



PERMANENT MISSION OF THE
REPUBLIC OF INDONESIA TO THE UNITED NATIONS
WORLD TRADE ORGANIZATION (WTO)
AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No: 53/POL-II/IV/2023

Geneva, 11 April 2023

Dear Madame and Sirs,

With reference to your letter No. AL IDN 3/2022 dated 14 February 2023, I have the honor to transmit herewith my Government's response to the Joint Communication of Special Procedures that provides information, explanation, and clarifications to the allegations of human rights violations and abuses committed in the implementation of The Mandalika Urban and Tourism Infrastructure Projects by the Indonesian Tourism Development Corporation (ITDC) in the Mandalika region, West Nusa Tenggara province.

We have carefully studied the questions raised in your latest communication, and we eventually found that the Gol has provided substantial and in-depth explanation in our previous responses No. AL IDN 5/2021 and No. AL IDN 1/2022, and thus the Special Procedure Mandate Holders (SPMHs) can also refer to the Gol's previous responses to answer any concerns related to the Mandalika Urban and Tourism Infrastructure Projects.

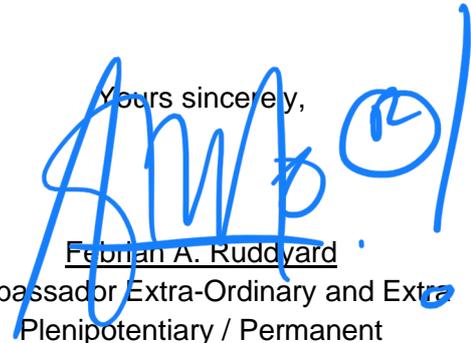
Mr. Olivier De Schutter, Special Rapporteur on extreme poverty and human rights
Ms. Irene Khan, Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression
Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association
Mr. Balakrishnan Rajagopal, Special Rapporteur on adequate housing
Ms. Mary Lawlor, Special Rapporteur on situation of human rights defenders
Ms. Paula Gaviria Betancur, Special Rapporteur on the human rights of IDPs
Mr. Francisco Cali Tzay, Special Rapporteur on the rights of Indigenous Peoples
Dr. Pichamon Yeophantong, Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Although we appreciate the efforts of the mandate holders to follow up on the reports they received, we are disappointed that the issues of concern raised in this letter have much in common with previous communications. Our responses were intended to maintain open communication and transparency with SPMH. Thus it is unfortunate that similar questions were posed repeatedly with minimal consideration of the comprehensive answers previously given by the Gol through the Note Verbale on 4 May 2022 and No. 59/POL-II/V/2021 on 3 May 2021.

In this regard, we wish that the work of the mandate holders continues to uphold the principle of objective and impartiality to maintain a constructive dialogue with the Member States.

Please accept, Madame and Sirs, the assurances of my highest consideration.

Yours sincerely,



Febrin A. Ruddyard
Ambassador Extra-Ordinary and Extra
Plenipotentiary / Permanent
Representatives

Reply of the Government of Indonesia
To the Joint Communication of the Special Procedures Mandate Holders
Ref.: AL IDN 3/2022 of 14 February 2023

A. Update on the progress of permanent resettlement process

1. The construction of permanent homes in Ngolang Village has been completed in August 2022. The Gol has provided these permanent homes for free to 120 families / project-affected households (PAHs) – with land title and house certificates indicating their ownership, along with water supply, access road improvement, and other miscellaneous utilities – without requirements for monthly payments. The permanent homes have decent bedrooms, bathroom, living room, and kitchen, that were built in accordance with standards set by the Indonesian Ministry of Public Works and Housing. The new permanent homes have better standard than the housing that the PAHs previously have.
2. The PAHs who agreed to move to temporary resettlements were provided with proper houses built on 100m² land. They have also received compensation for the loss of income, the amount of which was agreed by the concerned PAHs.
3. The Gol, ITDC, as well as the local government have collaborated to provide facilities in the area. However, after the permanent homes have been settled into, the PAHs are expected to cover their own living cost and expenses independently in the long term.

