the consent, then all Consent (Agreements) and social partnerships established thereunder are null and void ab initio. Without explicit consent from LEMASAI as the authentic representative of the Aika Tribe, any expansion of PTFI’s ecological footprint—such as the planned expansion of the August 2024 project—is a pure act of territorial seizure. Validating an ESG certification that effectively perpetuates the absence of FPIC from the absolute customary landowners constitutes a failure within the assurance framework, undermining the integrity of compliance with The Copper Mark’s Indigenous Peoples’ Rights Criteria.

## **8. Stakeholder Engagement and Consultation Issues**

Robust social governance compliance relies on inclusive and transparent community engagement. In the 2026 audit, EY stated that Criterion 8 (Stakeholder Engagement) “Meets,” arguing that their Social Performance Management System (SPMS) proactively maps affected communities and facilitates meaningful participation. Documented realities indicate serious failures in the integrity of the SPMS methodology, manifesting as flawed stakeholder mapping.

1. **Willful Blindness (Systemic Blindness) toward Public Instruments:** PTFI’s identification system and EY’s audit methodology unreasonably failed to include or consider the 2019 MR Decision. Ignoring an official ruling by a high-level state institution affirming the territorial ownership of a community directly adjacent to the facility site constitutes a deliberate deviation from the parameters of Informed Consultation and Participation (ICP).
2. **Audit Sample Bias:** The claim that PTFI’s 2023 Human Rights Impact Assessment (HRIA) process and EY auditors’ interviews (which involved 16 external stakeholders) did not sufficiently engage indigenous communities is a biased argument. Since the auditors used PTFI’s SPMS database framework—which was designed from the outset to exclude the identity of “Aika”—the auditors only assessed “factions recognized and compensated by the corporation” (gatekeeping).
3. **Fictitious Consultations on Mine Expansion:** The August 2024 plan to expand the strategic Portsite facility is alleged to have manipulated the public EIA process by involving only handpicked individuals, while barring access for Taparu leaders from directly affected villages such as Tipuka and Ayuka. These facts confirm that PTFI’s public engagement mechanisms are designed to isolate potential legal challenges regarding land rights, rather than listening to meaningful aspirations.

## **9. Human Rights and Environmental Concerns**

PTFI’s resource extraction activities and landscape modifications create existential tensions for communities whose livelihoods depend on the environmental management of the Controlled

Riverine Tailings system. PTFI presented this system to auditors as an effective waste management system. However, this narrative fundamentally obscures the impacts of structural environmental damage (environmental and economic human rights).

The “Mimi Aika” River is an irreplaceable natural infrastructure for local fisheries and maritime navigation. The material contradiction is stark: visual archives from the Tropenmuseum clearly confirm the carrying capacity of the river and coastal waters to facilitate the unimpeded navigation of the Aika people’s longboats [Figure 7]. Currently, the dumping of billions of tons of sediment waste into the ModADA over the past decade has not only permanently altered the coastal topography but also crippled the economic self-sufficiency of the coastal fishing industry. These modifications, which have cut off the community’s livelihood routes without restorative compensation directed toward the indigenous ethnic group (due to misdirected compensation resulting from the 2000 MoU), constitute structural human rights violations. Although the report indicates mangrove restoration programs in coastal areas, these initiatives do not automatically absolve the company of its due diligence obligations regarding the economic impoverishment experienced by the Aika Tribe—a dimension overlooked by the company’s SPMS.

## **10. ESG Contradiction Analysis (Policy vs. Practice)**

The core of the governance deficiencies that triggered this complaint lies in the significant policy-to-practice gap between PTFI’s Sustainability Risk Register (SRR) policy statements and its operational practices:

- Policy Claim (Criteria 7 & 23):

The EY report (2026) states that PTFI’s SPMS, Community Grievance SOP, and Human Rights Policy fully respect the sociocultural connections of indigenous tribes and resolve disputes based on UNGP Guideline 31.

- Actual Practice:

Access to the operational-level grievance mechanism has proven ineffective and is designed to reject systemic complaints. PTFI’s failure to acknowledge the 2019 MRP jurisprudence and the 2024 Decree forced the Aika Tribe delegation to pursue vertical advocacy, culminating in the direct reporting of the customary land seizure dispute to the national parliament and the Public Accountability Board (BAP) of the Regional Representatives Council (DPD) of the Republic of Indonesia in Jakarta. When indigenous communities must seek political protection at the national senate level due to the closure of corporate resolution channels, the internal complaint mechanism (Criterion 7) de facto fails to meet the prerequisites of being legitimate, accessible, and predictable according to global standards.

