

**Indonesian Civil Society Organization Submission on
The International Covenant on Economic, Social and Cultural Rights (ICESCR) for
the 75th Session on 20 February 2024**

Report on Indonesia National Strategic Project (PSN)

Overview

The Indonesian Civil Society Organization which include Indonesia Legal Aid Foundation (YLBHI), The Commission for the Disappeared and Victims of Violence (KontraS), The Indonesian Forum for Environment (WALHI), Indonesia Corruption Watch (ICW), Mining Advocacy Network (JATAM), Trend Asia, Agrarian Reform Movement Alliance (AGRA), Sajogyo Institute (SAINS), Bentala Rakyat Heritage Foundation (PUSAKA), and The Institute for Policy Research and Advocacy (ELSAM) would like to elaborate several key issues in regards to in Economic, Social, and Cultural Rights to Indonesian civilians, specifically the National Strategic Project (PSN) which occurred during President Joko Widodo's era.

The project had an initial idea of an output to support the state's economy through various infrastructure projects. Unfortunately, human rights dimensions are neglected, formed by several intimidations and denial of fundamental rights to civilians, primarily villagers who are living in PSN's projected area. Such neglect and violations are implemented as forced evictions, land-grabbings, as well as halting villagers' sources of income and adequate living.

Background

Proyek Strategis Nasional (PSN) or National Strategic Project is a project and a program run by the government, local government, and business entities with strategic impacts to increase growth and equal development to improve community welfare and regional development, as well as to manage the deficit of infrastructure. Despite the government's claim that PSN was made to improve community welfare, the implementation shows the opposite, as many structural land conflicts occurred between local communities and indigenous people versus the government and companies. Other than creating and causing conflicts, PSN, and industries responsible for natural resource exploitation industries potentially cause or have caused enormous environmental natural damages. PSN are also proven to affect communities' economy; environment; and health.

Brief Explanation of Jokowi's National Development Project

Under the guidance of the World Bank, in early 2005, not long after President Susilo Bambang Yudhoyono was elected as President, he immediately held a large forum called the "Infrastructure Summit 2005". At this meeting, leaders of international financial and development financing institutions as well as a number of corporate leaders and giant investors are finalising plans to improve Indonesia's infrastructure for

investment, development and economic growth. Since the 2005 Infrastructure Summit, investors and business people's demand for "legal certainty and consistent regulations" has resurfaced, especially in terms of procurement, use and transfer of land rights (Davidson 2010, 91; Bachriadi 2019). In SBY's second term, the 2010 Infrastructure Summit confirmed a new framework to expand the implementation of infrastructure development ideas with a Public-Private Partnership scheme. Thus, in the context of development, President SBY is the first government in the Reformation era to move to develop Indonesia under the direct direction of international financial institutions.

During his time, SBY designated a number of regions as new areas for economic growth and revitalization of a number of previous economic growth areas, both related to industrial development (manufacturing and agro-industry), expansion of mining areas, development of tourism areas, infrastructure networks including expansion of construction of toll roads, power plants and dams. The SBY government is also preparing new legal foundations for land acquisition. Some of these things are the amendment of Presidential Decree 35/1996 to Presidential Regulation 36/2005 concerning Land Acquisition for Public Interest, followed by the issuance of Law no. 2 of 2012 concerning Land Acquisition for Development in the Public Interest. The SBY government also implemented a Public Private Partnership scheme in financing new infrastructure. All these programs are referred to as the Master Plan for the Acceleration and Expansion of Indonesian Economic Development (MP3EI)

In 2014, Jokowi was elected as President to replace SBY and then re-elected in the 2019 Presidential Election. He did not negate the foothold established by SBY, but continued SBY's steps by making almost all the development plans set by SBY a success, even though he no longer uses the name MP3EI but PSN, Provincial Strategic Projects (PSP), Regional Strategic Projects (PSD), National Capital Projects, National Tourism Strategic Area (KSPN) and National Tourism Development Areas (KPPN). Problems arose after these policies were passed. Here are some of them.

