



9 August, 2011

Ariranga Govindasamy Pillay
Chairman
Committee on Economic, Social and Cultural Rights (CESCR)
Human Rights Treaties Division (HRTD)
UNOG-Office of the United Nations High Commissioner for Human Rights
(OHCHR)
CH-1211 Geneva 10 (Switzerland)
VIA: cescr@ohchr.org

***RE: Indonesia's Ratification of the Covenant and
Failure to Submit its Initial Report***

Dear Chairman Govindasamy:

The twenty-two (22) Submitting Organizations that have signed this letter below extend our deepest appreciation for the continued efforts and contributions of the Committee on Economic, Social and Cultural Rights (CESCR) to the defense and protection of the rights of indigenous peoples around the world. *It is with this in mind that we write to you today regarding the Government of Indonesia and respectfully request that you urgently remind the government to submit its overdue "Initial Report" as required after ratification.*

With great hope we applauded our government's long-awaited ratification on 23 February 2006 of the International Covenant on Economic, Social and Cultural Rights. We were confident that the Covenant, the rights it affirms, and the accompanying work of your Committee could all play a part in advancing the rights of indigenous peoples in Indonesia which sadly, and as confirmed recently

by the Committee on the Elimination of Racial Discrimination, still have not found adequate protection under our country's policies and legal framework to date.¹

Unfortunately, we have also followed with great disappointment the fact that over five and a half years have passed and Indonesia still has not submitted its *Initial Report* as required by the Covenant which should include both its 'common core' document and 'treaty-specific' documents.² We are also unaware of any current efforts within the Government to prepare this report and in doing so, undertake collaborative consultations with civil society actors and indigenous peoples to ensure that its content is comprehensive, transparent, accurate, and representative of the current situation in Indonesia.

We deem the submission of this report as a critical step toward the Committee's engagement with the Government of Indonesia and in the efforts of so many in Indonesia to ensure that the Government takes the necessary steps and makes the required reforms to guarantee the respect, protection, and enjoyment of all the human rights affirmed in this Convention.

To this end, we respectfully request that your Committee urgently send a letter to the Government of Indonesia reminding it of its obligations to prepare its *Initial Report* in a participatory manner and present it prior to your next session or at least no later than within six (6) months. We further encourage you to accompany this letter with a request that the Government take special measures to include a detailed section on the steps it has taken to protect the rights of indigenous peoples within its policies and legal framework and in particular, address how its current Merauke Integrated Food and Energy Estate project (being undertaken in Merauke, Indonesia) as well as its Kalimantan Border Oil Palm Mega-Project (along the Indonesia-Malaysia border) are being implemented in a manner that is consistent with its duties and obligations under the Convention. This should include the State's duties with respect to Article 15 (protecting indigenous peoples' right to their culture and ancestral lands), and Article 11 (protecting their right to food) and this Committee's General Comment 12 on the same.

These two large-scale land projects are very emblematic of the Government's treatment of indigenous peoples – in law and in practice. Each has been the

¹ *Concluding observations of the Committee on the Elimination of Racial Discrimination: Indonesia*, 15/08/2007. CERD/C/IDN/CO/3, para. 17.

² CESCR, "Guidelines on Treaty-Specific Documents to be Submitted by States Parties under Articles 16 and 17 ff the International Covenant on Economic, Social and Cultural Rights", E/C.12/2008/2 (24 March 2009).

subject of urgent communications to one or more of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on the Right to Food (the former issuing a strong opinion on the Kalimantan project) (*see attachments*).³ It is our belief that the Government's explanation of these projects in the context of a description of its domestic legal framework dealing with indigenous peoples can aid the Committee in its eventual review of the human rights situation in Indonesia and in its formulation of recommendations and consideration of technical assistance it might offer to Indonesia in the near future.

We further request that at the Committee's 47th session held from 14 November to 2 December 2011, the Committee take a decision to place the review of Indonesia's *Initial Report* and implementation of the Convention on its calendar as soon as possible.

Once again, we thank you for all of the efforts you have undertaken on behalf of indigenous and other marginalized peoples around the world. We are ready to participate actively in the years to come as you engage with Indonesia, its government and its people.

Respectfully yours,



Abetnego Tarigan
Executive Director
Perkumpulan Sawit Watch

³See generally, Concluding observations of the Committee on the Elimination of Racial Discrimination: Indonesia, 15/08/2007. CERD/C/IDN/CO/3.