- Policy Claim (Criterion 24 – Land Acquisition):

The assertion document claims that PTFI has successfully avoided physical and economic displacement and managed land leasing/acquisition programs through consent.

- Actual Practice:

The use of thousands of hectares of rivers and coastal lands for mining infrastructure expansion constitutes not only trans-ecosystemic property expropriation but was also sanctioned under the 2000 agreement. Exploitation based on proxy agreements constitutes an exploitative form of

acquisition. The auditors' failure to evaluate this representational flaw compromises the validity of the conform status

## **11. Potential Non-Conformance with Copper Mark Criteria**

We present strong and substantiated indications (documented concerns) that PTFI has potential material non-conformances with the central pillars of The Copper Mark Risk (Version 3.0), including:

### **1. Criterion 23 (Indigenous Peoples' Rights):**

Potential absolute violation. PTFI has been proven to lack a valid Free, Prior, and Informed Consent (FPIC) agreement with the Aika Tribe, the historically recognized customary landowner entity validated by the 2019 MRP ruling and the LEMASKO Decree; the demographic removal of Aika toponyms violates the right to cultural self-determination.

### **2. Criterion 8 (Stakeholder Engagement):**

Procedural failure. The implementation of stakeholder mapping (SPMS) was manipulated to preemptively exclude community groups with jurisdiction over the land in question (gatekeeping), thereby undermining the integrity of the parameters for inclusive engagement.

### **3. Criterion 24 (Land Acquisition and Resettlement):**

Economic displacement. Without FPIC and without restorative compensation for the massive accumulation of tailings in shallow marine zones and subsistence estuaries (the "Mimi Aika" management area), the operation initiates a process of structural impoverishment.

### **4. Criterion 7 (Grievance Mechanism):**

Accessibility deficiencies. Internal institutions refuse to register or re-evaluate errors in the allocation of compensation rights (2000 MoU) despite compelling new evidence—including the disputed LEMASKO recognition—having been made public. The failure of these channels triggers an urgent need for Copper Mark intervention.

## **12. Alignment with International Standards**

Complaints regarding the exclusion and marginalization of the Aika Tribe reveal an extreme divergence from the global consensus on business accountability and human rights:

- UN Guiding Principles on Business and Human Rights (UNGPR):
  - Principle 18 (Human Rights Due Diligence): Requires corporations to identify potential human rights impacts by engaging experts and the most vulnerable groups. PTFI and EY's failure to identify civil claims from the state (MRP Decree 2019) and the history of valid archives represents a due diligence blind spot that violates UNGPR reporting standards.
  - Principle 31 (Effectiveness of Grievance Mechanisms): Requires mechanisms based on equitable rights. PTFI's mechanism, which serves only proxy groups, has proven ineffective regarding human rights.
- UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples):
  - Article 8: Provides absolute protection against forced assimilation and cultural destruction. Efforts to reduce the Aika Tribe to an amalgamated identity ("Mimika Wee" or "Kam") constitute an explicit administrative violation of cultural genocide.

- Articles 26 & 28: Affirm the right to fair compensation and restitution for land and water seized without the principle of Free, Prior, and Informed Consent (FPIC).
- IFC Performance Standard 7 (Indigenous Peoples): Requires Participants to obtain Informed Consultation and Participation (ICP) and FPIC when significantly exploiting indigenous lands. The provision of compensation (in the form of shares and a trust fund) to institutions without historical rights (Amungme/Kamoro) constitutes a manipulation of compliance with the IFC's corporate lending guidelines.
- OECD Due Diligence Guidance:

Corporate risk identification systems fail to map the vulnerability of “civil death,” which facilitates the smooth issuance of permits for logistics and excavation. This constitutes a violation of supply chain governance.