The expansion of the Steam Power Plant in Cilacap, Central Java, which started with loans by PT S2P and PT PJB from Bank of China of US\$ 1 billion, CDB of US\$ 98 million, and Bank Rakyat Indonesia of US\$ 300 million, has had an impact. The drying of well water, abrasion, environmental pollution due to waste, the high number of "Upper Respiratory Infections" sufferers in the surrounding community. Surrounding communities also experience economic impacts in the form of: reduced access for fishermen to the fishing areas, reduced soil fertility and the fertility of agricultural plants, and increased health costs for affected residents. Socially, the PLTU expansion has increased the escalation of social conflict (Yogyakarta, 2022, 3-4)

In the Morowali Priority Industrial Area, Central Sulawesi, one of the companies, PT Indonesia Tsingshan Stainless Steel (ITSS), which operates in the PT IMIP industrial area, does not pay attention to worker safety standards. On Sunday, December 24 2023, there was an explosion in a nickel mining smelter furnace which resulted in 21 deaths and around 38 people suffering critical injuries (CNN Indonesia 2024). In the Bantaeng Industrial Area, residents of 5 villages experienced environmental damage due to nickel mining activities. The most obvious impacts the community felt are dryness, smoke, dust and strong filthy odours. PT. Huadi Nickel Alloy Indonesia also directly disposes of

liquid waste into the sea and rivers. This has an impact on the seaweed harvest failure of the local farmers (Pratama and Haedir 2023).

PSN Regulation and Law

PSN

1. Presidential Decree No. 3/2016, became Presidential Decree no. 58/2017 becomes Presidential Decree No. 56/2018, becomes Presidential Decree No.109/2020
2. Presidential Instruction Number 1 of 2016 concerning Accelerated Implementation of National Strategic Projects
3. Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2021 concerning Changes to the List of National Strategic Projects
4. Regulation of the Coordinating Minister for Economic Affairs Number 9 of 2022 concerning Amendments to Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2021 concerning Amendments to the List of National Strategic Projects
5. Regulation of the Coordinating Minister for Economic Affairs Number 21 of 2022 concerning Second Amendment to Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2021 concerning Amendments to the List of National Strategic Projects.
6. Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2023 concerning the Third Amendment to Regulation of the Coordinating Minister for Economic Affairs Number 7 of 2021 concerning Amendments to the List of National Strategic Projects.
7. Presidential Regulation Number 16 of 2018 concerning Procurement of Government Goods/Services
8. Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Procurement of Government Goods/Services.
9. Land procurement for PSN follows the provisions in Law No. 2/2012 and Law No. 11/2020 which replaced Perpu No. 2 of 2022
10. Presidential Decree No. 62 of 2018 concerning Handling Social and Community Impacts in the Context of Providing Land for National Development was replaced by Presidential Decree Number 78 of 2023 concerning Amendments to Presidential Regulation Number 62 of 2018 concerning Handling Social and Community Impacts in the Context of Providing Land for National Development
11. Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation to Become Law (Law No. 6/2023) which revoked Law No. 11 of 2020 on Job Creation (Law No. 11/2020).

PSP and PSD

1. PSP is determined through a Governor's Regulation and PSD is determined through a Regent's Regulation.
2. Other provisions follow the provisions in Law No. 2 of 2012 on Land Acquisition for Development in Public Interest which replaced Law No.2/2020 which replaced Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 6/2023.

On going and Established PSN

Starting from Presidential Decree no. 2/2016 and currently referring to Presidential Decree No.109/2020, there are 201 National Strategic Projects and 10 National Strategic Programs launched. Of the total 211 projects, 161 of them were declared complete by the Government within 8 years (Setkab 2023). The 161 projects include 60 ferry ports, 13 airports, 6 air cargo facilities and 2,600 new toll roads. Other projects are a 17.6 gigawatt transmission network, a railway network of more than 1,000 kilometres, as well as 20 special economic zones and strategic industrial areas, as well as 6 downstream projects. Meanwhile, 50 others are still in process. The government explained that there are 42 PSN projects that are certain to not be completed by 2024 (CNN Indonesia 2023). However, projects stipulated in ministerial regulations will produce supporting projects. For example, Wadas Village was used as a mining object for raw materials for the construction of the Bener Dam.

Economic Impacts

There are lots of negative impacts towards communities' economies that are affected by PSN. In this part we will elucidate all the visible impacts.