A handwritten signature in blue ink that reads "Fergus MacKay". The signature is fluid and cursive, with the first name "Fergus" and last name "MacKay" clearly legible.

Fergus MacKay
Senior Counsel, Legal and Human Rights Programme
Forest Peoples Programme

On behalf of the submitting organizations listed below in Annex A

cc:

Dr. James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples
Mirna Cunningham, Chair, United Nations Permanent Forum on Indigenous Issues

Annex A: Submitting Organizations

- **Perkumpulan Sawit Watch** is an Indonesian Non-Government Organisation concerned with adverse negative social and environmental impacts of oil palm plantation development in Indonesia. It is active in 17 provinces where oil palm plantations are being developed in Indonesia. Address: Jl. Sempur Kaler No. 28, Bogor 16129, tel: +62 251 352171/fax: +62 251 352047, e-mail: info@sawitwatch.or.id; website: www.sawitwatch.or.id.
- **PUSAKA** is an Indonesian NGO advocates for the empowerment and facilitation of the indigenous communities. Address: Kompleks Rawa Bambu Satu, Jl B No. 6 B, RT 001 RW 006, Pasar Minggu, Jakarta Selatan, Indonesia, Phone and Fax: +62 -21 -7892137, email: yay.pusaka@gmail.com Contact Person: Y.L. Franky (angkytm@gmail.com).
- **Perkumpulan Untuk Pembaharuan Hukum Berbasis Masyarakat dan Ekologis/HuMA (Association for Community and Ecologically-based Legal Reform)**, founded in 2001, was established by individuals who have long experience and a clear position regarding the importance of community and ecological-based law reform on issues related to land and other natural resources. Address: Jl. Jati Agung No. 8, Jati Padang – Pasar Minggu, Jakarta 12540, Indonesia, tel: +62(21)78845871, fax: +62(21)7806959, e-mail: huma@huma.or.id and huma@cbn.net.id.
- **Keuskupan Agung Merauke/Sekretariat Keadilan dan Perdamaian (SKP KAME)**, the Office For Justice & Peace of The Catholic Diocese of Merauke, Papua, Indonesia. SKP KAME is an internal institution of the Catholic Church established in 2001. SKP KAME established as cooperation between the Archdiocese of Merauke and MSC congregation in Papua Region. It works on contextual situations of local/regional, national and international. The core issues and scope of works are human rights, natural harmony, freedom, gender equality, justice and peace. Address: Jalan Kimaam Nomor 2, Merauke – Papua.
- **Yayasan Santo Antonius (Yasanto, Merauke)**, was founded on December 6, 1979. This foundation was motivated to help the grass root community with wholeheartedly services. The purpose of this foundation is to provide services and to empower the people to become perfect human beings in line with the principles of Pancasila and the 1945 Constitutions as well as with the religious teachings through social services activities, wide-ranging education, mental, spiritual and social and economic services. All of it is in the framework of dedication to the community, church, and the nation and state. Its principal activities are agriculture and breeding cattle, health, small business and cooperative, environment and education, education and training, community development assistance, and advocacy. The foundation has also carried out many program, among others, helping the people who were suffered from drought, HIV/AIDS prevention program and a number of training. Alamat/Address: Jalan Martadinata,