### **13. Admissibility Justification**

Based on a procedural review of The Copper Mark Grievance Mechanism v.3 (March 2024), specifically Section 6 on “Review for Admissibility,” this complaint fully meets the admissibility criteria (Fully Admissible):

1. **Relevance of Scope:** The complaint is specifically directed at a mining facility owned by PTFI (P0045), an active participant site of The Copper Mark. The focal point of the dispute is the violation of the rights of Indigenous Peoples and Stakeholder Engagement as outlined in the Copper Mark Assurance Framework, which is upheld by the Participant.
2. **Superiority of Objective Evidence:** The attached evidence does not rely on hearsay. The complaint is validated by state instruments (MRP Ruling 2019), an inter-institutional notarial declaration by LEMASKO (April 2024), up-to-date scientific documents (Harvard Herbaria Index Certificate 1999) [Figure 3], and photographic physical evidence from a museum in Europe (1937) [Figures 4, 5, 7].
3. **Not Subject to the Statute of Limitations (5-Year Expiration):** Although the roots of the seizure are embedded in Work Contract I (1967) and the engineered MoU (2000), the resulting damages are classified as an Ongoing Structural Violation. The actual triggers proving the most recent rejection and procedural violations occurred unequivocally within the five-year timeframe of the MRP Rights Affirmation (2019), the acknowledgment of manipulation by LEMASKO proxies in April 2024, project execution without FPIC at the Port Site in August 2024, and the issuance of the “Fully Meets” stamp in April 2026.
4. **Prior Remedies Exhausted:** The Aika Tribe has consistently acted in good faith by seeking mediation with local government bureaucracies and PTFI management representatives. Consequently, they brought this human rights complaint to the BAP DPD RI this year. Thus, the bureaucratic process has been fully exhausted without any commitment to restoration from PTFI, leaving internal issues unresolved.

### **14. Credibility and Assurance Integrity Concerns**

The Copper Mark is conceptualized as a banner for Responsible Supply Chains, serving as a definitive benchmark standard for multinational manufacturing corporations within the green

finance framework's vehicle supply chain sector. Validating the certification renewal status for PTFI based on the methodologically flawed EY Assurance Report (which disregards the official MRP ruling) exposes The Copper Mark to exponential levels of Assurance Integrity Risk and Reputational Risk.

Allowing the operations of a mega-mine that normalizes a "Proxy Representation" scheme over territory where the Aika Tribe has historically and legally secured constitutional rights risks being constructed as a greenwashing instrument. The failure of the certification governance mechanism to detect or rectify these sociopolitical anomalies will erode global stakeholders' confidence in the effectiveness and objectivity of The Copper Mark label in the energy transition landscape.

## **15. Requested Actions from The Copper Mark**

To mitigate material risks to the copper supply chain that upholds accountability claims, we urge the body formulating the grievance mechanism to establish a structural framework aligned with international human rights remedies, including:

1. Procedural Declaration (Admissibility): Immediately declare this complaint formally admissible, as it is supported by conclusive and irrefutable evidence that meets the threshold
2. Independent Fact-Finding Review: Establish a mandate for a Panel of Experts or an Independent Third-Party Investigator to objectively review and address methodological gaps (due diligence gaps) in the EY 2026 interview process, which resulted in a "Fully Meets" justification for Criteria 8 and 23 despite the state's instruments rejecting their existence.
3. Stakeholder Engagement Dialogue (Course of Action C): Facilitate mediation and roundtable resolution sessions, compelling PTFI to engage in face-to-face negotiations with LEMASAI to demonstrate its commitment to the deconstruction of the 2000 MoU. A tripartite resolution (involving representatives from the MRP or the Regional Representative Council) is required to revise the allocation of the trust fund and compensation for the estuary area.
4. Reassessment Request: Apply Conditional Admissibility status or suspend the "Fully Meets" rating for Criterion 23 (Indigenous Peoples) at the P0045 site facility, downgrading it to "Meets/Does Not Meet" until the Participant revises its Social Performance Management System (SPMS) stakeholder map and secures participatory FPIC approval from the Aika authority.
5. Ongoing Monitoring Framework: Require quarterly progress reports and verification of compliance improvements (Corrective Action Plan) to ensure a comprehensive transition of ecological compensation rights (proxy manipulation).

## **16. Supporting Evidence and Annexes**

This complaint is supported by a comprehensive collection of jurisprudential and visual instruments (to be submitted in full to The Copper Mark's investigation file), curated as Evidence:

- Evidentiary Matrix A (State Legal Documentation & Customary Recognition Letters): Decision of the Papuan People's Assembly No. 116/201/MRP (February 9, 2019)

recognizing the legitimacy of the Ai Mimika customary sovereignty. As well as the Boundary Recognition Decree from the LEMASKO Consultative Body (No. 010/BM-LEMASKO/IV/2024), which validates the Aika customary territory and documents indications of manipulation by internal entities of PTFI (proxy representation).