1. Lake Toba National Tourism Strategic Area. The development of agrotourism in Naibaho and Pasaribu disrupts the community's rice planting time, triggering pests towards the plantation . The new economic relations that emerged due to the entry of market tourism projects resulted in business monopolies and unequal distribution of profits between the community and the district government. The local people who initially lived together in agricultural mechanisation turned into 'mercenary' (Naibaho and Pasaribu 2022, 8)
2. Bromo Tengger Semeru National Tourism Strategic Area. After being made an object of the National Tourism Strategic Area, the residents of Ranupani village have experienced reduced water availability. Local residents' water availability initially came from two lakes. However, it was felt that the existence of springs was no longer sufficient, so many people began to build wells. This is related to the increasing need for water because it is in line with the increasing number and intensity of tourist visits to Ranupani Village. On the other hand, the government does not provide guarantees for the community to become the main actors in tourism.
3. Yogyakarta International Airport Project. The land grabbing that occurred in this project has resulted in 4,000 - 60,000 farmers losing their jobs. More than 90% of them were thrown out of the farming economy. Instead of being absorbed

into the economic chain that results from the operation of Yogyakarta International Airport, most of them become unemployed in urban areas and villages – pauperization of displaced people.

4. Mandalika Lombok Tourism Special Economic Zone. Enclave economies or community economic systems that are not directly supported by broad market mechanisms in crisis conditions will not be directly affected. After Mandalika became a Special Economic Zone, local residents lost ownership of production equipment and/or work targets. As a result of relinquishing ownership rights to land. As a result, local residents depend economically on the Mandalika Tourism SEZ. The Covid-19 crisis has resulted in a decline in the economic income of those whose economic income depends on the Mandalika Tourism SEZ chain. At the same time, there are still 79 Ebunut Hamlet families trapped in the Mandalika MotoGP Circuit area. They chose to stay because they had not received compensation. Their persistence has the impact of hampering fishermen's access to the sea. Women in the Mandalika area stated that the construction of the Mandalika project had created greater food difficulties. A lot of mothers have difficulty providing balanced nutrition for their children. Other community members also said they faced major obstacles regarding employment opportunities. This was caused by damage to the road due to heavy project equipment passing through it. As a result, it causes an increase in vehicle fuel costs. The loss of land, access to the sea, and local natural resources has pushed many affected residents into debt just to meet basic needs such as daily food.

Socio-cultural Impacts

1. Development of the Lake Toba National Tourism Strategic Area. Starting with the birth of conflict between communities (pro vs con) when the Sigapon tourism project plan was rolled out, based on research conducted by Naibaho & Pasaribu (2020), it was found that the social community around Lake Toba had experienced a cultural shift in the meaning of land. Initially, for the Toba Batak people, land was not only interpreted functionally; but shows identity over the Harajaon Dohot Hamoraon clan. However, this meaning then decays along with the process of transferring land ownership. One of the processes of transferring land ownership is the process of passing it on to descendants, whether they are still living or have left the village. Finally, some of the land in the village is owned by nomads; who then lend or rent their land to those living in the village. Migrants benefit from the production process because they have power over land ownership, including through rent. However, this non-involvement in the indirect production process (and not as the main source of income) encourages nomads to sell their land and the price increases up to 25 times. The transfer of land ownership no longer takes into account the 'clan' of the land, and is starting to be sold to people outside Sigapiton Village - who are actually further along in the kinship system.
2. Food Estate in Merauke, Papua. The Food Estate project in Merauke is directly controlled by the Ministry of Defense, mobilising local soldiers and men as the main reserve workforce. The culture in Marind Anim in Merauke, South Papua, and in many places in Papua shows that the land is "mama" or "mama's womb". This shows the important role of women. With the Food Estate which is

projected to control 1.2 hectares of land, the culture of land management will be turned upside down with patriarchal domination over the results of the Ministry of Defense's control.

Environmental Impacts

Based on records from the Agrarian Reform Consortium (KPA), there were 79 agrarian conflicts that occurred as a result of the development of national strategic projects starting from 2015-2023. Throughout 2021, KPA also noted that at least 50% of the land acquisition area required by the government for PSN came from land grabbing. Cumulatively this reaches an area of 11,466,923 hectares of land. This land grabbing, because it is carried out through a manipulative procurement process in spatial planning or overhaul, ultimately results in serious environmental damage. The following are some examples of PSN projects that ultimately resulted in environmental damage.

