

## Intervention by Delegation of Indonesia

### On the 9<sup>th</sup> Session of the Expert Mechanism on the Rights of Indigenous Peoples

#### Item 6: Human Rights of Indigenous Peoples in Relation to Business Enterprises

Mr. Chair,

As mandated by the constitution, the Government of Indonesia is obliged to ensure that all activities involving extraction of natural resources are aimed at benefiting all Indonesian people. The Government implements this mandate through, inter alia, legislation, administrative measures and law enforcement. The Government continues efforts to ensure that business, respect human rights principles, including the rights of communities.

Series of Laws have been enacted, such as Law No.25 of 2007 on Investment, Law No 40 of 2007 on Private Company and Law No 19 of 2003 on State-Owned Enterprises. These Laws are made to ensure companies to uphold their responsibilities with regard to human rights and environment. Other administrative measures, include, *inter alia*, Presidential Decree No. 26 of 2010 on Transparency of State Income and Local Government Income acquired from Extractive Industries, Government Regulation No. 47 of 2012 on Corporate Social and Environmental Responsibility, and the President's Regulation of 2010 on Extractive Industry Transparency Index.

The Government also continuously strives to foster good corporate governance among businesses, through inter alia, the National Committee on Good Corporate Governance and the implementation of the National Code of Good Corporate Governance since 2006. Also in 2006, Indonesia established Global Compact Network, which has become one of the largest networks in Asia. Since 2008, we have launched a national movement of Corporate Social Responsibility (CSR).

At the international level, Indonesia attaches great importance on the issue of business and human rights, including the implementation of the UN Guiding Principles on Business and Human Rights (UNGP). We also support the adoption of the HRC resolution to establish the OEIWG and have actively participated in its sessions.

We continued to raise awareness on the need of the implementation of the UNGP. In September 2015 and January 2016, we held national workshops aiming at strengthening efforts to align various regulations with UNGP on Business and Human Rights. In April 2016, we also organized a National Symposium on Effective Implementation of the UNGP on Business and Human Rights in Indonesia.

With regard to National Action Plan, the Indonesian National Commission on Human Rights is currently drafting a Business and Human Rights Action Plan, involving various stakeholders. The Government facilitated the deliberations on this draft Action plan through Seminars, symposium or focus group discussions in order to get inputs from all relevant stakeholders.

Mr. Chair

We acknowledge that challenges remain. Those challenges could be in the form of allegation of improper consultation and consent of the local communities, lack of compensation, or environmental degradation. However, the Government is committed to continue efforts in addressing the shortcomings and any unintended impacts. The Government takes seriously of any complaint of violation of human rights which have caused loss of means of livelihood and environmental degradation. These complaints would be resolved through mediation or legal procedures and followed up according to the prevailing laws and regulations.

I thank you.