B. Alleged limitation on freedom of movement and use of security forces

4. The Indonesian police and security forces were deployed for VIPs' visit to international events (e.g. Moto Grand Prix, World Superbike) in the Mandalika area.
5. The use of bracelets by the local communities, which was only temporarily imposed during large-scale events, was intended to identify them as local residents and to ensure that they can pass through the tracks to their houses. Therefore, the temporary bracelets were given to guarantee the local communities' freedom of movement instead of restricting them. The temporary security checkpoints are important during a large-scale event with crowds of visitors and spectators gathered in the Mandalika to ensure smooth traffic and security in the area.

C. Livelihoods of resettled communities

6. In addition to compensation of housings, lands, miscellaneous facilities and utilities, compensation for the loss of income were also provided to farmers. There are 2 categories of compensation, 1) for the primary farmers and 2) for secondary farmers, which have been both paid in August 2021. The compensation was calculated based on census result for a maximum of 12 months opportunity loss.
7. A number of capacity building programs for the local communities have been conducted from 2020 to 2023, such as trainings on gardening and nursery management, food processing and packaging, weaving design, as well as hospitality and homestay

management. These trainings are aimed at providing the local communities with wider income-generating skills and opportunities, and some of the programs are focused on empowering women in the local communities. Additional education and health facilities have also been provided for the local communities, such as Smart House for children and Medical House.

D. Alleged intimidation from police and military officers

8. We take note of any additional information on the alleged intimidation by police and military forces outlined in the SPMHs' communication, as it only provides fractions of information which are difficult to be verified.
9. The establishment of Task Force by the NTB Governor – consisting of police and military personnels as well as local government officials – were intended for the maintenance of law and order in The Mandalika, and is mandatory as a coordination forum by the government, and not intended to intimidate or to force local communities to move from their lands. The residents are allowed to move freely as long as they do not occupy the land on ITDC's Land Mastery Rights ("HPL").
10. A Grievance Redress Mechanism has been fully functioned since 2020 in order to address any concerns and grievances raised during the development in The Mandalika.

E. Due diligence and mediation

11. In 2018, ITDC and the Asia Infrastructure Investment Bank (AIIB) have carried out environmental and social due diligence (E&S) processes to identify, prevent, and mitigate any potential negative impact arising out of The Mandalika Urban and Tourism Infrastructure Projects. The E&S outcome documents among others were the Environmental Impact Analysis (*Analisis Mengenai Dampak Lingkungan / AMDAL*) as required by the Gol environmental regulations; Environmental and Social Impact Assesment (ESIA) / Environmental and Social Management Plan (ESMP); Resettlement Planning Framework; and Resettlement Action Plan. These E&S processes were carried out with the assistance of independent environmental and sustainability consultancy agencies, such as EnviroSolutions & Consulting (ESC) and Greencorp.
12. ITDC is also in the process of hiring independent stakeholder facilitator, who will act as a mediator to address any gaps and status quo between ITDC and its stakeholders, particularly the local communities or PAHs.

While we appreciate the contribution of the SPMHs in addressing human rights concerns raised in countries, we regret that the SPMHs have kept repeating the similar allegations on the Mandalika issue since 2021, despite our comprehensive information, explanations and clarifications on their previous communications in 2021 and 2022. We would like to remind the importance of the SPMHs to always put forward the principles of universality, impartiality, objectivity, non-selectivity and non-politicization in its works, and to focus more on promoting the sound development of the international human rights cause.

To conclude, we would like to once again reiterate the Government of Indonesia's commitment to constructively work together with all relevant stakeholders in the protection and promotion of human rights to ensure that the benefit of development can reach and be mutually enjoyed by all people. We also appreciate your commitment to maintaining dialogue with the Government of Indonesia.

0oo0