1. The Indonesian government designated the Morowali Industrial Area or Indonesia Morowali Industrial Park (IMIP) as PSN in 2022 or 7 (seven) years after it was inaugurated by President Jokowi. This industrial area is the center for processing nickel mining products from the Morowali region, Central Sulawesi and surrounding areas. There are 21 Operational Mining Business Permits (IUP-OP) with concessions covering an area of 52 thousand hectares in Morowali Regency. In March 2023, the government released a forest area of 2,156 hectares for the expansion of industrial areas. Since IMIP began operating in 2014, there have been 6 (six) flood events – which occurred due to the conversion of the buffer area into industry. First, flash floods on June 7 2019 in the villages of Dampala, Le Le and Simbatu. This flood resulted in two people dying and hundreds of houses being badly damaged. Second, floods on June 27 2020 in the same 3 (three) villages. As a result of this flood, 350 people were forced to evacuate. Third, in July 2020 floods occurred in Bahodopi Village and on October 12 2020 in Bahomakmur Village. The last two floods resulted in 200 houses being submerged. Fourth, flooding on April 23 2022 due to the PT IMIP pool embankment breaking. Hundreds of residents' houses were submerged and several motor vehicles were swept away. Fifth, flooding on July 6 2022 in Block D Bahomakmur Village. Sixth, flooding on April 25 2023 in Bahomakmur Village and Bahodopi Flats. Marine ecosystems are also affected by the disposal of tailings waste. This pollution causes damage to coral reefs and damage to coastal ecosystems which results in a decrease in fishermen's income. The Sulawesi regional WALHI report in 2021 stated that the marine coastal area of Bungku Pesisir District, Morowali was polluted and experienced sedimentation by mining waste sludge. The mangrove forest area in Laroenai Village, Bungku Pesisir also experienced ecosystem damage which resulted in a decline in the crab population which is a source of livelihood for residents. Apart from that, the air is also polluted. Data from the Bahodopi Community Health Center in 2021 shows that as many as 52 percent of patients seeking treatment suffer from Acute Respiratory Tract Infections (ARI). This health problem is caused by air pollution originating from burning coal in Steam Power Plants (PLTU) and nickel smelting production operations. In fact, PT IMIP itself released data on 3,400 people being treated at clinics in the industrial area.

2. PSN for processing nickel mining products was also built in Weda, Central Halmahera, Central Maluku in the form of the Weda Bay Industrial Area under the management of PT Indonesia Weda Bay Industrial Park (IWIP). The operations of PT IWIP and the surrounding mining areas have an impact on stopping the flow of surrounding rivers to the sea, polluting the Sagea River, Kobe River and Boki Maruru springs, and reducing the quality of the environment in surrounding villages. Apart from environmental pollution, IWIP and surrounding nickel mining accelerate the rate of deforestation on Halmahera Island. Forest Watch Indonesia (FWI) data shows forest damage covering an area of 7,565 hectares during the 2017-2021 period. The various environmental impacts above are caused by lax environmental standards in investment in national strategic projects. As a result, industrial and mining areas violate spatial planning regulations, operate in forest areas, and ignore legal instruments for pollution.
3. One of the National Strategic Projects, namely the Bener Dam in Purworejo, Central Java, caused flooding in the Wadas Village area, which is the location for rock mining for dam construction needs. Flooding occurred on July 8 2023 and repeated on November 13 2023 (Tempo, 2023). This flood caused public roads, prayer rooms and residential areas to be flooded. Flooding also causes trauma for residents who before the project had never experienced flooding.
4. Meanwhile, the Jakarta-Bandung Indonesia China Fast Train (KCIC) project in the land preparation and construction phase caused flooding for at least 3 (three) consecutive years starting from 2020, 2021 and 2022 in the Bekasi City, West Bandung Regency and Bandung Regency areas. The project also caused flooding at a number of points on the Jakarta-Cikampek (Japek) toll road in early January 2020 (CNBC Indonesia, 2020). Floods resulting from the KCIC project in June 2023 resulted in damage to school buildings and public facilities at RT 07 RW 03 Cilame Village, West Bandung Regency (Kompas, 2022). In the case of flash floods caused by the KCIC project in Cikalong Wetan, West Bandung Regency on Monday, July 6 2020, the results of the West Java WALHI study found that there was a technical error in the project by closing the Cileuleuy river flow and moving the river flow to an artificial water channel.
5. Gunung Mas Food Estate, Central Kalimantan Province. In this project, 30,000 hectares of land were cleared for planting cassava by eliminating a small portion of local community rubber and oil palm plantations and most of it was forest area (deforestation). This deforestation was carried out without being preceded by a Strategic Environmental Study (KLHS). This deforestation has an impact on increasing temperatures in Gunung Mas Regency, increasing rainfall, and even flooding in 12 sub-districts, Gunung Mas Regency. Resulting in approximately 13,638 victims (Omnibus Law/Job Creation Law, Deforestation-Food Estate & Climate Change in Central Kalimantan Province (Case Study of Food Estate Cassava Plantations in Sepang District, Gunung Mas District) 2021, 33)