- Merauke, Papua 99601; Telp.: 0971-21417, 21845; Fax.: 0971-21554. Email: bpkm-yasanto@jayapura.wasantara.net.id.
- **Forum Kerjasama Lembaga Swadaya Masyarakat (FOKER LSM) Papua/Papua NGOs Forum** was found August 31st, 1991 and led by “Alert and Action Committee” Network Forum’s embryo (on March 28th, 1990). The establishment of FOKER LSM Papua was expected to be able take upon two roles at the operational level, which are: a) facilitating communication among NGOs in Papua, it purposes to give inputs towards development concept in Papua; b) participants’ empowerment for being able giving a contribution towards development ideas for Papua community. FOKER LSM Papua envisages “The existence of fair, peaceful and democratic life order on socio-cultural, politic, law, economy and nature for customary community, both men and women, in Papua”. FOKER LSM Papua mission is to 1) Facilitate capacity strengthening of Foker LSM participants’ base integrative approach in order to encourage the accomplishment of customary institution and civil organization strengthening; 2) Strengthen the existence of Foker LSM Papua as network forum to conduct critical study and public policy advocacy; 3) Develop the communication and information center in order to support institutional capacity strengthening and public policy advocacy programs; and 4) Raise support at local, national and international scope for program implementation.
- **Wahana Lingkungan Hidup Indonesia/WALHI (Friends of The Earth Indonesia)** is the largest forum of non-governmental and community-based organisations in Indonesia. It is represented in 25 provinces and has over 438 member organisations (as of June 2004). It stands for social transformation, peoples sovereignty, and sustainability of life and livelihoods. WALHI works to defend Indonesia’s natural world and local communities from injustice carried out in the name of economic development. Address: Jl. Tegal Parang Utara No.14 Jakarta 12790, Indonesia, tel +62 21 7919 33 63-88 [fax] +62 21 794 1673, e-mail: info@walhi.or.id.
- **SAINS (Sajogyo Institute)** is an Indonesian NGO research group that advocates for agrarian reform and the empowering of farmers’ rights. Address: Jl. Malabar 22, Bogor (16151), Phone/ Fax: +62-251-374048. Kontak Person: Laksmi Savitri, email: savitri_la@yahoo.com.
- **Lembaga Studi dan Advokasi Masyarakat/ELSAM (The Institute for Policy Research and Advocacy)**, established in August 1993, works to encourage and promote effective mechanisms of accountability for gross human rights violations; and to promote resolution of past human rights violations through revealing the truth, usage of sanction, and reparation, and; to establish acknowledgeable, democratic and sustainable association. Address: Jl. Siaga II No 31, Pasar Minggu, Jakarta 12510, tel: +62 (21) 7972662/fax: +62 (21) 79192519, e-mail: elsam@nusa.or.id, web: www.elsam.or.id.
- **Forest Peoples Programme (UK)** is an international NGO, founded in 1990, which supports the rights of forest peoples. It aims to secure the rights of indigenous and other

peoples, who live in the forests and depend on them for their livelihoods, to control their lands and destinies. Address: 1c Fossey Business Centre, Stratford Road, Moreton-in-Marsh GL56 9NQ, UK. Tel: (44) 01608 652893, Fax: (44) 01608 652878, e-mail: info@forespeoples.org.

- **Down to Earth**, a UK-based organisation, works to support vulnerable communities in Indonesia to secure a just and sustainable future. This work is rooted in a commitment to human rights, particularly the collective rights of communities to land, participation and environment; and ensuring that decision-makers particularly governments, international institutions and multinational companies - are held accountable for those actions that impact on these rights. Address: Greenside Farmhouse, Hallbankgate, Cumbria CA8 2PX. Phone/Fax: +44 (0) 16977 46266. Email: dte@gn.apc.org.
- **Watch Indonesia**, an international NGOs working in Germany to support the movement for democracy, human rights and environmental protection in Indonesia and East Timor. Address: Urbanstr. 114, 10967 Berlin, Tel./Fax: ++49/30/698 179 38, e-mail: watchindonesia@watchindonesia.org.
- **Aliansi Masyarakat Adat Nusantara/AMAN (Indigenous People Alliance of the Archipelago)** is an indigenous peoples' organisation that represents indigenous peoples from the whole of the Republic of Indonesia. The Alliance is aimed to be an organisation for indigenous peoples to struggle for their existence and rights inherited with it as well as to struggle for sovereignty in running their lives and in managing their natural resources. AMAN's main working areas are 1] Indigenous organization, networking and customary institutions development; 2] Indigenous rights advocacy and legal defense; 3] strengthening customary-based economic system; 4] strengthening indigenous women; and, 5] education for indigenous youth. Address: Jl. B No. 4, RT/RW 001/006, Komp. Rawa Bambu I, Pasar Minggu, Jakarta Selatan, Indonesia, tel/fax:+62-21-7802771, e-mail: rumahaman@cbn.net.id.
- **Green Peace:** Greenpeace is an independent global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace by: *Catalyzing an energy revolution* to address the number one threat facing our planet: climate change. *Defending our oceans* by challenging wasteful and destructive fishing, and creating a global network of marine reserves. *Protecting the world's ancient forests* and the animals, plants and people that depend on them. *Working for disarmament and peace* by tackling the causes of conflict and calling for the elimination of all nuclear weapons. *Creating a toxic free future* with safer alternatives to hazardous chemicals in today's products and manufacturing. *Campaigning for sustainable agriculture* by rejecting genetically engineered organisms, protecting biodiversity and encouraging socially responsible farming. Address: Jalan Kemang Utara No.16B1, Jakarta Selatan, Jakarta 12730, Indonesia. Tel: +62 21-718-2858 (Hunting); Fax: +62 21-718-2857; Email : info.id@greenpeace.org.