- Evidentiary Matrix B (Archive of International Scientific and Historiographical Evidence): Officially stamped colonial maps from the Netherlands New Guinea (Maps P-9 & P-10, printed ca. 1936–1937) depicting the spatial distribution of the Aika Tribe’s settlements [Figure 2, Figure 6]. As well as a digital copy from the Harvard University Herbaria database (Barcode: 02477387) for a specimen of *Diospyros maritima* Blume dated March 6, collected at the “Aika Estuary” within the Freeport concession [Figure 3].
- Evidentiary Matrix C (Anthropological Visual Records): Publicly validated photographic archives from the Tropenmuseum/Wereldmuseum Amsterdam (Inv. 30004661, 30004679, 30029070), depicting a settled, civilized community, interactions with Europeans, and the dominance of traditional boat fleets on the river (natural hydrological system) now used as a riverine tailings transport route [Figure 5, Figure 7]. Includes a valid contemporary nautical chart of the Aika River to Muli Strait used in international navigation [Figure 1].
- Evidentiary Matrix D (Grievance Mandate): Copy of the Minutes of the Aika Tribe’s Traditional Consultation and the Granting of a Mandate to the LEMASAI Resolution Team (May 19, 2026), which fulfills the prerequisites for the complainant as an affected entity.
- Evidentiary Matrix E (Evidence of Recent Grievance Escalation): Report of the Aika Tribe’s hearing before the Public Accountability Board (BAP) of the Regional Representative Council (DPD) of the Republic of Indonesia (2025/2026) regarding the seizure of customary lands and human rights violations in the context of protests against the port project.

## **17. Conclusion**

The institutional forced removal of a group of indigenous entities whose customary rights have been historically protected (since before the 1936 mining occupation) and officially recognized by the state (MRP 2019) constitutes an indisputable indicator of absolute non-compliance with international standards (UNGP, UNDRIP, and IFC Performance Standards). Fakt Indonesia (P0045) was able to fabricate a compliance report that resulted in the awarding of “Fully Meets” status for Stakeholder Governance and Indigenous Peoples’ Rights by The Cop Foundation Free, Prior and Informed Consent (FPIC) operates entirely through “Proxy Groups” deployed to undermine the legitimate heirs of the Aika Tribe—a dark manifestation of independent auditors in mapping human rights in high-risk areas.

Turning a blind eye to massive compensation deviations diverted exclusively outside the ecological footprint of the true heirs is not merely a case of resolving land boundary disputes. This serves as a warning to The Copper Mark’s assurance authorities, who must ensure that no zero-emission vehicle (electric vehicle) materials in the global supply chain are produced through the impoverishment and forced assimilation of indigenous communities. The Aika Indigenous Community has submitted this detailed and evidence-based complaint, hoping that The Copper Mark will use its authority to conduct an objective investigation, suspend the validity of the unilateral certification, and enforce autonomous restorative justice mediation in Mimika without further manipulation of customary land representation.

## References

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10. The Aika Tribe: An Identity and Customary Rights Being Fought For in Mimika, the Aika Tribe Rejects the Formation of the LMHA - torangbisa.com, <https://torangbisa.com/suku-aika-sebuah-identitas-dan-hak-ula-diperjuangkan-di-mimika-suku-aika-tolak-pembentukan-lmha/>

## Uploaded Files

1. MRP Decision on the Aika Tribe.pdf

Evidentiary Matrix A (State Legal Documentation & Customary Recognition Letters): Decision of the Papuan People's Assembly No. 116/201/MRP (February 9, 2019) recognizing the legitimacy of customary sovereignty over the Mimika region. As well as the Boundary Recognition Decree from the LEMASKO Consultative Body (No. 010/BM-LEMASKO/IV/2024), which validates the Aika customary territory and documents indications of manipulation by the customary territory consent entity (proxy representation).

2. 2.jpeg
3. 4.jpeg
4. 5.jpeg

5. 6.jpeg
6. 7.jpeg
7. 9.jpeg
8. pata aika.jpeg
9. pet.jpeg
10. a. MINUTES OF THE TRADITIONAL COUNCIL MEETING AND MANDATE GRANTING  
1.pdf
11. b, MINUTES OF THE TRADITIONAL MEETING AND MANDATE GRANTING.pdf

### Follow-Up Notes

There are no additional notes for this report.

### Follow-Up Questions/Comments

There are no questions or comments from the organization.

### Chat Transcripts

There are no chat transcripts for this incident.