Corruption Issues in PSN

According to the 2020-2024 National Medium Term Development Plan (RPJMN), it is known that the investment needed to finance President Joko Widodo's ambitious projects are worth IDR 6,445 trillion, 37 percent or IDR 2,385 trillion of which uses the states budget (APBN). The large budget allocation disbursed by the government through

the APBN has great potential for corruption if no clear and firm mechanism is present for transparency and accountability.

The huge potential for corruption is reinforced by the results of an examination conducted by the Center for Financial Transaction Reports and Analysis (PPATK) which stated that around 36 percent of the budget to finance national strategic projects was ultimately used for the personal interests of public officials.¹ Based on a report from the Coordinating Ministry for Economic Affairs, in the span of time that national strategic projects have been implemented, the government has completed 173 projects with a value of around IDR 1,442 trillion.² This means that if we use the PPATK inspection results, around Rp. 519 trillion of the budget for PSN is used by politicians and ASN for personal interests.

Apart from that, PPATK's findings are also required to be followed up by law enforcement in order to uncover national strategic project brokers and arrest key actors who use state money for personal interests.

Based on the mentioned condition, it is not surprising that in recent years corruption cases have emerged that have been handled by law enforcement due to poor PSN governance. Based on monitoring results from Indonesia Corruption Watch (ICW) through news portals, there are at least 3 (three) cases of suspected corruption that are being or have been handled by law enforcement. The cases include:

1. Corruption in the construction of the Passeloreng dam, South Sulawesi Province. The investment value for this project is IDR 702 billion, the budget source of which comes from the APBN/Regional Revenue and Expenditure Budget (APBD).³ This case was handled by the South Sulawesi High Prosecutor's Office in October 2023 and named 6 (six) suspects, including: AA (Task Force B of the Wajo Regency Defense Office); ND, NR, NN (Task Force B members representing the community); and AJ and JK (Village Head and members of land acquisition implementers). State losses resulting from corruption amounted to IDR 13.2 billion. The mode of corruption carried out is manipulation of land ownership which was previously a forest area into private property.
2. Corruption in land acquisition for the National Strategic Project Tapin Dam, South Kalimantan Province. The investment value in this project is IDR 897 billion, the source of which comes from the APBN/APBD.⁴ This case was handled by the South Kalimantan High Prosecutor's Office in October 2022 and named 3 (three) suspects, namely: Herman (private sector), Sogianor (Pipitak Jaya Village Head), and Achmad Rizaldy (State Civil Apparatus). All suspects are suspected of

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<https://kumparan.com/kumparannews/ppatk-ungkap-bancakan-korupsi-psn-masuk-kantong-asn-hingga-politikus-21wMmvPL4WC/full>

2

<https://indonesia.go.id/kategori/indonesia-dalam-angka/7800/capaian-sewindu-proyek-strategis-nasional?lang=1>

³ <https://kppip.go.id/proyek-strategis-nasional/bendungan-dan-irigasi/bendungan-passeloreng/>

