



Téléfax: (41-22)-917 9029  
Télégrammes: UNATIONS, GENEVE  
Télés: 41 29 62  
Téléphone: (41-22)-917 9614  
Internet: www.ohchr.org  
E-mail: tschackel@ohchr.org



Address:  
Palais des Nations  
CH-1211 GENEVE 10

REFERENCE: TS/JF

13 March 2009

Excellency,

You will recall that the Committee on the Elimination of Racial Discrimination, at its 71<sup>st</sup> session held from 30 July to 18 August 2007, considered the initial to third periodic reports of Indonesia and adopted concluding observations in relation thereto (CERD/C/IDN/CO/3).

Pursuant to Article 9, paragraph 1, of the Convention, and Article 65 of the Committee's rules of procedure, as amended, the Committee requested in paragraph 31 of its concluding observations that your Government provide information on the way it has followed up on the recommendations contained in paragraphs 17, 20 and 25 within one year. The Committee notes with regret that, to date, it has not received any information from the State Party in this respect, despite its invitation to respect the deadlines set for the submission of reports.

The high number of conflicts arising each year throughout Indonesia between local communities and palm oil companies remains an issue of concern for the Committee, in particular with regard to the protection of indigenous peoples' rights. Indeed, it has recently been brought to the attention of the Committee that oil palm plantations continue to be developed on indigenous peoples' lands in the Kalimantan border region without any apparent attempt by the State to comply with the Committee's recommendations or to otherwise secure and protect indigenous peoples' rights.

**His Excellency Mr. I. Gusti Agung Wesaka Puja**  
**Ambassador**  
**Deputy Permanent Representative**  
**Chargé d'affaires a.i.**  
**Permanent Mission of the Republic of Indonesia to the**  
**United Nations Office at Geneva**  
**Rue de Saint-Jean 16**  
**1203 Geneva**

**Fax: +41 22 345 57 33**

In this regard, the Committee recalls paragraph 17 of its concluding observations, in which it recommended that the State party “secure the possession and ownership rights of local communities before proceeding further” with the Kalimantan Border Oil Palm Mega-project. The Committee also recommended in paragraph 17 that “the State Party should ensure that meaningful consultations are undertaken with the concerned communities, with a view to obtaining their consent and participation in [the project].”

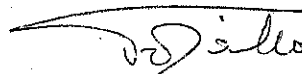
Moreover, the Committee has received information according to which Indonesia continues to lack any effective legal means to recognize, secure and protect indigenous peoples’ rights to their lands, territories and resources. For instance, it seems that Indonesia’s 2008 “Regulation on Implementation Procedures for Reducing Emissions from Deforestation and Forest Degradation” reiterates Law 41 of 1999 on Forestry that appears to deny any proprietary rights to indigenous peoples in forests.

In light of this information, the Committee would like to refer again to paragraph 17 of its concluding observations, in which it had urged the State Party to “review its laws [...] as well as the way they are interpreted and implemented in practice, to ensure that they respect the rights of indigenous peoples to possess, develop, control and use their communal lands.”

In light of the above, and with a view to continuing a constructive dialogue with your Government, the Committee requests the State Party to submit comments with respect to the implementation of the recommendations contained in paragraph 17 of its concluding observations, in particular with respect to the measures taken by the State Party to safeguard the rights of indigenous communities whose territories are threatened by projects such as the Kalimantan Border Oil Palm Mega-project. The Committee also reiterates its request for the State Party to provide comments with respect to the implementation of the recommendations contained in paragraphs 20 and 25 of its concluding observations. The Committee wishes to receive such comments no later than 31 July 2009.

Allow me, Excellency, to reiterate the Committee’s wish to pursue a constructive dialogue with your Government and underline that the Committee’s requests for information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah  
Chairperson of the Committee for the  
Elimination of Racial Discrimination