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Indonesia Launches National Action Plan on Business & Human Rights



Chair of National Human Rights Commission, Nur Kholis, officially presents a copy of the NAP to AM Fachir, Deputy Minister of Foreign Affairs

Friday 16 June once more proved to be a momentous occasion, for on the sixth anniversary of the United Nations Human Rights Council unanimously endorsing the United Nations Guiding Principles on Business and Human Rights, Indonesia joined a select group of fourteen other nations who had previously published a National Action Plan on Business and Human Rights (NAP).

Held at the Sari Pan Pacific Hotel in Jakarta, the unveiling marked the next stage in a process that had begun in September 2014 under the prime steerage of the National Commission on Human Rights (Komnas HAM) and the Institute for Policy Research and Advocacy (ELSAM). This is not an unusual situation, as Komnas HAM chair, Nur Kholis noted in his welcoming address, as a number of countries have designated formulation of the National Action Plan to their national Human Rights Commission.

He went on to point out that Indonesia is the first country in ASEAN [indeed, Asia] to actually join those that have published their NAP on business and human rights.¹ This has been a cumulative effort though, brought on by necessity and involving input from government ministries and related institutions, as well as business groups and civil society. FIHRRST was among those supporting the launch, for although not intimately involved from the very start, its important work with the Ministry of Industry and in developing a certification standard with the Ministry of Marine Affairs and Fisheries was included in the NAP.

In taking up Nur Kholis' point that this has been driven by necessity to return control over human rights affairs to the state rather than individual companies, keynote speaker AM Fachir, Indonesia's Deputy Minister for Foreign Affairs stressed how timber certification has improved the competitiveness and value of Indonesian wood, as well as aided conservation. The decree of the Ministry of Marine Affairs and Fisheries and the action plan of the Ministry of Industry are other examples of Indonesia's serious intent in this field. Nevertheless, these have all been directed at specific areas and there is an urgent need for a harmonization of regulation so that a coherent overarching policy exists to enable both government and business to meet their responsibilities under the Guiding Principles. The National Action Plan now provides a requirement for ministries, institutions and local governments to play their part within their jurisdiction, while further legislation will come at the presidential level.

In addition to the ceremonial handing over of the National Action Plan to the government, the occasion also provided an opportunity for wider discourse. Being such an important export commodity, palm oil was discussed from opposing angles, the efforts of one company to respect the rights of local and indigenous communities on the one hand, while from the other side came the testimony of how one tribe in Papua have been prevented from presenting their case to the government. In addition came the Indonesian government's response to recent EU regulation

¹ <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>

aimed at limiting the import of palm oil, plus how the Ministry of Forestry tries to balance the necessity of conservation against the needs of the forestry industry.

Moving from the specifics to the generalities of the NAP, Wahyu Wagiman, Executive Director of ELSAM was insistent that the NAP would not only promote human rights and reduce the rate of human rights violations, but also act as a guideline for the government to enact coherent legislation that supports implementation of the Guiding Principles, particularly in the area of the remediation mechanism as this has yet to work optimally in Indonesia.

On behalf of both herself and her country, Brechtje Klandermans representing the Netherlands embassy offered her congratulations that Indonesia had so effectively utilized multi-stakeholder engagement in the drafting of the NAP, but reminded that this would again be necessary for successful implementation. In this regard she pledged to share the lessons that the Netherlands has learned in its own implementation, particularly to persuade companies to view this as more of a moral than a legal issue.

In closing though, we return to the words of Marzuki Darusman, chair of FIHRRST, who traced the path from the days when corporate social responsibility and the environment were the main concerns and how they have since been enveloped within human rights. Moreover, it was not lost on him that the government has adhered to the ‘requirements’ rather than the ‘voluntary’ principle. Looking forward, it is his belief that “respect for human rights by corporations will, in the near future, become the new norm in Indonesia.”