⁴ <https://kppip.go.id/proyek-strategis-nasional/bendungan-dan-irigasi/bendungan-tapin/>

cutting the budget by around 50 percent of the compensation money for land acquisition.⁵

3. Corruption on the Jakarta-Cikampek elevated toll road, Cikunir to West Karawang (MBZ). The investment value of the project is IDR 16.2 trillion.⁶ This case was handled by the Attorney General's Office in September 2023. The number of suspects named was 4 (four), namely SB (Operational Director II of PT Bukaka Teknik Utama), DD (Main Director of PT Jasamarga Jalan Layang Cikampek), YM (Chair of the Auction Committee PT Jasamarga Jalan Flyover Cikampek), and TBS (PT LAPI Ganeshatama Consulting Bridge Expert Staff). The mode of corruption that occurs is during the planning process by arranging the specifications of goods specifically intended for certain providers because it is reasonable to suspect that there is already a winner and the auction process is only used as a formality process. The value of state losses incurred as a result of this action was IDR 1.5 trillion.⁷

From the 3 (three) cases above, we can infer that numerous problems have not been resolved by the government. The modes of corruption emerged tend not to be new, but this is not the main focus of the government in developing corruption prevention programs. Three main corruption in PSN are *First*, public space for accessing information about PSN is quite limited, from the planning to implementation stages. For example, corruption on the Jakarta-Cikampek elevated toll road section occurred during the planning process. When the public cannot monitor from the start, the winning arrangements will be easily carried out by the parties.

Second, the preparation of national strategic projects is not participatory so that the government tends to abuse its power, especially during the land acquisition process. The case of evictions carried out by the government on Rempang Island is proof that the government is not participative in formulating a development agenda with residents. Even the Indonesian Ombudsman found maladministration in the eviction.⁸ The existence of these indications is not impossible in a number of projects the same thing applies.

Third, there are provisions that give discretion to public officials to administratively follow up on citizen complaints related to national strategic projects. This has the potential for abuse of discretion held by public officials so that citizen reports containing allegations of abuse of authority are resolved internally without a transparent and accountable process.

International Instruments and Its Linkage to the Implementation

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<https://radarbanjarmasin.jawapos.com/hukum-peristiwa/1973158637/duit-korupsi-dipakai-umrah-juga-dipakai-untuk-menikahkan-anak>

⁶ <https://kppip.go.id/proyek-strategis-nasional/jalan-dan-jembatan/jalan-tol-jakarta-cikampek-ii-elevated-64km/>

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<https://www.cnbcindonesia.com/news/20230919191118-4-473853/kejugung-tetapkan-direktur-bukaka-tersangka-korupsi-tol-mbz>

8

<https://ombudsman.go.id/artikel/r/pwkmedia--fakta-mengejutkan-sekaligus-mengherankan-diungkap-ombudsman-ri-di-rempang>

Specifically on the implementation of PSN and Indonesia's conformity towards the ICESCR, Indonesia is supported by several international and regional instruments for the fulfilment of cultural, economic, and social rights within the country. One of which is the Human Rights Declaration which clearly stated in several of its articles such as article 22 concerning social security, article 23 concerning the rights to work and free choice of employment, article 25 concerning the rights to adequate living for health and well-being, article 26 concerning rights to education, article 29 concerning the rights to the full development of each individuals, as well as the last article which is article 30 concerning that none actors shall be able to destruct the mentioned principal and fundamental rights.

Unfortunately, the articles backlash in reality. In one of the cases such as the Rempang Resident incident where villagers were forcefully evicted on the 7th and 11th September 2023 by security forces, the government impelled the idea that there has been a contract with foreign direct investment which was Xinying Corp and that the villagers have no rights to claim nor take over the land. Although the government has stated his vow to build adequate housings for the villagers of Rempang in exchange of the land, the project remained as a silent project since no houses were built as villagers felt intimidated and pressured in their own land. After 4 months of uncertainty, on 11th January 2024, the houses were just about to be built.

However, this does not resolve other snowball issues such as the fact that villagers lose their daily income as fishermen since they have lobsters, *gonggong*, and other seafood creatures as their main selling product. This area has been the villagers' landmark for several years to harvest their selling product but were threatened for a foreign direct investment. It doesn't stop there, schools, historic sites, and to the extent religious sites are placed in this very island. Before the project started, there has been an amount of rejection from locals as PSN wasn't socialised entirely. Hence, the rights to information were not fulfilled by the government.