- **Komphalindo: National Consortium for Forest and Environmental Sustainability** is an Jakarta-based NGO with a vision to be center for information of sustainable environmental management by raising awareness and intention of communities and promoting change of attitude in preserving better environment. Its main programs are information dissemination, capacity building for community, community empowerment. Address : Jln. Slamet Riyadi IV, RT 10/RW 04, No. 49-50, Kelurahan Kebun Manggis, Jatinegara, Jakarta Timur 13150. Phone/Fax: 021-8564164; Mobile: 08128124672; Email: konphalindo@gmail.com.
- **Epistema Institute:** A Jakarta-based NGO which was established to be center of learning about law, society and environment in order to support the movement toward the establishment of a national legal system based on democratic values, social justice and the environment, and cultural pluralism. Address: Jl. Jati Padang Utara I, No. 12. Kel Jati Padang, Kec Pasar Minggu – Jakarta Selatan, Tel: 021-78832167.
- **TAPOL (UK):** TAPOL –which means political prisoner in Indonesian – is a UK-based NGO founded in 1973 by Carmel Budiardjo, a former political prisoner in Indonesia and Amnesty International prisoner of conscience. Its mission is to promote human rights, peace and democracy in Indonesia and East Timor based on the principles of justice, solidarity, partnership, equality and mutual respect. Address: 111 Northwood Road, Thornton Heath Surrey, CR7 8HW; Tel: +44 (0)20 8771 2904 / +44 (0)1420 80153 Fax: +44 (0)20 8653 0322 Email: info@tapol.org.
- **Consortium for Agrarian Reform or Konsorsium Pembaruan Agrari (KPA).** KPA was established on September 24, 1994 in Jakarta. Based on Human Rights, environment sustainability, democracy and justice, KPA is peoples based organization to promote and implement agrarian reform which directed to equality of resources distribution and ownerships for peasants, fishermen, indigenous peoples and the poor. Address: Sekretariat Nasional KPA, Jl. Duren Tiga No. 64 Pancoran Jakarta Selatan 12760, Phone (021) 79191703, Fax (021) 79190264 , Email: kpa@kpa.or.id, Website: www.kpa.or.id, Kontak Person: Usep Setiawan (Ketua Dewan Nasional): Email; usepsetia@yahoo.com, HP: 0818-613667, dan Idham Arsyad (Sekretaris Jenderal): Email; bhotghel@yahoo.com, HP: 081342619987.
- **Participatory Mapping Network or Jaringan Kerja Pemetaan Partisipatif (JKPP)** Jaringan Kerja Pemetaan Partisipatif (JKPP), which was established in 1996, is a member organizations with 98 members consists of NGOs, people's organizations and individuals who are concerned with the recognition of indigenous territorial rights and the settlements of agrarian conflicts experienced by the peasants using participatory mapping approach. Its goal is to assert people's control (kedaulatan) over space. Address: Jl. Cimanuk Blok B7 No.6, Perumahan Bogor Baru, Bogor 16152 - Indonesia Tel. +62 251 8379143, Fax. +62 251 8314210, email. seknas@jkpp.org; www.jkpp.org; Contact Person; Kasmita Widodo National Coordinator.

- **Yayasan Rumpun Bambu Indonesia (YRBI)** was established on February 2, 1995 to do capacity building for indigenous communities of Aceh. Main activities: conflict resolution, participatory mapping, strengthening adat institutions of Mukim. Address: Jl. Mesjid Al Qurban, Lr. Keuchik Syam, Mibo, Banda Aceh, Tel. 0651-44331; Email: rumbaiaceh@yahoo.com dan rumpunbambu.aceh@gmail.com. Contact person: Sanusi Syarif.
- **Serge Marti and Maria Kardashevskaya, Life Mosaic.** LifeMosaic supports indigenous peoples in the humid tropics to get their voices heard, and to access the information that they need to make informed decisions about their futures. LifeMosaic, The Stables, Falkland, Fife, KY15 7AF.
- **Yayasan Merah Putih**, Palu, Central Sulawesi. Contact person: Amran. Address: YAYASAN MERAH PUTIH, Jl Tadulako II No. 11 Kel. Palupi, PALU 942444, Tel. +62 451 4908100; Mobile : +62 81341083836; Email : nakita.amran@gmail.com/
amran@ymp.or.id; Website : www.ymp.or.id.