Throughout its national law, Indonesia has ratified ICESCR through Law No.11 of 2005 where this is also aligned with the ASEAN Human Rights Declaration (AHRD). Ironically, Indonesia is one of the founding fathers as well as the pursuers of the substances for ADHR where it has recognized the progressive realisation of economic, social, and cultural rights but in fact, dimensions of the three were not executed for PSN.

This has also been mentioned in the previous 3rd and 4th Cycle Universal Periodic Review that Indonesia should strengthen the commitment on human rights dimensions in business activities and its leading sectors and prioritising human rights as well as environmental protection in sustainable business investments. The similar recommendations which were placed again backlashes with what has happened today to residential areas in PSN.

This has also been emphasised on the General Comment No.26 2022 on land, economic, social, and cultural rights that land is an essential component and role to eradicate poverty and hunger hence as a resource of producing food, generating income, a place to practise culture and religion, as well as developing housing. But the mentioned projects in this submission such as the Lake Toba National Tourism Strategic

Monitoring, Bromo Tengger Semeru National Tourism Strategic Area, Jogjakarta International Airport Project, Mandalika Lombok Tourism Special Economic Zone, Indonesia Morowali Industrial Park, and many others were forms of denial from the Indonesian government to entirely practise its conformity towards ICESCR as economic, environmental, and socio-culture damages continue to strike in the surface.

Previously, Indonesia has caught the international attention where UN experts flagged and urged the Indonesian government to respect human rights and the rule of law due to the US\$3 Billion tourism project in Lombok where it highlighted the aggressive land grabs, forced evictions of Sasak Indigenous Peoples, as well as an amount of intimidation against human rights defenders during March 2021. Unfortunately, the signal did not get passed through the government as projects kept repeating the same projected areas and projected victims to lose their land and chance to have an adequate living.

Conclusion and Recommendations

Glancing back at the pattern itself, PSN targets lands in villages to be used as targets for building projects. This resulted in massive land confiscation of farmers and villagers. This action is contrary to Article 1 Paragraph 2 of the International Convention on Economic, Social and Cultural Rights which emphasises that in any case, people must not lose their own means of livelihood.

The high number of natural disasters that occurred after PSN operated by changing spatial planning has resulted in an increase in natural disasters that has never happened before. This is contrary to article 9 of Law 39 of 1999 concerning human rights, which states that everyone has the right to live, maintain life and improve their standard of living. Everyone has the right to be calm, safe, peaceful, happy, physically and mentally prosperous. Everyone has the right to a good and healthy living environment.

The massive confiscation of farmers' land has also gone against the spirit of the Declaration on the Rights of Peasants and Other People Working in Rural Areas. PSN has contradicted at least three important points emphasised in the declaration. First, the loss of farmers' rights to continue working in rural areas. Second, loss of the right to food and freedom from hunger. Third, the loss of the right to food sovereignty, the right to health, and the right to housing.

In regards to the elaborated issues and sub-issues within this submission, we would like to recommend the Committee on Economic, Social, and Cultural Rights of the UN to

First, urge the Indonesian Government to stop all attempts at forced eviction through manipulative means. The government cannot force people who choose to remain on their traditional lands that have been occupied for hundreds of years as this is also emphasised in article 22, 23, 25, 26, 29, and 30 of the Universal Human Rights Declaration as well as economic and socio-culture chapters in ASEAN Declaration on Human Rights

Second, urge the Indonesian Government as well as the related national and regional institutions to conduct auditing in the budgeting planning up until the execution of PSN programs.

Third, urge the Indonesian Government to review all national strategy project approaches that have been proven to have implications for violence and human rights violations in the field;

Fourth, urge the Indonesian Government to implement agrarian reform for the all targeted areas of PSN and the development that will be carried out must pay attention to environmental sustainability and prioritise the interests of the community such as two-ways and routine socializations

Fifth, to visit and monitor the mentioned areas of PSN implementation within the framework and scopes we elaborated in the submission

Endorsed by:

Indonesia Legal Aid Foundation (YLBHI)

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